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Memorandum on the human rights situation in Georgia

Introduction

1. The Council of Europe Commissioner for Human Rights (hereinafter the Commissioner) carried out a visit to Georgia from 21 to 23 January 2025. The visit took place after the suppression of mass protests against the Prime Minister's announcement on 28 November 2024 to postpone the country's EU membership bid. It also provided the Commissioner with an opportunity to follow up on his letters to the authorities concerning the law on transparency of foreign influence and the law on protecting family values and minors.¹
2. According to his mandate, the Commissioner fosters the effective observance of human rights; assists member states in the implementation of Council of Europe human rights instruments, in particular the European Convention on Human Rights (ECHR); identifies possible shortcomings in the law and practice concerning human rights; and provides advice and information regarding the protection of human rights across the region.²
3. During the visit, the Commissioner met with the Deputy Minister of Foreign Affairs, Lasha Darsalia; the Deputy Minister of Internal Affairs, Aleksandre Darakhvelidze; the Deputy Ministers of Justice, Beka Dzamashvili and Niko Tatulashvili; the Head of the Special Investigation Service, Koka Katsitadze; and the First Deputy Prosecutor General, Giorgi Badashvili. He also met with the Public Defender of Georgia, Levan Ioseliani. He further held meetings with representatives of international organisations, civil society, and journalists and civilians injured during the protests in November and December 2024.
4. The Commissioner thanks the Georgian authorities for their excellent co-operation in the organisation of this visit, including the facilitation of a meeting with a journalist in prison. He is also grateful to the members of civil society organisations and other interlocutors with whom he met.
5. This memorandum addresses the Commissioner's key findings and recommendations from the visit in relation to selected human rights issues. Section I summarises the context within which the visit took place. Section II outlines the restrictions to the rights to freedom of peaceful assembly and media freedom in connection with the repression of protests in November and December 2024 and the adoption of new legislative and administrative limitations on freedom of assembly. Section III focuses on the shrinking space for civil society, with a particular attention to the law on transparency of foreign influence. Section IV examines the law on protecting family values and minors and its discriminatory and stigmatising effect on lesbian, gay, bisexual, transgender or intersex (LGBTI) people.³
6. The Commissioner looks forward to continuing his dialogue with the Georgian authorities, including on the issues addressed in this memorandum.

I. General context

7. In December 2023 Georgia was granted the status of EU candidate country on the condition that the authorities implement nine recommendations, including holding free and fair elections, completing effective judicial reform, improving the protection of human rights, in particular freedom of assembly and

¹ See Council of Europe Commissioner for Human Rights, [End-of-visit statement](#): Georgia: Protect freedom of assembly and expression, ensure accountability for human rights violations and end stigmatisation of NGOs and LGBTI people (January 2024).

² [Resolution \(99\)50](#) on the Council of Europe Commissioner for Human Rights, adopted by the Committee of Ministers on 7 May 1999.

³ This memorandum was finalised on 10 March 2025.

expression, and allowing for the meaningful involvement of civil society in legislative and policymaking processes.⁴

8. In April 2024 a draft law 'on transparency of foreign influence' was submitted to Parliament (see paragraph 48). The draft was similar to two draft laws which had been proposed in early 2023 before being rescinded in March 2023.⁵ Mass protests against the new law in April and May 2024 were violently dispersed by the authorities.⁶ The crackdown was criticised by, among others, the Public Defender of Georgia,⁷ the Council of Europe Secretary General⁸ and the UN High Commissioner for Human Rights.⁹
9. Parliamentary elections were held on 26 October 2024. An election observation report by the Parliamentary Assembly of the Council of Europe (PACE) raised "concerns about the correctness of the election results, namely whether the election results truly reflect the will of the voters."¹⁰ OSCE/ODIHR's election observation mission indicated several shortcomings, including frequent violations of voter secrecy, reports of voter intimidation and the lack of effective remedies to address complaints concerning the integrity of the results.¹¹ In the weeks after the elections, protests were unlawfully dispersed by the police, according to the Public Defender of Georgia.¹²
10. After the European Parliament adopted a resolution on 28 November 2024, calling for a re-run of the parliamentary elections in the wake of "significant irregularities," the authorities announced the postponement of Georgia's bid to join the EU until the end of 2028, accusing the EU of blackmail.¹³ The announcement sparked spontaneous protests in Tbilisi and other cities across Georgia, which were violently dispersed by law enforcement (see paragraphs 13 and 14).¹⁴
11. Following a visit to Georgia by the Council of Europe Secretary General in mid-December 2024 the authorities committed to refrain from using disproportionate force against protesters, release protesters detained for administrative and, where appropriate, criminal offences, ensure effective investigations into all allegations of violence against protesters and amend the law on transparency of foreign influence through a joint working group with Council of Europe experts.¹⁵
12. On 29 January 2025 PACE adopted a resolution,¹⁶ ratifying the credentials of the Georgian delegation while suspending certain rights due to unaddressed human rights abuses. It called on the Georgian authorities to recommit to Council of Europe values, engage in inclusive political processes, ensure accountability for police actions, and address legislative concerns, with a review of the situation planned for April 2025. Ruling party politicians denounced the resolution.¹⁷ On 7 February 2025 the Council of Europe Secretary General stated that "due to changed circumstances", the Georgian authorities declined to participate in a joint working group or to amend the law on transparency of foreign influence.¹⁸

⁴ [2023 Communication on EU Enlargement Policy \(extract about Georgia\) | EEAS](#). Pursuant to Article 78 of the Constitution of Georgia authorities shall take all measures within the scope of their competences to ensure the country's full integration into the EU and NATO.

⁵ The Commissioner's predecessor, among others, expressed her concern about the draft laws, see <https://rm.coe.int/commhr-2023-5-letter-to-the-chairman-of-the-georgian-parliament-by-dun/1680aa5eba>. There were also large protests, which were dispersed by the police, see Georgian Young Lawyers' Association (GYLA), [People Against the Russian Law. The Assessment of the 7-9 March Assembly Dispersal and Related Facts of Human Rights Violations](#) (2023)

⁶ Human Rights Watch (HRW), [Georgia: 'Foreign Influence' Bill Threatens Rights | Human Rights Watch](#), 9 May 2024 ; GYLA, [Georgia: Human Rights Amidst the Russian Law – Human Rights 60 Days Following the Revival of the Foreign Influence Transparency Bill](#) (2024)

⁷ Public Defender of Georgia, [statement](#) of 13 May 2024

⁸ CoE Secretary General, [statement](#) of 2 May 2024

⁹ UN High Commissioner for Human Rights, [statement](#) of 2 May 2024.

¹⁰ PACE, [Doc. 16079 - Election observation report - Working document](#)

¹¹ OSCE/ODIHR, [Georgia, Parliamentary elections, 26 October 2024: Final Report | OSCE](#)

¹² Public Defender of Georgia, [statement](#) of 19 November 2024.

¹³ Imedi, <https://info.imedi.ge/en/politics/3892/georgian-pm-says-ruling-party-has-decided-not-to-put-issue-of-opening-accession-talks-with-eu-on-agenda-until-end-of-2028>, 28 November 2024; Civil Georgia, <https://civil.ge/archives/638801>, 28 November 2024.

¹⁴ BBC, [Georgia: Thousands protest in Tbilisi after EU bid suspended](#), 30 November 2024.

¹⁵ [Secretary General concludes visit to Georgia](#), 20 December 2024.

¹⁶ PACE, [Res. 2585 - Resolution - Adopted text](#), 29 January 2025.

¹⁷ OC Media, [Georgia suspends participation in Council of Europe Parliamentary Assembly](#), 30 January 2025

¹⁸ CoE Secretary General, [statement](#) of 7 February 2025

II. Human rights violations during protests

Ill-treatment of protesters and journalists

13. On 28 November 2024 mass protests erupted across the country after the authorities suspended Georgia's bid to join the EU. The Commissioner was informed that protesters and journalists covering the protests were met with an unprecedented scale of violence by law enforcement officers and groups of unidentified masked men, who allegedly acted with the authorisation, support or acquiescence of the authorities. According to the Public Defender of Georgia "law enforcement officers used special equipment indiscriminately against everyone, detained any citizen they could physically reach, persecuted them even in private facilities away from the main assembly location, subjected detainees to group and multiple violence, and deliberately attacked journalists."¹⁹
14. The Office of the Public Defender visited 327 people detained and injured during the protests between 28 November and 10 December. Of these, 225 people indicated ill-treatment, including 157 people who had visible injuries.²⁰ Concerning the type of injuries the Public Defender noted that "most have serious injuries to the face, eyes, and head, which practically excludes the probability that the police each time used the necessary, proportionate force against them. The location, nature and degree of the injuries create a credible impression that the police are using violent methods for the purpose of punishment. Intentional, severe violence for the purpose of punishment constitutes an act of torture."²¹ According to the preliminary findings of a fact-finding mission by a group of international anti-torture NGOs "the forensic evidence, including injury patterns, suggests a coordinated policy and practice of systematically torturing and ill-treating protesters and supporters, often after they are already under the physical control of the police."²² The Commissioner also notes allegations of threats of sexual violence against women protesters.²³
15. The Commissioner received consistent reports that protesters were subjected to physical and verbal ill-treatment both during their arrest and after they had been placed in police vans for transportation to the police station. For hours neither lawyers nor family members were informed about their arrest, in violation of Georgian law. Several victims also told the Commissioner how their mobile phones were confiscated and never returned, even when they were able to trace their device inside an official police building.
16. The Commissioner received information on 91 incidents of interference with journalists' professional activities.²⁴ More than a dozen journalists were reportedly physically assaulted by police or groups of unidentified masked men, while others were targeted by water cannons, teargassed, arbitrarily detained or had their equipment damaged or stolen.²⁵ The Commissioner notes that almost all incidents involved journalists and media who are critical of the authorities. According to the Council of Europe Safety of Journalists Platform, Georgia experienced the sharpest rise in alerts about attacks and restrictions on journalists in 2024 – more than threefold compared to the previous year - largely due to attacks on journalists during protests.²⁶
17. While acknowledging the increased restraint by law enforcement authorities during the continuation of protests in the latter half of December, the Commissioner is concerned about further reports of ill-treatment of protesters in February 2025. He refers to the statement of the Public Defender condemning the ill-treatment and the use of excessive force by the police against protesters and journalists on 2 February 2025 (see also paragraph 35), as well as footage of police officers verbally abusing women protesters.²⁷ The Public Defender subsequently visited 25 protesters who had been detained on

¹⁹ Public Defender of Georgia, [statement](#) of 30 November 2024.

²⁰ Public Defender of Georgia, [statement](#) of 10 December 2024.

²¹ Public Defender of Georgia, [statement](#) of 3 December 2024.

²² OMCT et al., [Georgia: Preliminary Findings on the Investigation of Torture](#), 24 December 2024; see also GYLA, [Civil Rights Facing Increased Police Terror](#), 27 December 2024.

²³ Radio Free Europe/Radio Liberty, <https://www.radiotavisupleba.ge/a/33246073.html>, 19 December 2024 (in Georgian).

²⁴ The Georgian Charter of Journalistic Ethics, [List of incidents involving Georgian media representatives November 28 – December 8, 2024](#)

²⁵ See for example, the incident on 7 December involving a TV Pirveli crew, [N°251/2024 - Masked Individuals Brutally Attack TV Pirveli Crew and Journalist in Tbilisi | Safety of Journalists Platform](#)

²⁶ Council of Europe Safety of Journalists Platform, [European Press Freedom Report 2024](#), page 13.

²⁷ Public Defender of Georgia, [statement](#) of 2 February 2025.

administrative charges. Of these, 22 people indicated ill-treatment by police, including 11 people who had visible injuries, mainly to their face.²⁸

Unjustified dispersal and arrest of protesters

18. According to the Public Defender of Georgia, the protesters' right of peaceful assembly was violated because the Ministry of Internal Affairs, instead of taking individual and proportionate measures in response to violence by a small group of protesters, decided to crack down on the entire assembly, which was overwhelmingly peaceful.²⁹ The Public Defender also stated that video footage clearly shows the police pursuing the rally participants away from the assembly place, which indicates the alleged purpose of revenge and intimidation.³⁰ In addition, the video footage revealed numerous episodes of unjustified use of special equipment (pepper spray, tear gas and water cannons) against protesters.³¹ The Commissioner notes the deployment of water cannons in winter weather conditions and he received reports about the use of water cannons containing chemical irritants.³²
19. The Commissioner was informed by the Deputy Minister of Internal Affairs that between 28 November and 3 December police used strictly proportionate force to disperse violent groups of protesters who attacked the police with fireworks, stones, Molotov cocktails and other objects, injuring 171 officers, damaged state and private property and committed various criminal acts, including 60 acts of burglary. The Deputy Minister denied that the water cannons contained chemical irritants and played the Commissioner a video montage which he said showed, among other things, the seizure of firearms, knives, petrol bombs and buckets of paint from individuals allegedly associated with the protests.
20. According to the Georgian authorities, proceedings under the Administrative Offences Code (AOC) were initiated against 415 protesters, none of whom remained in detention at the time of the Commissioner's visit. NGOs informed the Commissioner that in most cases courts imposed administrative sanctions – usually a fine but sometimes administrative detention of up to 15 days – based solely on the testimony of police officers who, according to the detainees, were not present at the time of their arrest. The authorities further stated that 31 protesters were arrested on criminal charges, including attacking a police officer (Article 353¹ of the Criminal Code), organising/participating in group violence (Article 225) and damaging property (Article 187). However, the Commissioner received a detailed list of 43 protesters arrested on criminal charges in November and December 2024. All but two of them were in pre-trial detention and four of them were charged with purchasing or possessing a large quantity of illegal drugs (Article 260 of the Criminal Code), which they claim were planted on them by the police.³³
21. The Commissioner stresses that isolated instances of violence by individual protesters do not suffice to taint an entire assembly as non-peaceful.³⁴ He observes that the protests which erupted across the country on 28 November were overwhelmingly peaceful and the Georgian authorities used disproportionate force to disperse them and accordingly failed to fulfil their obligation to uphold the right of peaceful assembly.³⁵ The Commissioner notes that the UN High Commissioner for Human Rights,³⁶ several UN Special Rapporteurs,³⁷ the OSCE³⁸ and the EU have all raised concern about the disproportionate use of force against overwhelmingly peaceful protesters.

²⁸ Public Defender of Georgia, [statement](#) of 3 February 2025.

²⁹ Public Defender of Georgia, [statement](#) of 10 December 2024.

³⁰ Public Defender of Georgia, [statement](#) of 29 November 2024.

³¹ Public Defender of Georgia, [statement](#) of 29 November 2024 and [statement](#) of 30 November 2024.

³² According to OHCHR and UNODC it is not recommended to mix the water with chemicals because it bears a much greater risk of causing harm including physical pain, see OHCHR & UNODC, [Resource book on the use of force and firearms in law enforcement](#), 2017, page 90.

³³ Transparency International Georgia, [Repressions against Civil Protesters with Fabricated Drug Crime Charges](#), 10 February 2025.

³⁴ UN Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (Article 21), paragraph 19.

³⁵ Commissioner, [statement](#) of 4 December 2024.

³⁶ UN High Commissioner for Human Rights, [statement](#) of 2 December 2024.

³⁷ OHCHR, [Georgia: UN experts concerned by widespread human rights violations amid ongoing protests](#), 13 December 2024

³⁸ OSCE ODIHR, [statement](#) of 30 November 2024.

Lack of accountability of law enforcement

22. According to the Public Defender of Georgia, the ill-treatment of protesters by law enforcement allegedly stems from the absence of an obligation for police officers wearing masks or other equipment that may hamper their identification to wear insignia and body cameras, as well as impunity for violence at previous protests.³⁹
23. The Commissioner heard from several victims how they were apprehended and repeatedly assaulted by masked police without insignia. The Commissioner notes the absence of a provision in Georgian law requiring proper identification of masked police officers during demonstrations. The Public Defender has been raising the necessity of proper insignia for years, noting that, provided there is a will, this would not require special efforts on the part of the Ministry of Internal Affairs.⁴⁰ Furthermore, the Commissioner was informed by both the Special Investigative Service (SIS) and the Prosecutor General's Office that the lack of proper identification is the single biggest obstacle to prosecuting law enforcement officers for alleged involvement in the ill-treatment of protesters.
24. The Commissioner raised the issue of proper identification for masked police with the Georgian authorities. The Commissioner refers to a number of international standards requiring all law enforcement officers to wear or display proper forms of identification to facilitate effective accountability.⁴¹ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has repeatedly stressed that appropriate safeguards must be in place in order to ensure that police officers wearing masks/balaclavas or other equipment that may hamper their identification can be held accountable for their actions (e.g. by means of a clearly visible *individual* number on the uniform)⁴². The Commissioner further notes that the European Court of Human Rights (the Court) has repeatedly held that "where the competent national authorities deploy masked police officers to maintain law and order or to make an arrest, those officers should be required to visibly display some distinctive insignia, such as a warrant number."⁴³
25. The Commissioner was also informed by different interlocutors that the lack of accountability of law enforcement officers for the unlawful and violent dispersal of protests is a recurrent problem in Georgia. According to human rights NGOs, no officers have been prosecuted for reported violations of protesters' rights during demonstrations in March 2023 and March to May 2024. The Public Defender, who received access to all investigative files from the SIS related to the protests from March to May 2024, confirmed that so far no police officers have been prosecuted.
26. Concerning accountability of law enforcement officers for abuses perpetrated in November and December 2024, the Commissioner was informed by the SIS and the Prosecutor General's Office, who oversees the investigations by the SIS (see paragraph 30), that 343 persons, including 49 journalists, had been interviewed, 226 persons who were injured during the protests had been given appointments at the National Forensic Bureau, 52 persons had been granted official victim status, an undisclosed number of law enforcement officers had been interviewed and recordings from surveillance cameras with a cumulative duration of more than 1,400 hours were currently being examined.⁴⁴
27. While mindful of the fact that the investigations launched by the SIS, including concerning the events of Spring 2024, are still underway, the Commissioner nevertheless noticed a general expectation among victims, lawyers and civil society organisations, that despite numerous credible reports of ill-treatment no law enforcement officers will ever be held criminally liable. At the same time the Commissioner observes that criminal proceedings against some protesters have advanced and have already resulted in ten

³⁹ Public Defender of Georgia, [statement](#) of 29 November 2024.

⁴⁰ Public Defender of Georgia, [statement](#) of 29 November 2024.

⁴¹ UN Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (Article 21), paragraph 89 ("To enhance effective accountability, uniformed law enforcement officials should always display an easily recognizable form of identification during assemblies."); OHCHR, [Guide on Less Lethal Weapons in Law Enforcement](#) (2020), paragraph 3.3. ("Law enforcement officials should be identifiable, for example by wearing nametags or individually assigned service numbers.")

⁴² See for example, CPT, [CPT/Inf \(2022\) 18](#), paragraph 17.

⁴³ ECtHR, [Hentschel and Stark v. Germany](#) (47274/15), judgment of 9 November 2017, paragraph 91.

⁴⁴ See also SIS, [statement](#), 17 January 2025.

28. In this context the Commissioner notes that a group of 18 judgments of the European Court of Human Rights⁴⁸ are pending for execution before the Committee of Ministers of the Council of Europe concerning various substantive and procedural violations of Articles 2 and 3 of the ECHR on account of torture and other forms of ill treatment, mostly imputable to law enforcement and prison agents, as well as ineffective investigations into these facts. Notably, the Court identified various shortcomings of the investigations including lack of independence, failure to act with due expedition, inadequacy and lack of thoroughness and the inability of victims to properly participate in the proceedings. The Court further identified shortcomings in the judicial proceedings brought against state agents, as well as inadequate sentencing of perpetrators. Another case concerning the lack of effective investigation into excessive use of force by police during a demonstration in June 2019 is currently pending before the Grand Chamber of the Court.⁴⁹
29. During his visit the Commissioner noted the view expressed by different interlocutors that the SIS was largely ineffective, because, among others, it lacked independence from the Prosecutor General's Office. The dissolution of the previous State Inspector Service and the creation of the SIS at the end of 2021 has been criticised by the Commissioner's predecessor,⁵⁰ the Public Defender, as well as the European Commission for Democracy Through Law (Venice Commission).⁵¹ The Venice Commission pointed to, among others, the SIS' limited powers, including the fact that it is legally and practically dependent on the Prosecutor's Office when carrying out its investigative mandate.
30. The Commissioner notes that in 2023 the SIS received more staff and resources, and the Constitutional Court of Georgia issued a ruling giving a possibility to victims to request a judicial review of prosecutorial decisions concerning their access to case files, termination of investigation/prosecution or refusal to initiate prosecution. However, these reforms are insufficient according to both the Public Defender⁵² and NGOs⁵³. In March 2024, in the context of the supervision of the execution of the Court's judgments, the Council of Europe Committee of Ministers encouraged the Georgian authorities to consider taking additional measures for strengthening the independence and effectiveness of the SIS, including by further aligning its remit with the institution's primary role of investigating serious human rights violations committed by state agents and by ensuring a stronger independence of the SIS from the prosecutorial authorities.⁵⁴

31. The right to freedom of assembly is enshrined in Article 25 of the Constitution of Georgia and further detailed in the 1997 Law on Assemblies and Demonstrations. In the last few years, the law has been repeatedly amended, notably adding more restrictions on freedom of assembly. Amendments which were introduced in October 2023 prohibit assembly organisers and participants from erecting temporary constructions, in an attempt to ban long-term demonstrations, extended sit-ins and "occupy"-style

⁵⁴ [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2024\)1492/H46-14E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2024)1492/H46-14E)

demonstrations. According to an OSCE/ODIHR urgent opinion these amendments are neither clearly defined, nor necessary and proportionate to the aims pursued.⁵⁵

32. In December 2024 Parliament adopted a number of amendments to the Law on Assemblies and Demonstrations and the Administrative Offences Code (AOC), at the initiative of the Ministry of Internal Affairs. The changes include, among others, a blanket ban on covering the face with a mask or any other means by protesters, expanded grounds for administrative arrest, search and seizure, and significantly higher fines for protest related administrative offences. Pursuant to Article 174¹(4)&(5) of the AOC infractions of the Law on Assemblies, like covering the face with a mask or blocking traffic ‘despite an insufficient quantity of protesters’ are punishable by fines of up to 2000 GEL (approx. 685 euros) and 5000 GEL (approx. 1710 euros) respectively. Previously the maximum fine for the latter infraction was 500 GEL. Protesters who block traffic with their vehicle shall now have their driving licence suspended for one year (Article 125(6¹) of the AOC). Fines for making various types of inscriptions, drawings or symbols on buildings and other places, as well as placing posters, slogans, or banners in places not designated for this purpose (Article 150 sqq of the AOC) increased as much as 20-fold.
33. The Commissioner notes that several of the new provisions appear to be inconsistent with international human rights standards. The wearing of masks or other face coverings at a peaceful assembly should not be prohibited where there is no demonstrable evidence of imminent violence⁵⁶. Preventive administrative detention of targeted individuals to keep to them from participating in an assembly constitutes arbitrary detention, unless it is based on objective evidence that without it, the individuals will commit a “concrete and specific” offence of significance.⁵⁷ The Commissioner is concerned about the disproportionate increase of the maximum administrative fines, including against the background of the average wage in Georgia which is around 2000 GEL. He is also concerned about the quasi-immediate application of the higher fines against peaceful protesters. For example, on 9 February 2025 Kutaisi City Court fined nine protesters 5000 GEL each under Article 174¹ of the AOC for gathering in front of the court building to protest against the detention of a prominent journalist.⁵⁸
34. The Commissioner was informed that in December 2024 amendments were also made to the Law on Police, introducing the possibility of appointing individuals to police ranks without competition, and the Law on Public Service, weakening public servants’ protection against dismissal. The Commissioner has received reports of hundreds of employees allegedly dismissed for their political views, including from the National Agency of Public Registry, the National Agency for Crime Prevention, Enforcement of Non-custodial Sentences and Probation and the Tbilisi municipal authorities.⁵⁹ Moreover, the authorities have allegedly twice refused to register a new trade union of public servants.⁶⁰ The Government also decided to abolish the Civil Service Bureau, which was tasked to promote a professional and integrity-driven civil service system, as of 1 April, in order to “rationalise management and optimise expenses”.⁶¹
35. Furthermore, the Commissioner was informed that following calls for a protest to be held at a highway junction on Sunday 2 February 2025, on 31 January 2025 the government amended Decree No. 361, adding highways to a list of strategic sites, the blocking of which is a criminal offence, punishable by up to four years of imprisonment (Article 222(2) of the Criminal Code). Subsequently, at the protest on 2

⁵⁵ OSCE/ODIHR, [Urgent Opinion On Proposed Amendments To The Law On Assemblies And Demonstrations And To The Administrative Offences Code](#), November 2023.

⁵⁶ Venice Commission and OSCE/ODIHR, [Guidelines on Freedom of Peaceful Assembly](#) (3rd edition), 2020, paragraph 140. See also, UN Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (Article 21), paragraph 60.

⁵⁷ Venice Commission and OSCE/ODIHR, [Guidelines on Freedom of Peaceful Assembly](#) (3rd edition), 2020, paragraph 153. UN Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (Article 21), paragraph 80.

⁵⁸ InterpressNews, [The Kutaisi City Court found 9 individuals, including Nino Katamadze, Lado Apkhazava, Maia Tsiramua, and journalists, guilty of violating the law and imposed a fine of 5000 GEL on each of them | News agency «Interpressnews»](#), 9 February 2025.

⁵⁹ Civil Georgia, <https://civil.ge/archives/651356>, 13 January 2025.

⁶⁰ Transparency International Georgia, <https://transparency.ge/en/post/under-orders-georgian-dream-public-registry-agency-refuses-register-independent-professional>, 26 February 2025.

⁶¹ Press Service of the Government Administration, https://www.gov.ge/index.php?lang_id=ENG&sec_id=288&info_id=91161, 3 February 2025.

February police arrested 31 demonstrators⁶² and criminal charges were brought against eight protesters for blocking the highway (see also paragraph 17).⁶³

36. In February 2025 further amendments were adopted to Law on Assemblies and Demonstrations, the AOC, as well as to the Criminal Code. The amendments to the AOC include quadrupling the maximum length of administrative detention from 15 days to 60 days, creating a new administrative offence of verbally insulting a public official (Article 173¹⁶ of the AOC) and even higher fines for protest related administrative offences. The new maximum term of 60 days also applies to protest related offences, including Articles 173 (disobeying a lawful order or request from a law enforcement officer) and 174¹ (see paragraph 32), which in the past have been frequently applied by the authorities against protesters.⁶⁴ The amendments to the AOC also stipulate that a police report shall be considered a legally established fact by the courts, thereby shifting the burden of proof onto the protesters facing administrative charges to show their own innocence. Criminal law changes include harsher penalties and aggravating circumstances for various crimes against public officials (Articles 351, 351¹ and 352² of the Criminal Code).
37. Georgian and international human rights NGOs, as well as the Public Defender of Georgia⁶⁵ have repeatedly questioned the constitutionality of the above-described amendments. The Commissioner notes with concern the increasingly restrictive legal measures imposed on the freedom of peaceful assembly, which appear to be inconsistent with Georgia's obligations under international human rights law. He notes that the Venice Commission criticised many of the amendments as incompatible with the principles of lawfulness, necessity and proportionality and urged the authorities to revisit them.⁶⁶ He notes that all amendments were adopted in a hurried way, without a comprehensive impact assessment and with no meaningful consultation process, neither with civil society, nor with the Public Defender and other relevant stakeholders. According to the Venice Commission, this undermines the legitimacy of the amendments, particularly considering the broader political context of mass political rallies after controversial elections and the impact which they have on such political protest.⁶⁷

Attacks on media freedom: the case of Mzia Amaghlobeli

38. The Commissioner observes that journalists were not only targeted during the protests in November and December 2024 (see paragraph 15) but are increasingly being repressed in other ways. On 11 January 2025 Ms Mzia Amaghlobeli, a well-known journalist and the founder-director of the newspaper "Batumelebi" and the online platform "Netgazeti", was administratively detained by police in Batumi for putting up a protest sticker on the fence of an official building. She was released approximately one hour later but was re-arrested shortly afterwards for slapping a senior police officer, following repeated verbal insults directed at her.⁶⁸
39. Ms Amaghlobeli, whom the Commissioner met in prison during the visit, was formally charged under Article 353¹(1) of Criminal Code, which penalises assaulting a police officer with imprisonment of four to seven years. On 14 January 2025 Batumi City Court denied her application for bail and remanded her in pre-trial detention. On 21 January the Kutaisi Court of Appeals confirmed her pre-trial detention, despite an amicus curiae by the Public Defender of Georgia concluding that pre-trial detention was unnecessary, especially since the defence was ready to pay a fairly substantial amount of bail.⁶⁹ Following her arrest, Ms Amaghlobeli declared a hunger strike. She ended her hunger strike on 18 February. On 4 March her pre-trial detention was extended.

⁶² OC Media, [Police detain 31 protesters during protest to block one of the main roads into Tbilisi](#), 3 February 2025.

⁶³ Ministry of Internal Affairs of Georgia, [Ministry of Internal Affairs - Police Detained 8 People for Attempting to Block a Highway of International Importance](#), 4 February 2025.

⁶⁴ UN Special Rapporteur on the situation of human rights defenders, [Georgia country visit report](#), 19 March 2024, paragraph 23.

⁶⁵ Public Defender of Georgia, [statement](#) of 13 December 2024 and [statement](#) of 4 February 2025.

⁶⁶ Venice Commission, [Urgent Opinion on amendments to the Code of administrative offences and the Law on assemblies and demonstrations](#), March 2025.

⁶⁷ Venice Commission, [Urgent Opinion on amendments to the Code of administrative offences and the Law on assemblies and demonstrations](#), March 2025, paragraph 52.

⁶⁸ OC Media, [Batumelebi and Netgazeti founder detained on criminal charges](#), 13 January 2025; Batumelebi, <https://batumelebi.netgazeti.ge/news/559429/>, 26 January 2025 (in Georgian).

⁶⁹ Public Defender of Georgia, [statement](#) of 16 January 2025.

40. The Commissioner already stated that the continuation of Ms Amaghlobeli's pre-trial detention is unjustified.⁷⁰ The Commissioner was also informed that the SIS is investigating a complaint from Ms Amaghlobeli against the Batumi police chief. However, according to her lawyers, the investigation is ineffective, and she has not been granted victim status in the case.⁷¹
41. Furthermore, the Commissioner is concerned about the reported removal of a news anchor on Georgia's public broadcaster in February 2025 after he expressed solidarity with Ms Amaghlobeli⁷² and about plans announced on 5 February 2025 by the ruling party for a new media law that would, among other things, restrict foreign funding of media outlets.⁷³ On 4 March 2025 Parliament passed corresponding amendments to the Law on Broadcasting in the first reading.⁷⁴

Recommendations

42. The Commissioner recommends that the Georgian authorities fulfil their obligation to respect and protect the rights to freedom of expression and peaceful assembly, including by:
- ensuring that the policing of protests and other public assemblies adheres to the principles of legality, necessity, proportionality, precaution and non-discrimination strictly in line with applicable international standards;
 - requiring all law enforcement personnel to wear visible and individually distinguishable identification to enhance accountability;
 - guaranteeing that journalists can report on protests and other public assemblies freely and safely;
 - conducting meaningful consultations with experts from civil society, the Office of the Public Defender of Georgia and international organisations (OSCE/ODIHR, the Venice Commission) and other relevant stakeholders regarding all amendments adopted since 28 November 2024 to the Law on Assemblies and Demonstrations, the Administrative Offences Code, the Criminal Code, the law on Police and the Law on Public Service, carefully considering the cumulative impact of the body of laws, with a view to bringing the laws into line with international human rights standards.
43. The Commissioner recommends that the authorities take all necessary steps to ensure effective investigations into cases of ill-treatment, unlawful arrest, and other abuses committed by law enforcement officers and groups associated with the authorities during protests and other public assemblies, as well as against journalists covering these events, including by:
- immediately and unconditionally releasing all those detained for legitimately exercising their rights to freedom of expression and peaceful assembly;
 - providing comprehensive reparation to survivors, including medical treatment, psychosocial support, financial compensation and erasure of any unfair administrative or criminal sanctions;
 - strengthening the independence and effectiveness of the SIS, in particular by reducing its dependence on the Prosecutor's Office;
 - fully implementing the judgments of the European Court of Human Rights concerning the lack of effective investigations into allegations of excessive use of force by law enforcement;
 - using the practice of suspending law enforcement officers under investigation for committing a crime in line with the Police Law.
44. The authorities should urgently take measures to release the journalist Mzia Amaghlobeli from pre-trial detention and guarantee all her rights to due process and presumption of innocence.

III. Shrinking space for civil society in Georgia

Attacks and smear campaigns against NGOs and human rights defenders

45. The Commissioner was informed about a virulent campaign by the authorities and pro-government groups to discredit NGOs and exclude them from decision-making processes – including by portraying them as

⁷⁰ Commissioner, [statement](#) of 25 January 2025.

⁷¹ GYLA, <https://gyla.ge/en/post/mzia-amaglobelis-saqme>, 12 February 2025.

⁷² European Federation of Journalists, [statement](#) of 4 February 2025; GYLA, <https://gyla.ge/en/post/saia-solidarobas-ucxadebs-vasil-ivanov-chikovans>, 5 February 2025.

⁷³ Civil Georgia, <https://civil.ge/archives/659985>, 5 February 2025.

⁷⁴ Civil Georgia, <https://civil.ge/archives/667060>, 4 March 2025.

“enemies of the state” (or enemies of the Georgian people or the Orthodox Church) and constantly referring to their funding sources as an obstacle to their impartial watchdog role in society.

46. The Commissioner notes that the smear campaigns against NGOs include not only verbal insults but also offensive drawings and writings on their offices and residences of activities, and poster campaigns around big cities.⁷⁵ He received information that from late April through June 2024 more than a dozen civil society activists were assaulted, leading in many cases to head and other injuries requiring hospitalisation. Most attacks were committed by small groups of assailants in public places with witnesses and CCTV cameras nearby. While the police have formally opened investigations in most cases, they have still not identified or arrested any suspects.⁷⁶ Moreover, according to the UN Special Rapporteur on human rights defenders, who visited Georgia in November 2023, as part of an ‘enemy from within’ narrative, officials have repeatedly used secret surveillance. For example, in 2023 the State Security Service secretly filmed an NGO training event on peaceful ways to protect human rights and subsequently investigated participants for conspiring to overthrow the government.⁷⁷
47. Following his visit to Georgia the Commissioner shares the concern of the UN Special Rapporteur, that “systematic efforts were being undertaken by the State to undermine human rights defenders and their vital, necessary work. Human rights defenders do not feel that the State is working to support them and to ensure that they are secure. They do not believe an enabling environment is being created for their work. Rather, the contrary is true: human rights defenders fear for their physical integrity and feel that the State is actively undermining them and putting them at risk.”⁷⁸ In this regard, the Commissioner expresses concern about the constant flow of inflammatory remarks by ruling party politicians linking the overwhelmingly peaceful protests to foreign-funded, violence-inciting civil society organisations.⁷⁹ He is also concerned about plans announced on 5 February 2025 by the ruling party to remove from Georgian legislation any rule providing for mandatory participation of NGOs in the public decision-making processes.⁸⁰ On 4 March 2025 Parliament amended its Rules of Procedure abolishing mandatory consultations with NGOs.⁸¹

Law on transparency of foreign influence

48. Under the Law on transparency of foreign influence enacted on 28 May 2024 civil society organisations (CSO), including media outlets, receiving more than 20% of their funding from abroad are required to register with the Ministry of Justice as “organisations serving the interests of a foreign power.”⁸² The law provides for fines of up to 25000 GEL (approx. 8430 euros) for failing to register. According to the Ministry of Justice more than 450 CSOs registered by the deadline (2 September 2024), but all major human rights organisations publicly stated that they would not comply and launched an appeal to the Constitutional Court of Georgia. In September 2024 the Court refused to issue an injunction preventing the law from entering into force but it has not yet ruled on the merits of the complaint. Meanwhile 136 organisations and four private individuals lodged an application to ECtHR.⁸³

⁷⁵ For example, see Civil Georgia, <https://civil.ge/archives/610802>, 1 June 2024.

⁷⁶ Human Rights Watch, <https://www.hrw.org/news/2024/08/20/georgia-violent-attacks-government-critics>, 20 August 2024. See also UN Special Rapporteur on the situation of human rights defenders, [statement](#) of 5 September 2024.

⁷⁷ UN Special Rapporteur on the situation of human rights defenders, [Georgia country visit report](#), 19 March 2024, paragraph 24.

⁷⁸ UN Special Rapporteur on the situation of human rights defenders, [Georgia country visit report](#), 19 March 2024, paragraphs 80 and 81. The feeling of insecurity is heightened among human rights defenders who face intersecting risks, notably based on gender, sexual orientation, ethnicity or religion, disability or residence in rural areas (paragraph 38).

⁷⁹ InterpressNews, [Shalva Papuashvili: Behind every radical NGO is a radical donor | News agency «Interpressnews»](#), 11 February 2025; OC Media, [Papuashvili attacks USAID after Trump and Musk crackdown](#), 4 February 2025; OC Media, [US Embassy calls accusations by Georgian Dream leader 'categorically false'](#), 4 February 2025; InterpressNews, [Irakli Kobakhidze: Responsibility for Mzia Amaglobeli's detention should be felt by those people who "have been inciting violence in Georgia," including specific officials and diplomats | News agency «Interpressnews»](#), 30 January 2025.

⁸⁰ Civil Georgia, <https://civil.ge/archives/659985>, 5 February 2025; InterpressNews, <https://www.interpressnews.ge/en/article/137853-legislative-package-has-been-initiated-in-parliament-to-remove-the-mandatory-participation-of-ngos-in-public-decision-making>, 24 February 2025.

⁸¹ Civil Georgia, <https://civil.ge/archives/667060>, 4 March 2025.

⁸² An English translation of the law is accessible [here](#).

⁸³ OC Media, [ECHR registers case against Georgia's foreign agent law](#), 14 November 2024.

49. The Commissioner stated his concern about the Law on transparency of foreign influence prior to its adoption in a letter to the Chairman of Parliament stressing that the law was proposed in the context of “an increasing stigmatisation of human rights and other NGOs in political discourse in Georgia.”⁸⁴ In this regard, he recalls that the Law on transparency of foreign influence has been widely criticised.⁸⁵ The Venice Commission noted that the law presupposes that anyone receiving foreign funding will act in pursuit of the interests of the foreign power, by triggering an automatic, unevidenced and irrebuttable presumption of some form of influence or control of the work of the recipient by the donor.⁸⁶ It stated that the law limits the right to freedom of association and expression in an unlawful manner because it fails to comply with the criteria of legality, legitimacy and proportionality, and recommended repealing the law in its current form.⁸⁷ The Commissioner notes that the Georgian law is similar to Russia’s foreign agents law, which the Court has found to be in violation of the ECHR.⁸⁸
50. The Commissioner acknowledges that the Georgian authorities have not taken any measures against CSOs that failed to register under the law, a point also highlighted by the two deputy Ministers of Justice that he met during the visit. However, the Commissioner notes that in February 2025 the Georgian authorities retracted an earlier commitment to revise the law (see paragraph 11). At the same time the ruling party advanced a proposal to replace the law with an exact copy of the US Foreign Agents Registration Act (FARA), which was adopted in its first reading by Parliament on 4 March 2025.⁸⁹

Recommendations:

51. The Commissioner recommends that the Georgian authorities:
- cease all stigmatisation of human rights defenders and civil society through public statements;
 - publicly recognise the legitimacy of the work of human rights defenders and civil society organisations;
 - ensure that all cases of harassment against human rights defenders and civil society organisations are effectively investigated;
 - revoke provisions and proposals abolishing mandatory participation of civil society organisations in the public decision-making processes and take proactive measures to increase the meaningful involvement of civil society;
 - rescind the law on transparency of foreign influence as enacted on 28 May 2024 and assure that any draft law proposed to amend or replace it is in strict compliance with Georgia’s obligations under international human rights law.

IV. Stigmatisation of and discrimination against LGBTI people

Law on protection of family values and minors

52. The Law on protecting family values and minors, including amendments to 18 other laws, enacted on 17 September 2024, limits educational institutions, broadcasters and advertisers from “promoting” information about gender identity and same-sex relationships and restricts the right to hold assemblies and manifestations for LGBTI people. Further, the law bans legal gender recognition, outlawing the change of sex/gender markers in a person’s identification and other state-issued documents, and imposes up to four years’ imprisonment for health professionals providing trans-specific healthcare. The law also prohibits legal recognition of same-sex relationships and LGBTI people are not allowed to adopt children or be foster parents.
53. During the visit, the Commissioner was informed by the authorities that the rationale behind the adoption of the legislative package is “to ensure a fine societal balance”. According to them, the legislation does not affect the right to non-discrimination but aims at protecting children from “propaganda”, regulating the topic in a proportionate and minimal way. They also criticised NGOs’ promotion of the human rights of LGBTI people at pride parades and allegedly even in kindergartens.

⁸⁴ <https://rm.coe.int/letter-to-chairman-of-parliament-of-georgia-by-michael-o-flaherty-comm/1680af5350>.

⁸⁵ Public Defender of Georgia, [statement](#) of 14 May 2024.

⁸⁶ Venice Commission, [Urgent opinion on the law on transparency of foreign influence](#), 21 May 2024, paragraph 40.

⁸⁷ Venice Commission, [Urgent opinion on the law on transparency of foreign influence](#), 21 May 2024, paragraphs 51, 53, 64, 73 and 100.

⁸⁸ ECtHR, [Ecodefence and Others v. Russia](#), judgment of 14 June 2022.

⁸⁹ Civil Georgia, <https://civil.ge/archives/667060>, 4 March 2025.

54. The Commissioner remains of the view, previously stated in his letter to the Chairman of Parliament on the Law prior to its adoption: namely, that the legislation provides a legal footing for discrimination against LGBTI people and is incompatible with the ECHR and the case law of the Court. He reiterates that the legislation is stigmatising. He also notes that the legislative package has been widely criticised from a human rights perspective, including by six UN experts.⁹⁰
55. With regard to the banning of gatherings and of the distribution of information regarding LGBTI people, the Court has repeatedly ruled that such measures are discriminatory. For example, in *Macatė v. Lithuania* [GC], it held that restrictions on children's access to information about same-sex relationships which are based solely on considerations of sexual orientation – that is to say, where there is no basis in any other respect to consider such information to be inappropriate or harmful to children's growth and development – are incompatible with the ECHR.⁹¹
56. Concerning access to legal gender recognition, the Court already found in *A.D. and Others v. Georgia* a violation of the Convention in connection with the imprecision of the current domestic legislation in Georgia which undermines the availability of legal gender recognition in practice, stating that such a situation was fundamentally at odds with Georgia's positive obligation to provide quick, transparent and accessible procedures for legal gender recognition.⁹² By prohibiting access to legal gender recognition altogether, as stipulated in the law, the authorities have acted in clear opposition to the Court's ruling.
57. With regard to the legal recognition of same-sex relationships, the Court has found in *Fedotova and Others v. Russia* [GC], that member States are required to provide a legal framework allowing same-sex couples to be granted adequate recognition and protection of their relationship.⁹³ As regards adoption, the Court has consistently found no valid justification to deny a specific right solely because of sexual orientation, when the right is available to heterosexual people in the same situation.⁹⁴
58. The Commissioner also notes that the law is similar to the draft constitutional law "On protecting family values and minors," registered in the Parliament on 3 April 2024, on which the Venice Commission issued an opinion, concluding that "the mere proposal of adopting this text risks to (further) fuel a hostile and stigmatising atmosphere against LGBTI people in Georgia."⁹⁵
59. The Commissioner acknowledges that the Georgian authorities have not yet started actively implementing the Law on protecting family values and minors. However, he was told by various stakeholders that its impact is already felt on the ground, with more limited access to health and other basic services for LGBTI people, increased fear of becoming victims of hate crimes and the exacerbation of stigma faced by LGBTI people.

Stigmatising climate for LGBTI people

60. According to a 2021 report by the Public Defender of Georgia, LGBTI people constitute one of the most marginalised groups, suffering from institutional homophobia, negative public attitudes, and political instrumentalisation. They face persistent discrimination and violence in all spheres of life, lowering their quality of life and erecting insurmountable barriers to exercising their rights.⁹⁶ In March 2024 the Commissioner's predecessor expressed concern about the political manipulation and harassment of LGBTI people and human rights defenders.⁹⁷
61. During the visit, the Commissioner met with members of the LGBTI community in Georgia, who explained that the stigmatisation and exclusion significantly worsened after the adoption of the Law on protecting family values and minors.

⁹⁰ [Statement](#) of 26 September 2024.

⁹¹ ECtHR (GC), *Macatė v. Lithuania* (61435/19), judgment of 23 January 2023.

⁹² ECtHR, *A.D. v. Georgia* (57864/17), judgment of 1 December 2022.

⁹³ ECtHR (GC), *Fedotova and Others v. Russia* (40792/10), judgment of 17 January 2023.

⁹⁴ ECtHR (GC), *E.B. v. France* (43546/02), judgment of 22 January 2008.

⁹⁵ Venice Commission, [Opinion on the draft constitutional law on protecting family values and minors](#), 25 June 2024, paragraph 104.

⁹⁶ Public Defender of Georgia, [The Rights LGBT+ People in Georgia](#), 2021, page 50. See also Public Defender of Georgia, [Combating and Preventing Discrimination and the Situation of Equality](#), 2024, page 11.

⁹⁷ Commissioner, [statement](#) of 27 March 2024.

62. The Commissioner notes that the new law also seems inconsistent with Georgia's anti-discrimination legislation, which prohibits discrimination based on sexual orientation, gender identity, and expression. In this regard, the Commissioner also notes with concern a draft law, adopted in the first reading by Parliament on 4 March 2025, to remove the words "gender" and "gender identity" from all existing laws in Georgia and rename the "Gender Equality Law" as the "Law on the Equality of Women and Men". These changes would further undermine the legal framework on anti-discrimination.⁹⁸
63. Finally, the Commissioner notes that a number of judgments of the Court concerning various violations of the human rights of LGBTI people are pending execution before the Committee of Ministers of the Council of Europe. Besides the case *A.D. and Others*, mentioned in paragraph 56,⁹⁹ the Commissioner refers to the *Identoba and Others* group of cases concerning the authorities' failure to provide adequate protection against, and in some instances official acquiescence and connivance in, inhuman and degrading treatment inflicted by private individuals on LGBTI activists, who were violently attacked during marches and meetings in 2012 and 2013.¹⁰⁰ On 6 March 2025 the Committee of Ministers called on the Georgian authorities to repeal the law on protecting family values and minors stressing that it represents a backward step in the execution of these judgments and raises serious questions about Georgia's compliance with its obligation to abide by the Court's final judgments.¹⁰¹

Recommendations:

64. The Commissioner recommends that the Georgian authorities ensure that measures are taken to address all forms of violence and discrimination faced by LGBTI people, including by:
- ceasing all stigmatisation of LGBTI people including through public statements and rhetoric used by officials;
 - ensuring that all cases of harassment, violence, intimidation and discrimination against LGBTI people and organisations are effectively investigated and the perpetrators are adequately punished;
 - immediately rescinding the Law on protection of family values and minors as enacted on 17 September 2024;
 - revoking proposals to remove "gender" and "gender identity" from existing legislation;
 - fully and swiftly implementing the judgments of the European Court of Human Rights concerning the rights of LGBTI people and organisations;
 - ensuring the meaningful involvement of LGBTI people and civil society stakeholders in legislative and policymaking processes affecting LGBTI people.
65. The authorities should prioritise action to address the underlying reasons behind the discrimination and intolerance towards LGBTI people and ensure cooperation with NGOs and other stakeholders, to promote better understanding of the realities faced by LGBTI people.

⁹⁸ Civil Georgia, <https://civil.ge/archives/667060>, 4 March 2025.

⁹⁹ For details see <https://hudoc.exec.coe.int/eng?i=004-62861>

¹⁰⁰ For details see <https://hudoc.exec.coe.int/eng?i=004-5894> In November 2023 the Commissioner's predecessor made a [Rule 9 submission](#) in the case and in January 2025 the Public Defender of Georgia made a [Rule 9 submission](#).

¹⁰¹ Committee of Ministers, [Interim Resolution CM/ResDH\(2025\)31](#), 6 March 2025.