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NOTE VERBALE

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) presents its compliments to the Delegations of the OSCE participating States and, in accordance with the second part of paragraph 11 of the 1991 Moscow Document, has the honor to transmit herewith the report of the OSCE rapporteur appointed by 23 OSCE participating States under the Moscow Mechanism invoked in respect of Georgia with the observations by the requested State.

ODIHR avails itself of this opportunity to renew to the Delegations of the OSCE participating States the assurances of its highest consideration.



Warsaw, 10 March 2026

To the
Delegations of the OSCE participating States
Vienna

Corr.1*) Corrigendum due to change of distribution status, text remains unchanged

***OSCE fact-finding mission on Georgia (2026)
under paragraph 12 of the Moscow Mechanism
Document***

***Report
on Developments in Georgia in Respect of Human
Rights and Fundamental Freedoms
since Spring 2024***

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24 February 2026

Table of Contents

Executive Summary

Recommendations

I. Introduction

- A. Invocation of the Moscow Mechanism**
- B. Mandate**
- C. Applicable International Norms and Standards**
- D. Methodology**

II. Key developments in the period covered by the mandate

- A. Elections of 2024 and 2025**
- B. The so-called ‘foreign agents laws’ and accompanying legislative amendments**
 - The Law on Transparency of Foreign Influence*
 - The Foreign Agents Registration Act*
 - Amendments to the Law on Grants*
 - Amendments to the Law on Broadcasting*
 - Amendments to the Law on Political Associations of Citizens*
- C. Laws pertaining to so-called family values and rights of LGBT+ individuals**
- D. Amendments to other laws**
- E. Reforms of the judicial system and related reforms**
- F. Reform of the System of Higher and General Education**
- G. Brutality of security forces and repression of dissent**
 - Dispersal of protests and the alleged cases of torture and ill treatment of protesters*
 - Attacks against journalists*
 - Attacks against critics by unidentified perpetrators*
 - Legal proceedings against protesters and other repressive measures*
- H. Campaign of intimidation against critical voices**
- I. Legal actions and other repressive measures against political opposition**
 - Proceedings against individual persons*
 - Proceedings against political parties*
 - Other repressions against opposition members*

III. Assessment of the relevant developments

A. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

Alleged instances of torture

Conduct of security forces during demonstrations

Violent attacks and threats against government critics by unidentified groups

Impunity and lack of effective remedies

B. Freedoms of assembly and association and freedom of expression

'Foreign agents' laws and accompanying legislation

The Law on Family Values and shrinking space for LGBT+ expression

Other legal developments

Conduct of security forces towards critics and demonstrators

Sanctioning of critics

Rhetorical attacks against diplomats

General situation of the media

C. The right to liberty and security

The Foreign Agents Registration Act

Detention of protesters and opposition figures

D. The right to privacy

So-called 'foreign agents' laws

The Law on Family Values and stigmatization of LGBT+ individuals

Rhetorical campaign of intimidation of critical voices

E. The right to a fair trial

High Council of Justice and Independence of Common Courts

Trials of anti-government protesters, political opposition and other critics

F. The right to free elections and political pluralism

G. Right to property

Executive Summary

On 29 January 2026, the Moscow Mechanism of the human dimension of OSCE was invoked with respect to Georgia by 23 OSCE participating States. The mandate of the mission was phrased as follows: to establish a fact-finding mission to assess Georgia's implementation of its OSCE commitments, with a particular focus on developments since spring 2024'. More specifically, the mission was tasked, inter alia to: '[d]ocument recent developments in Georgia in respect of human rights and fundamental freedoms; [a]ssess the impact of these developments including for Georgian civil society, freedom of the media, the rule of law and independence of the judiciary, political pluralism and other structural components of a democratic society which underpin the OSCE's comprehensive definition of security; [p]rovide recommendations on how to address matters of concern'.

The wide mandate required particular efforts to analyse the large amount of material in a very limited time of 14 days. The Rapporteur immediately (on the first day of her mission, on 11 February 2026) turned to the Permanent Representation of the Republic of Georgia with the request to facilitate a visit to Georgia and provide the position of Georgia on matters of concern. The Permanent Representative of Georgia, H.E. Alexander Maisuradze, in his response of 13 February 2026 informed the Rapporteur about Georgia's willingness to facilitate the country visit. The Rapporteur met with the Georgian authorities and representatives of political opposition on 17 February and 18 February 2026 in Tbilisi. In addition, the Rapporteur held a series of online meetings with various stakeholders, received numerous written submissions, and collected publicly available materials which then served as the object of analysis in the present report.

The main findings are as follows. In the period covered by the mandate, a marked democratic backsliding has taken place in Georgia. The Rapporteur could discern a pattern of violence and other abuses against protesters, leaders of political opposition and journalists (in some instances the violence has arguably reached the threshold of torture), combined with almost complete impunity of perpetrators of those abuses. Authorities have gradually limited the freedom of expression and freedoms of assembly and association by introducing legislation targeting civil society, political opposition, independent media and the LGBT+ community. Moreover, those freedoms were unduly limited by restrictive execution of administrative measures like high fines and administrative detention, as well as by launching criminal proceedings against the government critics. The ongoing attempt to ban the main opposition parties threatens the existence of political pluralism. The atmosphere of hostility towards actors independent of the government is compounded by virtually unchecked instances of violence committed by unidentified groups of men who occasionally assault government critics, often in public spaces and broad daylight, with apparent impunity. This atmosphere is also driven by the fierce, stigmatizing rhetoric of government-affiliated individuals.

There are, furthermore, certain concerns related to the right to fair trial of those facing criminalization on account of their engagement in some form of dissent.

As warranted by the mandate, the Rapporteur assessed relevant developments in the light of the international obligations of Georgia and, on this basis, made recommendations to the Republic of Georgia, to the OSCE participating States and to the broader international community, which could contribute to addressing the outstanding challenges.

The analysis is structured as follows. First, the report foregrounds recommendations. It then proceeds to discuss, in the Introduction, the background of the mission, including the wording of its mandate and related limitations. Further, the report lists the relevant human rights treaties binding upon Georgia, as some of them later serve as the backdrop to the legal analysis, and discusses the methodology used in the course of producing this report. Then, in Part II, the report turns to describing legal and material developments which occurred in the period covered by the mandate and are related to its thematic scope. Finally, Part III assesses those developments in light of Georgia's international obligations.

Recommendations

Recommendations to the Republic of Georgia:

About free elections:

1. Conduct independent and impartial investigation into all allegations concerning election irregularities.
2. Implement the necessary changes to the organization of the elections, according to the recommendations made by the OSCE Office for Democratic Institutions and Human Rights (ODHIR) in its report concerning the parliamentary elections of 2024.
3. Invite external observers (in particular an OSCE/ODHIR mission) to observe future elections. An invitation should be sent sufficiently in advance to enable ODHIR to conduct the election mission meaningfully.
4. Refrain from spreading defamatory information about the opposition and from rhetorical campaigns of intimidation and threats.
5. Refrain from the arbitrary initiation of procedures banning political parties in the Constitutional Court. Withdraw the currently pending applications.
6. Withdraw arbitrarily brought charges against leaders of political opposition (in particular based on Article 225, Article 318 and 319 of the Criminal Code)

About legislative reforms:

1. The Law on Transparency of Foreign Influence (TFI), the Foreign Agents Registration Act (FARA), and the provisions concerning foreign grants in the Law on Grants should be repealed. Given the breadth of their incompatibility with Georgia's international obligations, the Rapporteur does not consider them capable of being brought to compliance with those obligations by way of targeted amendments. In the event that Georgia does not decide to repeal these laws, they should be, at the minimum, amended in accordance with the recommendations of the Venice Commission. This means, in particular, striking out the obligation to reveal sensitive information about beneficiaries and cooperators of entities subject to the mentioned legislation; lowering the penalties for violations of the mentioned laws; significant limitations on the obligation to register as 'agents of foreign principals' by taking into account whether an entity indeed acts at foreign directions or not. The language throughout these laws should, furthermore, be much more precise.
2. Similarly, the recent amendments to the Law on Broadcasting concerning foreign financing and restrictions on content of broadcasting (Article 54) should be repealed.
3. The Law on Family Values should be repealed. This concerns, particularly but not exclusively, equation of same-sex relationships and transgender identity with incest,

prohibition of ‘popularization’ of these notions, including through gatherings, a ban on gender-affirming care and change of sex markers in identity documents and civil acts.

4. The premises of the crime of high treason should be narrowed and made more specific so as to preclude interpretation that allows prosecuting mere critique of the government by entities falling within the scope of TFI or FARA.
5. Regulations which introduced an absolute ban on covering of faces during demonstrations should be repealed. Other regulations disproportionately limiting the right to assembly (such as automatic detention and disproportionately high fines) should be repealed or revised in order to ensure a proper balance between this right and considerations of public order.
6. In the course of reforming higher education, the autonomy of academic institutions should be respected.

About the prohibition of torture and other cruel, inhumane and degrading treatment or punishment

1. Immediately cease the disproportionate use of physical force, in particular torture and other forms of ill-treatment against peaceful protesters, journalists and political opponents.
2. Ensure the proportionate use of force also against those protesters who exhibit violent behaviour.
3. Conduct immediate, independent and impartial investigations into allegations of torture and ill-treatment.
4. Ensure that the process of apprehension and transportation of detained persons conforms with the requirements of human dignity. Ensure decent conditions of detention.
5. To the extent possible, protect children from the impact of police raids and adopt child-sensitive practices during police operations.

About the right to liberty and security:

1. Immediately and unconditionally release all prisoners held for political reasons, in particular members of the opposition. Refrain from detaining them for political reasons in the future.
2. Immediately release journalists and other participants of public debate held for exercising their freedom of expression. Refrain from detention in similar circumstances in the future.
3. Respect the principles of legality, proportionality and due process when it comes to deprivation of liberty.

About the right to fair trial

1. Ensure that the standards of fair trial are respected, including presumption of innocence, equality of arms, and the speedy access to legal assistance in criminal proceedings.

2. Guarantee and respect judicial independence, including, in particular, through the appropriate reform of the High Council of Justice.
3. Cease to place the accused, if there are no compelling security concerns, in any kinds of cages during judicial proceedings.
4. Ensure that legal representatives have access to relevant information, files and documents in sufficient time to provide effective legal support.
5. Ensure the adequate transparency of judicial proceedings.
6. Reform administrative offence procedures to ensure that detention cannot be based solely on uncorroborated police testimony.

About freedoms of assembly, association and expression

1. Ensure the freedom of peaceful assembly in line with international standards like the General Commentary 37 of the UN Human Rights Committee of 2020 and case-law of the European Court of Human Rights (ECtHR).
2. Respect the right to spontaneous assemblies as part of the right to assembly.
3. Cease to target journalists covering protests.
4. Refrain from arbitrarily detaining and fining peaceful participants of protests.
5. Refrain from arbitrary sanctioning of natural persons and organizations critical of government policies and actions.
6. Ensure the protection of human rights defenders in accordance with the UN Human Rights Defenders Declaration of 1998 and the OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders of 2014.
7. Limit restrictions on receiving foreign support by non-governmental organizations and broadcasters in Georgia to what is strictly necessary in order to safeguard national security and public order.
8. Refrain from any undue repression related to the performance of journalists' duties, and from the unjustified seizure of and damage to their equipment and footage.
9. Abolish the excessive restrictions on content of broadcasting under the Law on Broadcasting.

About the right to privacy

1. Cease the campaign of stigmatization and intimidation against political opponents, civil society organizations (CSOs) and LGBT+ individuals and amend relevant laws accordingly.
2. Ensure that no unnecessary personal data is collected and no sensitive data is publicly available, including with respect to the implementation of TFI and FARA.

About accountability:

1. Provide the necessary means and resources to the Office of Public Defender of Georgia in order to enable it to perform all the Office's tasks, including those related to the national preventive mechanism.
2. Promptly investigate all allegations of torture and ill-treatment by police/security forces and unidentified, masked persons.
3. Provide effective judicial remedies for alleged violations of human rights.
4. Provide full redress and compensation to all victims of ill-treatment at the hands of State authorities.
5. Take appropriate disciplinary measures against officials credibly implicated in serious abuses.

About international cooperation

1. Cooperate with the Venice Commission as well as other relevant international bodies whose mandate extends to Georgia and entertain their recommendations.
2. Cooperate with the Organisation for the Prohibition of Chemical Weapons (OPCW) to clarify the allegations concerning the use of chemicals against protesters.
3. Recognize the competence of the International Humanitarian Fact-Finding Commission according to the First Additional Protocol to the 1949 Geneva Conventions and ratify the remaining amendments to the Rome Statute of the International Criminal Court, having in mind the occupation of parts of Georgian territory by the Russian Federation.
4. Ratify the 2006 International Convention on the Protection of All Persons from Enforced Disappearance.

Recommendations to the OSCE Participating States:

1. Request and support the implementation of the above recommendations by the government of Georgia.
2. Ensure systematic follow-up to the findings of the Moscow Mechanism, including through periodic review in the Permanent Council.
3. Consider imposing targeted sanctions against persons responsible for the particularly serious violations described in the present report.
4. Continue efforts at facilitating a dialogue between all relevant actors.
5. Deploy an election observation mission for upcoming elections to ensure transparency and fairness.
6. Consider opening an OSCE office in Georgia.
7. Support independent civil society actors in Georgia and Georgian CSOs in exile.

Recommendations to the International Community:

1. Support initiatives aimed at reporting and documenting human rights violations in Georgia.
2. Consider bringing perpetrators of torture and inhumane treatment and their responsible superiors to justice in national courts, wherever possible, including through invoking universal jurisdiction.
3. Provide protection and assistance to people who had to leave the country, including through the grant of international protection where relevant as well as through the treatment of injuries and trauma related to human rights violations.
4. Provide support to human rights defenders and civil society organizations promoting and protecting human rights, including through facilitation of registration of CSOs in exile.
5. Provide support to Georgia for the purpose of introducing the necessary legal reforms.
6. Facilitate the involvement of the UN special procedures in the protection and promotion of human rights and consider the establishment of a country office of the UN High Commissioner on Human Rights in Georgia. Among the UN Special procedures and other mechanisms of the Human Rights Council, the special consideration should be given to:
 - a. Working Group on arbitrary detention (WGAD) - particularly useful as there is no requirement to exhaust national remedies
 - b. Special Rapporteur on torture and other ill-treatment
 - c. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
 - d. Special Rapporteur on the rights to freedom of peaceful assembly and of association
 - e. Special Rapporteur on the situation of human rights defenders
 - f. Special Rapporteur on the independence of judges and lawyers
 - g. Special Rapporteur on the human rights of internally displaced persons
 - h. Special Rapporteur on minority issues
 - i. Special Rapporteur on the right to privacy
 - j. Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
 - k. Special Rapporteur on violence against women and girls, its causes and consequences
 - l. Working Group on discrimination against women and girls
7. Actively engage in the follow-up to the Universal Periodic Review of Georgia.
8. States Parties to the 1992 Convention on Chemical Weapons may consider requesting the Executive Council of OPCW to clarify the alleged use of chemical weapons by Georgian authorities in accordance with Article IX of the 1992 Convention on Chemical Weapons.
9. States Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights; ECHR) may consider submission of

inter-state application to the ECtHR in accordance with Article 33 of the European Convention on Human Rights (ECHR).

10. States Parties to the ECHR, as well as other bodies like Venice Commission, Council of Europe Commissioner for Human Rights and CSOs may consider intervening in ongoing and future proceedings in the European Court of Human Rights.
11. In case of the issuance of the judgments by the ECtHR, States Parties to the ECHR, as well as CSOs, may actively engage in implementation of judgments through the Committee of Ministers of the Council of Europe.
12. States Parties to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) may consider submission of inter-state communication to the Committee against Torture.
13. States Parties to CAT may consider submission of the application to the International Court of Justice.
14. The Committee Against Torture as well as the UN Subcommittee on the Prevention of Torture (SPT) should give special consideration to the situation in Georgia.
15. The Venice Commission should be involved in further assessments of relevant draft legislation.
16. States Parties to the Rome Statute may consider referral of the situation in Georgia to the International Criminal Court, taking into account the growing number of examples of political persecution, torture and other inhumane acts.
17. The Council of Europe (CoE) Commissioner for Human Rights may consider a mission to Georgia.
18. The Secretary General of the CoE may request Georgia to furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the ECHR (Article 52 ECHR).

I. Introduction

A. Invocation of the Moscow Mechanism

1. The procedure known as the 'Moscow Mechanism' was established in 1991 by the participating States of the then CSCE, now OSCE, by the 'Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE'.¹ It provides for the setting up of missions concerning questions relating to the human dimension of the OSCE on the territory of a participating State, either at its invitation (paragraph 4) or after a request by another participating State (paragraph 8), or at the request of another participating State with the support of at least nine other participating States (paragraph 12). In the latter case, which corresponds to this mission, the requesting States appoint one person from the resource list, the requested State, if it is willing to do so, a second one, and the two rapporteurs choose the third member of the mission. If the requested State does not appoint anyone within six days, the rapporteur appointed by the requesting States shall conduct the mission alone (paragraph 10). In all cases, the State concerned must 'co-operate fully with the mission of experts and facilitate its work' (paragraph 6).
2. On 29 January 2026, the Moscow Mechanism of the human dimension of OSCE was invoked with respect to Georgia by 23 OSCE participating States (Albania, Austria, Belgium, Canada, Czechia, Denmark, Estonia, Finland, Germany, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Montenegro, the Netherlands, Norway, Slovenia, Sweden, Ukraine and the United Kingdom). Those States referred in their joint letter of 30 January 2026 to:

'legislative reforms designed to suppress dissenting voices and restrict space for civil society and independent media to operate; legal actions designed to ban opposition parties; election integrity, especially in the light of the local elections; active spreading of disinformation by media outlets affiliated to the ruling party; campaigns against diplomatic representatives; constraints on freedom of association, expression and the media; politically motivated arrests and prosecutions; misuse of the judicial system to enforce a system of repression; allegations of mistreatment of persons deprived of liberty; excessive violence and arbitrary detentions; as well as harassment and intimidation of opposition politicians, human rights defenders and journalists'.

¹The text of the Moscow Mechanism Document is available at <https://www.osce.org/sites/default/files/f/documents/5/e/20066.pdf> (accessed 22/02/2026).

Consequently, they invoked Paragraph 12 of the Moscow Mechanism, inter alia, in order to:

- ‘Document recent developments in Georgia in respect of human rights and fundamental freedoms
 - Assess the impact of these developments including for Georgian civil society, freedom of the media, the rule of law and independence of the judiciary, political pluralism and other structural components of a democratic society which underpin the OSCE’s comprehensive definition of security
 - Provide recommendations on how to address matters of concern’.
3. In accordance with Paragraph 10 of the Moscow Document, the requesting State or States may appoint one person from the resource list to serve as the OSCE rapporteur. In the present case, the 23 participating States invoking the Moscow Mechanism informed ODIHR on 2 February 2026 of the appointment of Prof. Patrycja Grzebyk as a Rapporteur in accordance with procedures specified in paragraph 10 of the Moscow Document.
 4. By the letter of 3 February 2026 the director of ODIHR informed the author of this report of her appointment as Rapporteur by the invoking States. According to Paragraph 10 of the Moscow Document one member of the expert mission is to be chosen by the invoking States from a resource list of experts, while Georgia is entitled to choose a second member from the same list in which case the two have to agree on a third one. In the case that no second expert is appointed, the first expert nominated by the invoking States becomes a single rapporteur and has to submit their report within 14 days.
 5. Since Georgia did not appoint a second rapporteur within the specified timeframe, the author of the report was informed by letter of 10 February 2026 of the commencement of the mission under her sole rapporteurship. Her mission started on 11 February 2026. Accordingly, the report was due on 24 February 2026.

B. Mandate

6. The mandate of the mission has been phrased in the joint letter of 30 January 2026 from 23 participating States invoking paragraph 12 of the Moscow Document as follows: ‘to establish a fact-finding mission to assess Georgia’s implementation of its OSCE commitments, with a particular focus on developments since spring 2024.’ More specifically, the mission is tasked, inter alia to: ‘[d]ocument recent developments in Georgia in respect of human rights and fundamental freedoms; [a]ssess the impact of these developments including for Georgian civil society, freedom of the media, the rule of law and independence of the judiciary, political pluralism and other structural components of a democratic society which underpin the OSCE’s comprehensive definition of security; [p]rovide recommendations on how to address matters of concern’.

7. Having in mind the wording of the mandate, the Rapporteur has focused on the developments in Georgia since spring 2024. Nevertheless, wherever relevant to the context of recent developments, issues that occurred before 2024 were also taken into account.

C. Applicable International Norms and Standards

8. Before the analysis of the relevant laws, policies and facts relevant for this report, it is first necessary to recall the international human rights obligations binding upon Georgia. Those international obligations will serve as the legal backdrop for the analysis that follows.
9. Georgia has been a Member of the United Nations since 31 July 1992. It is worth recalling that one of the purposes of this organization is '[t]o achieve international co-operation in [...] promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.'² United Nations organs and treaty bodies have, in recent years, taken positions regarding the human rights situation in Georgia, including as part of the Universal Periodic Review which Georgia has undergone in 2026. These positions will be referenced in this report where relevant.
10. Georgia is committed to the purposes and principles of the 1948 Universal Declaration of Human Rights, reaffirmed in the Vienna Declaration and Programme of Action of 25 June 1993, adopted by consensus by representatives of 171 States at the World Conference on Human Rights, including Georgia.
11. Furthermore, at the universal level, Georgia is party to a number of human rights treaties. Those treaties include 1966 International Covenant on Civil and Political Rights (ICCPR; ratified on 3 May 1994); 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR; ratified on 3 May 1994); 1984 Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT; ratified on 26 October 1994); 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW; ratified on 26 October 1994); 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD; ratified on 2 June 1999); 1989 Convention on the Rights of the Child (CRC; ratified on 2 June 1994); 2006 Convention on the Rights of Persons with Disabilities (CRPD; ratified on 13 March 2014); 1948 Convention on the Prevention and Punishment of the Crime of Genocide (ratified on 11 October 1993); and 1951 Convention relating to the Status of Refugees (ratified on 9 August 1999).
12. Furthermore, Georgia has accepted individual complaints mechanisms under ICCPR, CAT, CEDAW, CERD and CRPD. These mechanisms allow individuals to lodge complaints against Georgia to the established quasi-judicial bodies in respect to alleged violations of the said treaties.

² Charter of the United Nations, Article 1(3).

13. Georgia has not accepted inter-state complaints mechanisms under Article 41 ICCPR, but accepted a mechanism of inter-state communications under Article 21 CAT; the inter-state communications mechanism exists also under CERD (Articles 11-13), and the system of settling inter-state disputes is envisaged in CEDAW (Article 29) and CAT (Article 30), to which Georgia did not submit reservations.
14. Georgia is also party to the 2002 Optional Protocol of the Convention against Torture (OPCAT; ratified on 9 August 2005). Georgia is therefore obliged to operate the national preventive mechanism, charged with conducting visits to places of detention. This function is performed by the Public Defender of Georgia (the national human rights institution).
15. At the regional, European level, Georgia is a Member of the Council of Europe (CoE), which it joined on 27 April 1999. By way of its membership of this organization, Georgia committed itself to 'accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms [...]'.³
16. Georgia is party to the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms (so-called European Convention on Human Rights (ECHR) ratified on 20 May 1999). Through the ratification of the ECHR, Georgia availed itself of the jurisdiction of the European Court of Human Rights (ECtHR) to adjudicate on inter-state and individual applications concerning the observance of human rights envisaged in the Convention. Jurisprudence of the ECtHR, whose competence extends to 'all matters concerning the interpretation and application of the Convention',⁴ will be referenced where relevant throughout this report.
17. Georgia is also party to numerous treaties adopted by the CoE, among them the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ratified on 20 June 2000), based on which the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) operates. The CPT in the period on which the report focuses conducted periodic visits from 18 November 2024 to 29 November 2024 and from 21 January 2025 to 22 January 2025.⁵
18. Additionally, Georgia is party to, among other things, the Council of Europe Convention on Action Against Trafficking in Human Beings (ratified on 14 March 2007), the Framework Convention for the Protection of National Minorities (ratified on 22 December 2005), and the European Social Charter (ratified on 22 August 2005).

³ Statute of the Council of Europe, Article 3.

⁴ ECHR, Article 32(1).

⁵ The report is available at <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2024/2025-visit-to-georgia> (accessed 22/02/2026).

19. In the period on which this report focuses, Georgia did not submit derogation notification based on Article 4 ICCPR or based on Article 15 ECHR (its last derogation declarations were related to the threat of Covid-19 and were valid until 1 January 2023).⁶
20. As a participating State of the OSCE, Georgia has committed itself to the observance of human rights, rule of law and democratic form of government. This commitment is emphasized, foremost, in the Helsinki Final Act of 1975 in which States committed themselves to, among others, ‘respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.’⁷ This provision, among others, of the Final Act, was further developed and operationalized through the subsequent development of the OSCE system, in particular its human dimension.⁸ Of particular relevance for the present report is the following provision of the Moscow Document of 1991 which established the procedure pursuant to which the present report was prepared: ‘The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.’⁹
21. Having in mind that part of Georgian territory is occupied, it has to be noted that Georgia is party to the 1949 Geneva Conventions for the Protection of War Victims (ratified on 14 September 1993); to the 1977 Additional Protocols to the 1949 Geneva Conventions (ratified on 14 September 1993, although Georgia did not recognize competences of the International Humanitarian Fact-Finding Commission); and the 2005 Additional Protocol to the 1949 Geneva Conventions (ratified on 19 March 2007).
22. Georgia is also party to several treaties which prohibit the use of certain weapons, like the 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (ratified on 27 November 1995).
23. Georgia is also party to the 1998 Rome Statute of the International Criminal Court (ratified on 5 September 2003), and to its 2010 amendments on crime of aggression (ratified on 5 December 2014).
24. To conclude this section, it must be reaffirmed that Georgia is obliged to observe and give effect to the internationally accepted human rights, as specified and operationalized by the

⁶ Texts of notifications concerning temporary derogations from certain human rights are available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4#EndDec (accessed 22/02/2026); <https://rm.coe.int/1680a4fdb0> (accessed 22/02/2026).

⁷ Conference on Security and Co-operation in Europe, Final Act, section 1(a)[VII].

⁸ See, in particular: Concluding document of the Vienna meeting (1986) of representatives of the participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the Final Act relating to the follow-up to the Conference.

⁹ Document of the Moscow Meeting (1991) of the Conference of the Human Dimension of OSCE, preamble.

relevant UN and treaty bodies and by the ECtHR, as a matter of binding legal obligation. Those obligations, and the specific standards developed on their basis by the relevant UN and treaty bodies, as well as by the ECtHR, will be taken into account in assessing the human rights situation in Georgia in the discharge of the present mandate.

D. Methodology

25. The methodology deployed in the process of producing the present report was determined by the availability of reliable sources and the limited timeframe of the mandate. Due to time and resource constraints, as well as the breadth of the mandate, this report should not be treated as exhaustive. The absence of a particular issue from the report should not be construed as indicating that it does not amount to a violation of Georgia's international obligations.
26. In the discharge of the present mandate, in view of its considerable breadth and related time constraints, the Rapporteur was assisted by Dr. Maciej Grześkowiak.¹⁰
27. Findings of this report are, to a significant extent, based on publicly available information. These publicly available sources include relevant pieces of legislation and their analyses found in the official documents of international organizations or treaty bodies. The report also draws on the relevant case-law of the ECtHR and quasi-judicial UN or treaty bodies — case-law pertaining directly to Georgia but also to other States, whenever it was deemed relevant to the assessment of laws, policies or practices of Georgia.
28. The report also draws on documents produced by non-governmental organizations, both national and international ones. Where possible, information drawn from those documents was cross-checked against other sources, either primary or secondary, in order to ensure the accuracy and reliability of information provided.
29. As is customary under Moscow Mechanism missions, dedicated email addresses — moscowmechanism-georgia@odhr.pl and moscowmechanism-georgia2026@odhr.pl — were opened by the OSCE in order to provide a safe channel for interested individuals to submit any relevant documents or testimonies. Much useful information was obtained through this channel. In order to ensure reliability and accuracy of information obtained through this source, this information was, whenever possible, cross-checked against other sources. When any relevant piece of information provided in this report could not be conclusively confirmed, it is explicitly stated so.
30. In response to the letter of the Rapporteur dated on 11 February 2026 (the first day of the mission) to the Head of the Permanent Mission of Georgia to the OSCE and other International Organizations in Vienna with the request to facilitate visit in Georgia, Ambassador Alexander Maisuradze responded in his letter of 13 February 2026 that

¹⁰ Max Weber Fellow, European University Institute.

‘Georgian authorities remain prepared to engage in a professional and constructive manner with the procedural framework of the Mechanism’.

31. Accordingly, the Rapporteur, together with Dr. Maciej Grzeškowiak, conducted a visit to Georgia on 17-19 February 2026. During that visit, they held meetings on 17 and 18 February with the representatives of the High Council of Justice of Georgia, Public Defender of Georgia, Ministry of Justice of Georgia, Ministry of Internal Affairs of Georgia, Parliament of Georgia, Prosecution Service of Georgia, Communications Commission, Central Election Commission of Georgia, Prime Minister of Georgia, and Ministry of Education, Science and Youth of Georgia. These meetings were held in order to entertain the position of relevant public authorities of Georgia on matters related to this report.
32. During their visit in Tbilisi, the Rapporteur, together with Dr. Grzeškowiak, also met with the representatives of the Georgian opposition in order to hear their positions on these issues. No separate meetings with civil society organizations (CSOs) were organized in Tbilisi as both before and after that visit, numerous online meetings with their representatives were held.
33. The Rapporteur held online meetings with individuals possessing expert knowledge and / or hands-on experience related to the subject-matter of the present report, including with the representatives of Georgian civil society. The Rapporteur conducted 24 such interviews.
34. Primary data gathered from individual, non-governmental informants has been duly anonymized. To ensure the highest-possible degree of anonymity, gender-neutral forms are used throughout the report when referring to the anonymous informants.
35. The Rapporteur wishes to extend her gratitude to the Georgian government for facilitating the country visit and excellent cooperation during its course, as well as for the provision of the requested documentation and for promptly responding to the questions of the Rapporteur
36. The Rapporteur is also thankful to all non-governmental interlocutors for taking their time to furnish the Rapporteur with relevant information and for facilitating meetings with victims of human rights violations. The Rapporteur is immensely grateful to all victims who decided to share their experience.

II. Key developments in the period covered by the mandate

37. The purpose of the present Part II is to outline relevant developments that have occurred in Georgia within the temporal scope of the mandate. Those developments will later be appraised against the applicable human rights standards in Part III.
38. The Rapporteur acknowledges the specific challenges to Georgian security related to the occupation of parts of its territory — Abkhazia and Tskhinvali/South Ossetia — by the

Russian Federation, which is a clear violation of Georgia's sovereignty and territorial integrity within its internationally recognized borders.¹¹ The European Court of Human Rights issued its judgment on merits on 21 January 2021 in the inter-state application (II) No. 38263/08 Georgia v. Russia. The Court established responsibility of the Russian Federation for various grave human rights violations as the State exercising effective control over the mentioned regions including the killing, torture, ill-treatment and arbitrary detention of civilians and military personnel, the looting and burning of homes, the inhuman treatment of Georgians targeted as an ethnic group, and the deprivation of the right of internationally displaced persons (IDPs) and refugees to return to their homes. The situation likely worsened since the issuance of judgment in 2021 as the process of 'borderization' (meaning the erection of fences by de-facto authorities of South Ossetia or Abkhazia backed by Russian border guards, combined with other restrictions concerning freedom of movement through the Administrative Border Line) reportedly accelerated.¹² The process of 'borderization' was assessed to some extent by the European Court of Human Rights in the case of Georgia v. Russia (IV) (application no. 39611/18), where the Court confirmed serious violations of human rights for which the Russian Federation is responsible.

39. The Georgian population in the occupied territories struggles to access medical care, pensions and social benefits, or education in their native language. Despite those challenges, the Secretary General of the Council of Europe in its consolidated report of 3 April 2023 stressed that Georgian authorities offered humanitarian assistance to people living in the Tskhinvali region/South Ossetia. The Georgian Government also provided to IDPs various solutions concerning housing and means of improvement of their socio-economic conditions.¹³ At the same time the Secretary General noted that the 'presence of military equipment on site represented a serious danger for stability'. Having in mind the wording of the letter invoking the Moscow Mechanism with respect to Georgia according to which 'the Mission will confine its report to areas of Georgian territory under Tbilisi control', the Rapporteur will not cover in the following parts of its report the situation in the occupied territories. Nevertheless, the Rapporteur acknowledges the specific security environment related to the occupation and overall external pressure on Georgia.

¹¹ See Resolution adopted by the Human Rights Council on 11 October 2024, A/HRC/RES/57/33.

¹² See e.g. CoE, Consolidated report on the conflict in Georgia (November 2022 – March 2023), SG/Inf(2023)15, 3 April 2023, <https://rm.coe.int/consolidated-report-on-the-conflict-in-georgia-november-2022-march-2023/1680aacba0> (accessed 22/02/2026), para. 29; Statement of the EU Delegation to Georgia in agreement with EU Heads of Mission in Georgia on borderisation activities in the area of Gugutiantkari village, 20 August 2019, https://www.eeas.europa.eu/node/66568_en (accessed 22/02/2026).

¹³ CoE, Consolidated report on the conflict in Georgia (November 2022 – March 2023), SG/Inf(2023)15, 3 April 2023, <https://rm.coe.int/consolidated-report-on-the-conflict-in-georgia-november-2022-march-2023/1680aacba0> (accessed 22/02/2026), para. 25.

40. The Rapporteur wishes to underscore that she takes note of the aforementioned aspects of Georgia's geopolitical and security situation. These factors were taken into account in the assessment of various legal and policy measures assessed further in this report.

A. Elections of 2024 and 2025

41. On 26 October 2024 parliamentary elections took place under a new proportional system. Out of 3,508,294 registered voters, 2,111,834 participated in the elections (60.20%). Georgian Dream received 53.93% of all votes – 89 mandates; Coalition for Change received 11.03% of votes – 19 mandates; Unity – National Movement received 10.17% – 16 mandates; Strong Georgia – Lelo, For People, For Liberty! received 8.81% – 14 mandates; and Gakharia for Georgia received 7.78% – 12 mandates.¹⁴
42. Following an invitation from the authorities of Georgia and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) to observe the elections. For election day, the ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament, and the NATO Parliamentary Assembly to form an International Election Observation Mission (IEOM).
43. According to the ODIHR Final Report on Parliamentary elections, 26 October 2024, the elections:

'offered voters a wide choice with 18 candidate lists, they unfolded amid entrenched polarization in an environment marred by concerns over recently adopted legislation, its impact on fundamental freedoms and civil society. Contestants could generally campaign freely while campaign rhetoric and imagery was highly divisive. Reports of pressure on voters, particularly on public sector employees, remained widespread in the campaign. This, coupled with extensive tracking of voters on election day, raised concerns about the ability of some voters to cast their vote without fear of retribution. The legal framework provides an adequate basis for democratic elections, but recent frequent amendments marked a step backwards, raising concerns over its potential use for political gain. Preparations for the elections were well-administered, including extensive voter education on the use of new voting technologies. A significant imbalance in financial resources and advantage of incumbency contributed to an already uneven playing field. The polarized media environment and instrumentalization of private outlets for political propaganda

¹⁴ OSCE, ODIHR, 'Georgia. Parliamentary Elections, 26 October 2024. ODIHR Election Observation Mission. Final Report', Warsaw, 20 December 2024, p. 39, <https://odihr.osce.org/odihr/elections/georgia/584029> (accessed 22/02/2026).

affected impartial news coverage, hindering voters' ability to make an informed choice. Effectiveness of campaign finance oversight was undermined by limited enforcement, and concerns over the impartiality and political instrumentalization of the oversight body. The underrepresentation of women on party lists and in the campaign demonstrates a need for greater commitment to ensure adequate involvement in political life. Election day was generally procedurally well-organized and administered in an orderly manner but marked by a tense environment, with frequent compromises in vote secrecy and several procedural inconsistencies, as well as reports of intimidation and pressure on voters that negatively impacted public trust in the process.¹⁵

44. In addition, in the Final Report ODHIR also stressed problems with securing vote secrecy; numerous changes of the legal framework for elections; underrepresentation of national minorities (minorities constitute 13 per cent of the population, but in 2024 elections, only some 5 per cent of the candidates were from minority communities, and few held advantageous positions on candidate lists); insufficient handling of post-election complaints, which failed to provide an effective remedy and address concerns about the integrity of election results.
45. One of the most referred to in the media complaints was the one submitted by Georgian Young Lawyers Association, which demanded the annulment of the results in all precincts that used scanned ballots, as the selections were visible on ballot papers as voters fed them into scanners which was, according to the organization, a breach of vote secrecy.¹⁶ The irregularities of 2024 elections were also analysed in academic literature.¹⁷
46. The European Parliament (whose members were among the observers of the 2024 elections) adopted on 28 November 2024 the resolution C/2025/1808 in which it strongly condemned:

‘the numerous and serious electoral violations, including documented cases of intimidation, vote manipulation, ballot-stuffing, interference with election observers and the media, reported manipulation involving electronic voting machines that allowed multiple votes per identity document, significant imbalances

¹⁵ OSCE, ODHIR, ‘Georgia. Parliamentary Elections, 26 October 2024. ODHIR Election Observation Mission. Final Report’, Warsaw, 20 December 2024, p. 1, <https://odhr.osce.org/odhr/elections/georgia/584029> (accessed 22/02/2026); see also NATO Parliamentary Assembly, ‘Georgia’s elections marred by an uneven playing field, pressure and tension, but voters were offered a wide choice: international observers’, 27 October 2024, <https://www.nato-pa.int/news/georgias-elections-marred-uneven-playing-field-pressure-and-tension-voters-were-offered-wide> (accessed 22/02/2026).

¹⁶ Human Rights Watch, ‘Georgia. Events of 2024’, <https://www.hrw.org/world-report/2025/country-chapters/georgia> (accessed 22/02/2026).

¹⁷ Mariam Chikhladze, ‘Legitimacy Crisis: How Georgia’s Elections Were Rigged’, *Caucasus Analytical Digest* (2025), no. 141, https://www.ssoar.info/ssoar/bitstream/handle/document/104076/ssoar-caucasusad-2025-141-chikhladze-Legitimacy_Crisis_How_Georgias_Elections.pdf?sequence=1 (accessed 22/02/2026).

in financial resources, the advantages of incumbency and a failure to investigate severe procedural irregularities.’

The Parliament also stressed that:

‘the reported extensive electoral fraud undermines the integrity of the election process, the legitimacy of the results and the public’s trust in any new government, and that the results do not serve as a reliable representation of the will of the Georgian people.’¹⁸

47. In the Observations of the parliamentary elections in Georgia (26 October 2024) prepared by Mr. Iulian Bulai for Parliamentary Assembly of CoE it was stressed that:

‘Our findings, based on observations of the pre-electoral campaign and election day, as well as credible and consistent reports from domestic observers following the elections, raise concerns about the correctness of the election results, namely whether the election results truly reflect the will of the voters. Additionally, serious doubts persist regarding whether the electoral environment provided the necessary conditions for a fair election, enabling voters to make an informed choice free from intimidation and undue pressure. This is reflected in the response from the opposition and civil society, which have expressed deep mistrust in both the results and the institutions and continue to challenge the outcome of the election.’¹⁹

48. Local CSOs also reported numerous irregularities concerning the 2024 elections.²⁰ They complained that the parliament started to operate before all lawsuits concerning various irregularities during the elections were ruled on by the Constitutional Court.²¹ Complaints concerning irregularities in the 2024 elections were submitted to the ECtHR.²²

49. During the meeting with the Central Election Commission on 18 February 2026, the Rapporteur confronted members of the Commission with the above issues. The Chairman Mr. Giorgi Kalandarishvili stressed that ballot-stuffing took place only in one case and immediately elections in the affected polling station were suspended. He also indicated that

¹⁸ European Parliament resolution of 28 November 2024 on Georgia’s worsening democratic crisis following the recent parliamentary elections and alleged electoral fraud (2024/2933(RSP)), C/2025/1808, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C_202501808 (accessed 22/02/2026).

¹⁹ Council of Europe, Parliamentary Assembly, Observation of the parliamentary elections in Georgia (26 October 2024), https://pace.coe.int/en/files/33924/html#_TOC_d624e716 (accessed 22/02/2026).

²⁰ Joint Assessment by ISFED, MYVOTE and GYLA, <https://isfed.ge/eng/saarchevno-angarishebi/Combined-assessments-by-ISFED-MyVote-and-GYLA> (accessed 22/02/2026); Georgia’s European Orbit, ‘Georgia’s 2024 Parliamentary Elections’, <https://europeanorbit.ge/eng/news/42> (accessed 22/02/2026).

²¹ GYLA, ‘The recognition of the authority of new members of parliament by the Parliament of Georgia is unconstitutional’, 25 November 2024, <https://gyla.ge/en/post/sakartvelos-parlamntis-axali-wervebis-uflebamoislebis-cnoba-arakonstituciuria> (accessed 22/02/2026).

²² Civil Georgia, ‘GYLA Says ECtHR Began Examining Complaints over Georgia’s Disputed 2024 Parliamentary Elections’, 23.01.2026, <https://civil.ge/archives/718437> (accessed 22/02/2026).

the first allegations concerning secrecy of votes were raised by GYLA only three days after the election and, in his opinion, even if some marks could be seen on the other side of the ballot paper, those signs did not allow to identify for whom the vote was cast. According to the information provided at the meeting, only 7 electoral complaints raised the problem of secrecy, and none of them referred to the machines used to count the votes.²³

50. Some members of the Georgian diaspora complained about the length of queues in polling stations, which they considered purposefully discouraging and as proof of understaffing of polling stations abroad.²⁴ Other members of the diaspora did not notice any problems with queues or understaffing, but they indicated there were problems with people who had registered to vote abroad, but on the day of election could not vote as they were not on the lists of voters.²⁵ The Chairman of the Central Election Commission stressed at the meeting of 18 February 2026 that during the elections of 2024, the biggest number of polling stations abroad in Georgian history was established. Additionally, an information campaign was run to properly inform those living abroad on how they could cast their vote. The Chairman also stressed that based on the new law, during the next elections voting abroad will not be possible.²⁶
51. On 14 December, the electoral college elected Mikheil Kavelashvili as the new President of Georgia. This was the first head of State elected through an indirect rather than a popular vote. He was the sole candidate and received 224 out of 225 votes. President Salome Zourabichvili declared that she would not step down and proclaimed herself the sole legitimate authority in the country,²⁷ although she vacated the presidential palace.²⁸ Zourabichvili justified her position not to step down with the claim that Kavelashvili was elected by members of a parliament that was established based on fraudulent elections.²⁹
52. In December 2024 and March and April 2025, additional amendments to the election law were introduced. Based on those amendments parliament introduced additional limitations for registration as local observers, media and electoral subjects; secured control of the ruling party over the selection and nomination process of Central Election Commission members,

²³ Meeting at the Central Election Commission, 18 February 2026.

²⁴ Written Testimony no. 6.

²⁵ Oral testimony no. 17.

²⁶ Meeting with the Central Elections Commission, 18 February 2026.

²⁷ OSW, Wojciech Górecki, 'Georgia: presidential election amidst intense protests', 16 December 2024, <https://www.osw.waw.pl/en/publikacje/analyses/2024-12-16/georgia-presidential-election-amidst-intense-protests> (accessed 22/02/2026),

²⁸ Euronews, Daniel Bellamy 'Georgia's president agrees to vacate residence - but not her office', 29 December 2024, <https://www.euronews.com/2024/12/29/georgias-president-agrees-to-vacate-residence-but-not-her-office>; (accessed 22/02/2026), AlJazeera, 'New Georgian president sworn in as predecessor refuses to stand aside', 29 December 2024, <https://www.aljazeera.com/news/2024/12/29/new-georgian-president-sworn-in-as-predecessor-refuses-to-stand-aside> (accessed 22/02/2026).

²⁹ France 24, 'Kavelashvili sworn in as Georgia's president as predecessor vows to fight on', 29 December 2024, <https://www.france24.com/en/europe/20241229-kavelashvili-sworn-in-as-georgia-s-president-as-predecessor-vows-to-fight-on> (accessed 22/02/2026).

as it now only requires a simple majority of votes (76) instead of a 2/3 or 3/5 majority which was required based on the previous versions of the law.³⁰

53. On 4 October 2025 elections to local governments took place. A significant number of opposition parties boycotted the elections, but 11 of them did not. It must be noted that elections were organized when various restrictions had already been imposed on civil society (described below) and some opposition leaders had been arrested or faced criminal prosecution. Accordingly, Amnesty International claimed that it ‘documented a sweeping campaign of repression, including politically motivated prosecutions of opposition figures, the silencing of independent media and civil society through restrictive laws and punitive measures, and the widespread arbitrary detention and ill-treatment of protesters.’³¹
54. Georgia did not invite external observers, including ODHIR, in a timely manner to conduct observation missions. OSCE/ODIHR declined the late invitation explaining that ‘The invitation by the Georgian authorities to observe the local elections taking place on 4 October, less than a month before election day, leaves insufficient time for credible and meaningful observation’.³² Local organizations like The Georgian Young Lawyers’ Association announced that they were not able to conduct electoral observation due to the repressive environment.³³ Nevertheless, according to the Information provided by Georgian the MFA on 20 February 2026 (Annex XXVI), the Central Election Commission registered 27 local observer organizations with 8,103 individual local observers; 28 international observer organizations with 81 individual international observers; and 73 media organizations accredited with 984 media representatives.
55. After surpassing the electoral threshold in the 2024 parliamentary elections, 5 political parties secured the right to appoint members to election commissions. United National Movement (UNM), Coalition for changes – Gvaramia, Melia, Girchi, Droa refused to appoint their members to any level of the commissions. Conversely, this prerogative has been exercised by Georgian Dream, Strong Georgia – Lelo, and Gakharia for Georgia, which have appointed their members to all three levels of the commissions.

³⁰ European Commission, ‘Georgia 2025 Report’, 4 November 2025, SWD(2025) 757, https://enlargement.ec.europa.eu/document/download/b3089ad4-26be-4c6a-84cc-b9d680fe0a48_en?filename=georgia-report-2025.pdf (accessed 22/02/2026).

³¹ Amnesty International, ‘Georgia: Elections marred by severe reprisals and risk of further violence’, 3 October 2025, <https://www.amnesty.org/en/latest/news/2025/10/georgia-elections-marred-by-severe-reprisals-and-risk-of-further-violence/>, (accessed 22/02/2026).

³² OSCE, ODHIR, ‘Invitation from Georgia less than a month before elections makes meaningful observation impossible: ODIHR statement’, 9 September 2025, <https://odhr.osce.org/odhr/elections/597267>, (accessed 22/02/2026).

³³ Amnesty International, ‘Georgia: Elections marred by severe reprisals and risk of further violence’, 3 October 2025, <https://www.amnesty.org/en/latest/news/2025/10/georgia-elections-marred-by-severe-reprisals-and-risk-of-further-violence/>, (accessed 22/02/2026).

56. The elections in all districts were won by the Georgian Dream with an overwhelming majority with voter turnout at 41.08%. According to the Chairman of the Central Election Commission, the turnout was comparable to other regional elections.³⁴
57. The reports prepared by the International Society for Fair Elections and Democracy indicated several problems related to the organization of elections, including numerous changes of the election law, composition of election commissions and sharp disparities in party resources. In the opinion of OSFED, ‘the three conditions outlined in the Venice Commission’s Code of Good Practice in Electoral Matters—respect for fundamental rights, stability of electoral law, and the existence of procedural guarantees—have largely not been met, significantly undermining the prospects for free, fair, and competitive elections’.³⁵
58. The Rapporteur learned from the interviewed persons that before the elections, heads of public institutions were openly encouraged to vote for Georgian Dream candidates.³⁶

B. The so-called ‘foreign agents laws’ and accompanying legislative amendments

The Law on Transparency of Foreign Influence

59. On 28 May 2024, the Law on Transparency of Foreign Influence (TFI) was adopted in the Georgian Parliament, after overriding the President’s veto.³⁷ Earlier versions of this regulation were tabled in March 2023, but were subsequently withdrawn amidst public protests. The Prime Minister and the Speaker of the Parliament both justified the adoption of the TFI with the need to curb the activities of foreign-funded NGOs which, according to them, were engaged in conspiracies to topple the government.³⁸
60. The TFI introduces the term ‘an organization pursuing the interests of a foreign power’. It requires non-profit organizations, broadcasters, print media outlets and owners of internet domains who receive more than 20% of their income from foreign sources (and therefore deemed as pursuing interests of foreign power) to register with the Ministry of Justice. The law also imposes a duty to submit yearly financial reports. Failure to comply with the duty of registration or reporting results in considerable administrative fines. The TFI also mandates public disclosure of registration and financial reports by the entity deemed to be

³⁴ Meeting at the Central Election Commission, 18 February 2026. According to data sent by the Central Election Commission in the previous regional elections the turnout vote was as follows: 2021 – 52.16%; 2017 – 45.86%; 2014 – 43.34%; 2006 – 48.26%.

³⁵ ISFED, ‘2025 Municipal Elections in Georgia. Assessment of the Pre-Election Environment’, August 2025, <https://isfed.ge/eng/saarchevno-angarishebi/saqartvelos-munitsipalitetis-organota-2025-tslis-archevnebis-tsina-periodis-garemos-shefaseba> (accessed 22/02/2025).

³⁶ Oral Testimony no. 1.

³⁷ The English version of TFI is available at <https://www.matsne.gov.ge/en/document/view/6171895?publication=0> (accessed 22/02/2026).

³⁸ Meeting at the Office of the Prime Minister, 18 February 2026; meeting at the Parliament of Georgia, 18 February 2026.

representing the interests of a foreign power. The National Agency of Public Registry was additionally obliged to keep a publicly available ‘registry of organizations pursuing the interests of a foreign power’.

61. The ‘foreign power’ is defined according to Article 3 TFI as any entity within the government system of a foreign State; any natural person who is not a citizen of Georgia; any legal person that has not been established under the legislation of Georgia; any organization (including a foundation, an association, a corporation, a union, or other type of organization) or other form of association of persons, which has been established under the law of foreign State and/or international law.
62. It is up to potentially affected entities to determine whether they meet the definition of ‘an organization pursuing interests of a foreign power’. If the source of income has not been identified (so e.g. it is not clear what is the source, or the source cannot be properly documented), the income is treated as coming from foreign power (Article 2(4)). In order to monitor compliance with the law, the Ministry of Justice is tasked with conducting monitoring and control. If, as a result of such a control, it determines that a given organization meets the definition but did not register, it applies for their registration ex officio. Such a registration as a result of the Ministry of Justice’s control, however, does not absolve the entity affected for incurring relevant sanctions.
63. Initially, as reported by the media, the majority of Georgian non-governmental organizations (NGOs) refused to register as organizations representing the interests of a foreign power, despite facing hefty fines.³⁹ The Rapporteur was informed by the Georgian Minister of Justice that, at the time of her visit to Tbilisi (17 February 2026), 385 organizations were registered.⁴⁰ According to the written information provided by the Georgian Ministry of Foreign Affairs (MFA) on 20 February 2026 (Annex VII), ‘none of the NGOs refusing to register in the foreign influence registry are fined.’
64. In total four constitutional lawsuits concerning the TFI were filed (N1828, N1829, N1834 and N1837) and accepted for the substantial consideration; the substantial consideration has not yet been conducted.⁴¹
65. On 21 October 2024, 120 civil society organizations, 16 media outlets and four individual applicants lodged an application to the ECtHR challenging the law. The application was communicated to the Georgian Government on 24 March 2025.⁴²

³⁹ EuroNews, ‘Majority of NGOs in Georgia refuse to register as ‘foreign agents’ under new law’; 10 September 2024, <https://www.euronews.com/2024/09/10/majority-of-ngos-in-georgia-refuse-to-register-as-foreign-agents-under-new-law> (accessed: 22/02/2026).

⁴⁰ Meeting at the Ministry of Justice, 17 February 2026.

⁴¹ Information provided by Georgian MFA on 20 February 2026 (Annex XXIV).

⁴² ECtHR, Communication of 24 March 2025, *Georgian Young Lawyers’ Association and Others v. Georgia*, application no. 31069/24.

The Foreign Agents Registration Act

66. The widespread defiance to the TFI prompted the Government to propose further legislative amendments, chief among them the Foreign Agents Registration Act (FARA).⁴³ FARA entered into force on 31 May 2025. Despite containing partially overlapping provisions, FARA did not formally repeal the TFI which results in both pieces of legislation being applicable in parallel. Prime Minister Irakli Kobakhidze informed the Rapporteur that the adoption of FARA was largely ‘a political act’ aimed at silencing the critique of the TFI.⁴⁴ In a similar vein, Speaker of the Parliament Shalva Papuashvili explained that because the TFI was widely branded as ‘the Russian law’, FARA was adopted as an almost direct copy of similar American legislation, so that it could not be dismissed as ‘Russian law’ anymore.⁴⁵
67. FARA introduces the category of an ‘agent of a foreign principal’, encompassing, among others, natural or legal persons acting under the order, request, direction, or control of a foreign principal and participating in political activities in Georgia, directly or through another person, for the benefit of or in the interest of a foreign principal. The notion of a ‘foreign principal’ is defined as the government of a foreign country or a foreign political party, legal or natural person who is outside of Georgia (except where an individual is a Georgian national or, for legal persons, when it is established and organized in accordance with the legislation of Georgia and their main place of business is in the territory of Georgia) or a group of partners, association, corporation, organization or other association of individuals whose activities are regulated by the law of a foreign country or whose principal place of business is in the territory of a foreign country.
68. FARA imposes on ‘agents of foreign principals’ complex registration, reporting and record keeping duties and provides for the duty to disclose the funding and to label any distributed materials as being distributed by ‘an agent of a foreign principal’. FARA also provides for administrative fines and criminal punishment, including imprisonment up to five years for a failure to comply with the duties it establishes.
69. FARA provides in Article 3 various exceptions from the obligation of registration, e.g. for engaging in private and non-political activities in furtherance of the bona fide trade or commerce of such foreign principal; or in other activities not serving predominantly the interests of a foreign country; or in activities that involve the collection of financial resources and other donations in Georgia to alleviate human suffering, solely for the purpose of collecting medical and humanitarian aid or clothing and food, if such activities are based on and do not contravene the international treaties of Georgia; or in relation to religious,

⁴³ See: Explanatory Note to the draft Foreign Agents Registration Act, <https://info.parliament.ge/file/1/BillReviewContent/381088> (accessed: 22/02/2026). The official translation into English is available at <https://matsne.gov.ge/en/document/view/6461578?publication=0> (accessed: 22/02/2026).

⁴⁴ Meeting at the Office of the Prime Minister, 18 February 2026.

⁴⁵ Meeting at the Parliament of Georgia, 17 February 2026.

educational or scientific activities only if person agrees to carry out or who carries out only such bona fide activities as religious, charitable, academic, scientific or artistic activities.

70. The Anti-Corruption Bureau (ACB) is able to relieve any subject from the obligation of registration (Article 2(5)), having in mind function, nature of the person's activities, national security and the public interest. The ACB adopted on 31 May 2025 an Order 'On the Exemption of Certain Persons from the Registration Obligation Without Prior Notification', which exempts diplomatic and consular missions and personnel, as well as members of the staff of international and/or bilateral financial institutions from the obligation of registration.
71. As stated by the Human Rights Watch in its submission under the Universal Public Review process, FARA 'obliged registered individuals or entities to submit to the authorities onerous annual financial declarations, with excessive required details, and two copies of any public statement within 48 hours of publication. Registered individuals and groups also had to mark their public statements with the 'foreign agent' label. Failure to register as a foreign agent or to provide the required information would lead to criminal fines and/or to a maximum five years prison sentence.'⁴⁶
72. The main differences between TFI and FARA are as follows:
 - a. TFI applies to legal entities who do not conduct commercial activities; broadcasters, legal entities who own or co-own printed media in Georgia, legal entities who own or co-own Internet domains or hosting for media distributing information in Georgian who meet the requisite level of income obtained from a foreign source; while FARA applies to natural and legal persons who meet the qualitative criterion of certain kind of relation (Article 1c FARA) to a 'foreign principal'.
 - b. FARA requires registration based on the kind of conduct, while TFI demands registration only when a certain level of foreign support (min. 20%) is reached;
 - c. FARA requires registration in advance, even before engagement in particular conduct, while TFI requires registration when the specified level of support from abroad is reached;
 - d. FARA provides for harsher sanctions for failing to comply with its provisions, including for a prison sentence up to 5 years; while TFI imposes only administrative fines;
 - e. FARA applies to persons pursuing 'political activity', defined as 'any activity carried out or to be carried out by a person with the belief or intention of exerting any influence on the government of Georgia, State institutions or any part of society, which will be directed towards the formation, adoption or change of the domestic or foreign policy of Georgia, as well as any activity that arises from the political or

⁴⁶ Human Rights Council, 'Summary of stakeholders' submissions on Georgia', 30 October 2025, A/HRC/WG.6/51/GEO/3, para. 15.

- public interests, approaches or relations of the government of a foreign country or a foreign political party'. TFI does not limit its scope to particular types of activities.
- f. TFI requires submission each year of the detailed financial statement to the National Agency of Public Registry; FARA does not require submission of financial statements, but it requires 'agents of foreign principals' to maintain the financial documentation which must be available at any reasonable time to the authority responsible for the enforcement of the Law.
 - g. FARA refers to the term 'foreign principal', while TFI refers to 'foreign power'. Both terms are very similarly defined; however, FARA treats as foreign principals also those entities which have been established under the legislation of Georgia but whose main activities take place on the territory of a foreign State.
73. The Government has not, at the time of writing of this report, implemented the system of systemic verification of the status of NGOs or other subjects. However, there are examples of the targeted use of TFI or FARA against individual organizations in order to get access to data of particular legal entities if their workers or collaborators took part in the protests described below.⁴⁷ Some organizations, like the Media Development Foundation (conducting literacy/education programmes), were warned of criminal liability for failure to register as 'agents' under FARA and approached for explanations for not registering. The law grants the Anti-Corruption Bureau access to the internal documents, including sensitive personal data of beneficiaries, staff, and partners.⁴⁸ Taking into account the eventual disclosure obligations, a significant number of workers/collaborators decided to resign from cooperation with organizations that might be covered by TFI or FARA.⁴⁹
74. FARA was challenged in the Georgian Constitutional Court (Constitutional lawsuit no. 1865).⁵⁰ At the time of submission of this report, the case is still pending.⁵¹ In the meantime, the media report that many Georgian NGOs refused to register as 'an agent of a foreign principal' under the new law, and, as a result, faced formal notices from the ACB in which they were threatened with criminal sanctions.⁵² However, according to the information provided by the Georgian MFA on 20 February 2026 (Annex XXV): 'to date, not a single individual or organization has been fined or otherwise sanctioned under FARA. Neither has

⁴⁷ Written Testimony no. 43.

⁴⁸ MDF, 'Legal Response of the Media Development Foundation to the Anti-Corruption Bureau: Why Their Actions Are Unlawful', 22 August 2025, <https://mdfgeorgia.ge/en/legal-response-of-the-media-development-foundation-to-the-anti-corruption-bureau-why-their-actions-are-unlawful/> (accessed 22/02/2026).

⁴⁹ Oral Testimony 4.

⁵⁰ Civil Georgia, 'GYLA Challenges FARA in Constitutional Court', 2025, <https://civil.ge/archives/683201> (accessed: 22/02/2026).

⁵¹ Information provided by Georgian MFA on 20 February 2026, Annex XXIV.

⁵² Caucasus Watch, 'Georgian Watchdogs Face First Direct Crackdown Under New "Foreign Agents" Law', 2025, <https://caucasuswatch.de/en/news/georgian-watchdogs-face-first-direct-crackdown-under-new-foreign-agents-law.html> (accessed: 22/02/2026).

the Bureau forwarded any materials to the relevant investigative bodies for the purposes of initiation of criminal proceedings.’

Amendments to the Law on Grants

75. Two amendments to the Law on Grants were adopted and entered into force on 16 April 2025 and 12 June 2025.⁵³ The amendments prohibit the granting of foreign funding without prior governmental approval (Articles 5¹, 6¹, 6², 6³, 6⁴). Accepting a foreign grant without prior authorization is prohibited and punishable by a fine of double of the amount of the grant in question. The Speaker of the Parliament explained to the Rapporteur that these amendments were the result of the limited impact of the TFI and FARA.⁵⁴ He also stressed that the aim of introduction of the Law on Grants was to, this time, also affect the donors, not only the grantees.
76. The current definition of a foreign grant is broad enough to include any transfer of knowledge or technical assistance in the form of sharing technology, specialized knowledge, skills, expertise and/or other types of assistance (Article 2(1³)).
77. The Law on Grants is not applied to ‘grants issued by an international sports association, federation or committee, to individual financial assistance issued for general education, higher education and scientific work outside Georgia, nor to grants issued within the framework of Research and Innovation Program Horizon Europe, EU Programme Erasmus+, nor grants issued by the German Academic Exchange Service DAAD, nor to grants issued within the framework of the Programme Creative Europe between Georgia and European Union.’ (Article 5¹(3)). This exception was introduced in June 2025 in response to concerns expressed by the education sector.
78. As a result of the adoption of the Law on Grants numerous donors decided to halt direct financial support for Georgian NGOs. The scarcity of funding negatively affected the scope of activities and overall capacity of various NGOs. For instance, the Georgian Charter of Journalistic Ethics was not able to monitor local elections of 2025 due to the lack of funds it would usually receive for this purpose.⁵⁵ Having in mind that the Georgian government did not extend an invitation to the OSCE in due time to observe the 2025 elections, the mentioned example is worth emphasizing.
79. The Law on Grants (Article 6¹(3)(d)) authorizes the ACB to request documentation concerning ‘necessary information, including personal data of a special category, and information containing other personal data and secrets’. This means that the subjects

⁵³ English version of the regulation available at <https://matsne.gov.ge/en/document/download/31510/35/en/pdf> (accessed 22/02/2026).

⁵⁴ Meeting at the Parliament of Georgia, 17 February 2026.

⁵⁵ Centrum Mieroszewskiego, ‘Nie ten sam kraj? Przegląd zmian legislacyjnych w Gruzji po 2024 roku oraz studium przypadków organizacji pozarządowych działających w warunkach ograniczenia wolności’, 2025, p. 14.

covered by the Law on Grants may potentially be obliged to reveal all information about their beneficiaries and cooperators.

80. Based on Article 6³, the ACB is authorized to 'seize the property of an offender (including bank accounts) in proportion to the penalty for the commission of the said administrative offence. The seizure shall enter into force immediately and shall be submitted to a district court for confirmation together with the protocol of an administrative offence.' A seizure based on ACB decision may take place only 'if there are circumstances that may impede the execution of a penalty'. Then a district court ought to make a decision whether it confirms the decision of the ACB (the Law prescribes a short timeframe of 15 days +15 days in the case of appeal). Special rules apply to the pre-election period, when, for example, the court needs to issue a decision concerning confirmation of the protocol of offence within 5 days, but there is only 72 hours to appeal the court's decision. In addition, the decision on seizure must be issued within 48 hours from the moment of the submission of the case and the decision may be appealed also only within 48 hours.
81. In addition, the Director of the ACB may request the Court of Tbilisi to register a particular subject as a 'foreign agent' because of the alleged violations of the Law on Grants.
82. According to Article 6⁴(4), violations of the Law on Grants may be punished with imprisonment of up to six years.
83. The Law on Grants was challenged in the Constitutional Court.⁵⁶
84. The Prime Minister informed the Rapporteur that if the grant in question 'does not have a political content' the approval is granted. He also claimed that 97% of those who applied had their grants approved.⁵⁷ According to the information provided by the Georgian MFA on 20 February 2026 (Annex XIV): 'Following the entry into force of the new regulations (from April 16, 2025, to February 12, 2026), a total of 133 grant applications were submitted to and registered with the Government of Georgia, with a combined budget of GEL 44.6 million. Of these, 111 applications were reviewed, and approval was granted for 99% of them, amounting to a total budget of approximately GEL 34.5 million.'
85. On 28 January 2026 the amendments were tabled which require the government approval for any kind of transfer of funding, payment of salaries and consultancy fees, or in-kind support linked to 'political activity' ('activities on issues related to Georgia, which are used or may be used in the belief or intention of exerting any influence on the Georgian government, state institutions, or any part of society, for activities carried out or to be carried out, which are aimed at forming, implementing, or changing the domestic or foreign policy of Georgia, as well as for activities that are used or may be used for activities that stem from the political or public interests, approaches, or relations of the government of a foreign

⁵⁶ Georgian Young Lawyers Association, 'GYLA urges the Constitutional Court to examine in a timely manner the constitutional lawsuits filed regarding the "Law on Grants" and to suspend the operation of the disputed norms', 2025, <https://www.gyla.ge/en/post/GYLA-grantebisshesaxeitkanoni-sakonstitucio-sarcheli> (accessed: 22/02/2026).

⁵⁷ Meeting at the Office of the Prime Minister, 18 February 2026.

country or a foreign political party’).⁵⁸ In consequence, almost any kind of cooperation with foreign institutions on matters of broadly understood politics will require the previous Government approval. The draft amendments also introduce the concept of a ‘legal entity of another state whose activities involve substantive engagement with issues related to Georgia’ which may receive grants only upon the government’s approval. As was explained by the government, ‘an organization registered abroad but carrying out activities mostly in Georgia would be required to apply to the Government of Georgia in order to receive funding.’⁵⁹ The draft law was criticized by, among others, the CoE Commissioner for Human Rights.⁶⁰ Additionally, an aggravating circumstance was added to Article 194 of the Criminal Code of Georgia: money laundering carried out for the purpose of engaging in activities related to political matters concerning Georgia, punishable by imprisonment for a term of 9 to 12 years.⁶¹ The draft law also establishes criminal liability for senior officials of political parties who violate the Organic Law of Georgia On Political Associations of Citizens, in particular by receiving foreign funding. Such a violation will result in a fine, community service ranging from 300 to 500 hours, or imprisonment for up to 6 years.⁶²

Amendments to the Law on Broadcasting

86. The amendment to the Law on Broadcasting entered into force on 2 April 2025.⁶³ The amendment bans any ‘foreign power’ funding (direct or indirect, in the form of a sum of money or another tangible good having a property value) to broadcasting media, with the exception of commercial advertising (Article 66¹). The same provision also provides that the purchasing of a broadcaster’s services (except for a commercial advertisement and placement of products (goods/services) in a programme) and/or direct or indirect funding and/or co-financing of programme preparation and/or its broadcasting on air by foreign powers is prohibited.

⁵⁸ <https://parliament.ge/media/news/parlamentshi-grantebis-shesakheb-kanonshi-tsvlilebebis-gankhilva-itsqeba;https://www.amnesty.org/en/latest/news/2026/02/georgia-ruling-party-proposes-laws-to-criminalize-foreign-funding-for-civic-activity/> (accessed 22/02/2026); see also Eurasianet, ‘Georgian Dream moves to jail critics over foreign grants’, 30 January 2026, <https://eurasianet.org/georgian-dream-moves-to-jail-critics-over-foreign-grants> (accessed 22/02/2026).

⁵⁹ Civil Georgia, ‘GD Announces New Restrictions on Receiving Grants, Party Membership, ‘External Lobbying’, 28 January 2026, <https://civil.ge/archives/719193> (accessed 22/02/2026); InterpressNews, ‘Package of legislative amendments related to grants and political activity has been initiated in Parliament and referred to committees for consideration - the changes cover seven laws’, 29 January 2026, <https://www.interpressnews.ge/en/article/145375-package-of-legislative-amendments-related-to-grants-and-political-activity-has-been-initiated-in-parliament-and-referred-to-committees-for-consideration-the-changes-cover-seven-laws> (accessed 22/02/2026).

⁶⁰ Commissioner for Human Rights, ‘Georgian Parliament should reject amendments stifling civil society’, 2 February 2026, <https://www.coe.int/en/web/commissioner/-/georgian-parliament-should-reject-amendments-stifling-civil-society> (accessed 22/02/2026).

⁶¹ <https://parliament.ge/media/news/parlamentshi-grantebis-shesakheb-kanonshi-tsvlilebebis-gankhilva-itsqeba> (accessed 22/02/2026).

⁶² Information sent by Georgian MFA to the Rapporteur on 20 February 2026, Annex XIV.

⁶³ The Rapporteur refers to the version of the Law available at <https://matsne.gov.ge/en/document/view/32866?publication=81> (accessed: 22/02/2026).

87. The foreign power is defined in the Law on Broadcasting in the same way as in TFI.
88. In addition, the new version of Article 54 of the Law on Broadcasting prohibits broadcasters from covering in a news or social and political programme information reflecting political or another confrontation, or current issues of public policy based on personal attitude or opinion of the broadcaster. A broadcaster may not express any viewpoints supporting or opposing any political party, social or religious association, or another interest group. The same Article 54 states that ‘[i]nvitation of only one interested party in a programme for a comprehensive study of a specific viewpoint regarding a topical issue may not be used as a means to attack groups that do not participate in the programme.’ In addition, the broadcaster is responsible for selection of incoming calls in compliance with the principle of fairness, as ‘it shall be inadmissible to express only one point of view to prevent the manipulation of public opinion by such calls.’ In consequence, the mentioned provision obliges the broadcaster to present equally different political opinions. It is also prohibited to present opinions supporting a political party, public association, religious or interest group or those who oppose it.
89. During the meeting on 18 February 2026, members of the Communications Commissions admitted that the Commission was advocating in favour of the current wording of Article 54. At the same time, they claimed that it was only codified in 2025, but was earlier a part of ‘code of conduct’. They also claimed that in the limited cases brought to the Commission on the basis of this provision, even if violation was established, no sanction was imposed. Members of the Commission also claimed to be organizing information campaigns for the broadcasters to clarify the provision and its application.⁶⁴
90. Two Constitutional lawsuits (No. 1801 and No. 1841) have been filed and accepted for the substantial consideration; the substantial consideration has not yet been carried out.⁶⁵

Amendments to the Law on Political Associations of Citizens

91. In April 2025, the amendment to the Law on Political Associations of Citizens took effect.⁶⁶ It introduced new restrictions on possible forms of support received by the political parties (Article 26¹). The Venice Commission provides the example of seminars or lectures organized free of charge as a new kind of prohibited support.⁶⁷
92. According to the amendments proposed in January 2026, a person who is employed under an employment contract in an organization whose annual income exceeds 20% from a

⁶⁴ Meeting at the Communication Commission, 18 February 2026.

⁶⁵ Information provided by Georgian MFA, 20 February 2026, Annex XXIV.

⁶⁶ The Rapporteur refers to the version available at <https://matsne.gov.ge/en/document/view/28324?publication=44> (accessed 22/02/2026)

⁶⁷ European Commission for Democracy Through Law (Venice Commission), ‘Opinion on the Law on the Registration of Foreign Agents, the Amendments to the Law on Grants and Other Laws Relating to “Foreign Influence”’, 15 October 2025, para. 20, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2025\)034-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2025)034-e) (accessed: 22/02/2026).

foreign source is prohibited from being a member of a political party for 8 years.⁶⁸ Additionally the head of a political party who receives foreign funding could face imprisonment up to 6 years.⁶⁹

C. Laws pertaining to so-called family values and rights of LGBT+ individuals

93. In September 2024, the parliament adopted the Law on Family Values and the Protection of Minors. The draft of this law was tabled in June 2024, as part of a legislative package that also included a draft constitutional law. The Draft Constitutional Law on the Changes to the Constitution and the Draft Constitutional Law on Protection of Family Values and Minors was opined on, among others, by the Venice Commission.⁷⁰ The draft constitutional law was not, in the end, adopted. However, essentially the same subject matter is tackled, though in more detail, by the ordinary bill commented upon here.
94. The law essentially equates, for its purposes, same-sex relationships and transgender identity with incest. In so doing, it prohibits the ‘popularization’ of all, including in broadcasting, education and during public gatherings. The law also bans gender-affirming care, including through surgical intervention, indication in civil acts and identity documents of a sex different than the one assigned at birth, same-sex marriage and legal recognition of same-sex relationships other than marriage, and adoption by LGBT+ couples or individuals.
95. The Prime Minister informed the Rapporteur that the law was not intended to stigmatize anybody, and that the Georgian government and society were tolerant. He justified the adoption of the law by demographics which, according to him, was negatively affected by ‘certain ideologies’.⁷¹ The Speaker of the Parliament defended the law by reference to the recent Court of Justice of the European Union (CJEU) judgement in the case of *Jakub Cupriak-Trojan and Mateusz Trojan v. Wojewoda Mazowiecki* in which the Court held that there was an obligation under the EU law to recognize same-sex marriage concluded in a different EU Member State.⁷² According to the Speaker, Georgia was not comfortable with that judgement since marriage, under the Georgian Constitution, is understood to be a

⁶⁸ <https://parliament.ge/media/news/parlamentshi-grantebis-shesakheb-kanonshi-tsvlilebebis-gankhilva-itsqeba> (accessed 22/02/2026).

⁶⁹ CSO Meter, ‘Georgia: GD announces a batch of new changes to repressive laws to further limit access to funding for CSOs’, <https://csometer.info/updates/georgia-gd-announces-batch-new-changes-repressive-laws-further-limit-access-funding-csos>, (accessed 22/02/2026).

⁷⁰ Venice Commission, ‘Opinion on the Draft Constitutional Law on Protecting Family Values and Minors’, 25 June 2024, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)021-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)021-e) (accessed: 22/02/2026).

⁷¹ Meeting at the Office of the Prime Minister, 18 February 2026; OC Media, ‘Kobakhidze blames ‘liberal ideology’ for declining birth rates’, 2026., <https://oc-media.org/kobakhidze-blames-liberal-ideology-for-declining-birth-rates/> (accessed: 22/02/2026).

⁷² CJEU, Judgement of 25 November 2025 (Grand Chamber), *Jakub Cupriak-Trojan and Mateusz Trojan v. Wojewoda Mazowiecki*, C-713/23, ECLI:EU:C:2025:917.

union between a man and a woman.⁷³ Both the Prime Minister and the Speaker dismissed arguments relating to the ECtHR's jurisprudence since the relevant judgements concerning recognition of same-sex relationships (e.g., *Fedotova and Others v. Russia*)⁷⁴ were not handed down in the cases of Georgia and thus did not establish a breach on Georgia's part. The Speaker also believed that the law in question was fully in line with the Georgian Constitution.⁷⁵

96. As can be inferred from authoritative UN documents and ECtHR case-law, the law in question constitutes yet another development in the already oppressive atmosphere surrounding the LGBT+ community in Georgia. The Human Rights Committee, for example, expressed its concern about 'the reported prevalence of discrimination, harassment, intimidation and attacks against lesbian, gay, bisexual and transgender persons, advocates for their rights and journalists' and about 'reports of homophobic and transphobic rhetoric being conducted with impunity by politicians, other public officials and religious figures.'⁷⁶ ECtHR, on its part, has ruled in the past on the failure of the Georgian authorities to prevent homophobic and transphobic violence committed by private persons,⁷⁷ as well as on homophobic and transphobic intent behind abusive treatment by the Georgian police.⁷⁸ Past violent attacks on Tbilisi Pride events and cancellation of the 2024 Pride in-person events on account of 'concerns over potential violence and hate rhetoric, compounded by introduction of the anti-LGBT legislation'⁷⁹ seem to confirm the extremely limited space for LGBT+ individuals in Georgia and dangers associated with expressing sexual orientation or gender identity that does not conform to prevailing sexual and gender norms. When confronted with the matter of violence against LGBT+ individuals, the Prime Minister said that he was not aware of such situations and he assured the Rapporteur that if an individual targeted by such an action were to report it, the authorities would act accordingly.⁸⁰

D. Amendments to other laws

97. The crime of high treason (Article 307¹ of the Criminal Code) was reintroduced in April 2025 and is defined as: 'commission by a citizen of Georgia or a stateless person with a status

⁷³ Meeting at the Parliament of Georgia, 17 February 2026.

⁷⁴ ECtHR, Judgement of 17 January 2023 (Grand Chamber), *Fedotova and Others v. Russia*, 40792/10 30538/14 43439/14.

⁷⁵ Meeting at the Office of the Prime Minister, 18 February 2026; meeting at the Parliament of Georgia, 17 February 2026.

⁷⁶ Human Rights Committee, 'Concluding observations on the fifth periodic report of Georgia', 13 September 2022, CCPR/C/GEO/CO/5, para. 17.

⁷⁷ ECtHR, Judgement of 12 May 2015, *Identoba and Others v. Georgia*, 73235/12.

⁷⁸ ECtHR, Judgement of 8 October 2020, *Aghdgomelashvili and Japaridze v. Georgia*, 7224/11.

⁷⁹ Human Rights Watch, 'Georgia: Events of 2024', 2025, <https://www.hrw.org/world-report/2025/country-chapters/georgia> (accessed: 22/02/2026).

⁸⁰ Meeting at the Office of the Prime Minister, 18 February 2026.

in Georgia of any of the crimes provided for by Article 308, 309, 310, 311, 312, 313, 314, 315, 318 or 319 of this Code (...)' . Criminal liability for high treason shall be defined under an appropriate article with reference to this Article. Allegedly, the new version of the crime may encompass cooperation with foreign institutions (in contravention of TFI or FARA), in particular in relation to Article 318 (Sabotage) and 319 (Assistance to a Foreign Country) of the Criminal Code. Nevertheless, at the moment of writing of this report, it seems that charges related to the crime of high treason are brought less frequently than those on anti-money-laundering laws, sabotage or assistance to a foreign country, foreign organization or an organization controlled by a foreign State in hostile activities.

98. The references to 'gender' or 'gender identity' were eliminated from various Georgian laws, including the Criminal Code, based on various amendments adopted on 19 February 2025.⁸¹ In the previous version of the Criminal Code, commission of hate crimes on the basis of gender or gender identity was considered as an aggravating factor (Article 53¹(1)).
99. According to the amendments tabled in January 2026, a new administrative offence will be introduced to the 'Code of Administrative Offences' for the conduct of public political activity by an entrepreneurial entity that is not related to its main entrepreneurial/business activity.⁸²
100. In June 2025 the Law on Freedom of Speech and Expression was amended and changes to the regulation of defamation were introduced. Among those changes is the shifting of the burden of proof on the defendant who must prove that the allegedly defamatory statement is not false to absolve themselves from liability.⁸³
101. On 13 December 2024, amendments to the Law on Assemblies and Manifestations were adopted. According to those amendments, a ban on the use of masks, lasers, and pyrotechnics by protesters was introduced.⁸⁴ Subsequent amendments to the Law on Assemblies and Manifestations were adopted in February 2025⁸⁵ and, among others, they introduced the obligation to obtain the consent of the owner of the building in case of the assembly in the closed space and the ban of blocking 'bridges, tunnels, overpasses, and transport hubs designated by the municipality'. Simultaneously, the amendments to the Code of Administrative Offences were introduced to raise sanctions for violations of protest related regulations.⁸⁶

⁸¹ CSO Meter, 'Georgia: GD's proposed changes pose a major threat to civil society and media', <https://csometer.info/updates/georgia-gds-proposed-changes-pose-major-threat-civil-society-and-media> (accessed: 22/02/2026).

⁸² CSO Meter, 'Georgia: GD announces a batch of new changes to repressive laws to further limit access to funding for CSOs', <https://csometer.info/updates/georgia-gd-announces-batch-new-changes-repressive-laws-further-limit-access-funding-csos>, (accessed 22/02/2026).

⁸³ <https://matsne.gov.ge/ka/document/view/6544501?publication=0> (accessed 22/02/2026).

⁸⁴ The text available at <https://matsne.gov.ge/ka/document/view/6330362?publication=0> (accessed 22/02/2026).

⁸⁵ <https://matsne.gov.ge/ka/document/view/6407621?publication=0> (accessed 22/02/2026).

⁸⁶ <https://info.parliament.ge/#law-drafting/30044> (22/02/2026); see also Panel of Experts on Freedom of Assembly and Association, 'Urgent Opinion on the Amendments to the Law on Assemblies and Demonstrations, The Code of Administrative Offences and the Criminal Code of Georgia (as adopted on 6 February 2025)', Warsaw, 6 March 2025,

102. In October 2025, the parliament adopted further restrictions on the freedom of assembly, according to which more severe administrative and criminal penalties were introduced, as well as mandatory, longer detention for some protest-related violations (such as blocking of roadways), and criminal imprisonment where a person involved has a record of committing these offences.⁸⁷ These amendments were challenged by the Ombudsman in the Constitutional Court in January 2026.⁸⁸
103. In December 2025, the amendment was introduced according to which obstructing the movement of people is punished with detention (this applies also to sidewalks) of up to 20 days. Additionally, any planned assemblies need to be notified to the police in advance. Spontaneous assemblies are thus not permitted. Failure of appropriate notice, or not complying with the instruction to clear roads or sidewalks is punishable by detention of up to 20 days, and those who repeat these offences, may be punished by up to one year in prison.⁸⁹

E. Reforms of the judicial system and related reforms

104. Concerns related to the independence of the Georgian judiciary predate the period covered by this mandate. Those concerns are reflected in, among others, successive opinions of the Venice Commission.⁹⁰

Opinion-Nr.: FOPA-GEO/536/2025 [TN], https://legislationline.org/sites/default/files/2025-03/2025-03-06%20FINAL%20ODIHR%20Urgent%20Opinion%20on%20Amendments%20on%20FoPA_Georgia_ENGLIS_H.pdf (accessed 22/02/2026).

⁸⁷ <https://info.parliament.ge/file/1/BillReviewContent/400558> (accessed 22/02/2026); <https://info.parliament.ge/file/1/BillReviewContent/400556> (accessed 22/02/2026). See also Civil Georgia, 'Georgian Dream Adopts Harsher Penalties For Protest Offenses' 16 October 2025, <https://civil.ge/archives/706463> (accessed 22/02/2026).

⁸⁸ 'Public Defender Challenges Protest-Related Restrictions, Penalties in Constitutional Court', 20 January 2026, <https://civil.ge/archives/717989> (accessed 22/02/2026); see also <https://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsveli-shekrebibisa-da-manifestatsiebis-chatarebis-testan-dakavshirebul-akrdzalvebsa-dapasukhismgeblobis-normebs-sakonstitutsio-sasamartloshi-asachivrebs> (accessed 22/02/2026); and Panel of Experts on Freedom of Assembly and Association. Urgent Opinion on the Amendments to the Code of Administrative Offences and the Criminal Code of Georgia (as adopted on 16 October 2025), Warsaw, 12 November 2025, Opinion-Nr.: FOPA-GEO/564/2025, <https://www.osce.org/sites/default/files/f/documents/4/1/601503.pdf> (accessed 22/02/2026).

⁸⁹ Civil Georgia, 'UPDATE: Protester Says Judge Dismissed 'Sidewalk' Case After Finding 'Elements of Criminal Offense'', 9 January 2026, <https://civil.ge/archives/716868> (accessed 22/02/2026).

⁹⁰ Venice Commission, 'Georgia: Urgent Opinion on the Selection and Appointment of Supreme Court Judges,' 24 June 2019, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)009-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)009-e) (accessed: 22/02/2026); Venice Commission, 'Georgia: Opinion on the Draft Organic Law Amending the Organic Law on Common Courts', 8 October 2020, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)021-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)021-e) (accessed: 22/02/2026); Venice Commission, 'Georgia: Urgent Opinion on the Amendments to the Organic Law on Common Courts', 2 July 2021, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)020-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)020-e) (accessed: 22/02/2026); Venice Commission, 'Georgia: Opinion on the December 2021 Amendments to the Organic Law on Common Courts', 20 June 2022, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)010-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)010-e) (accessed: 22/02/2026); Venice Commission, 'Georgia: Follow-up Opinion to Four Previous Opinions Concerning the Organic Law on Common Courts', 14 March 2023, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)006-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)006-e) (accessed: 22/02/2026).

105. From the analysis of successive reforms and their critiques, it can be inferred that the crux of the problems related to judicial independence in Georgia lies in the systemic control exercised over it by the High Council of Justice (HCoJ). The HCoJ has exercised sweeping powers over individual judges, relating, among others, to their appointment (including Supreme Court Justices), promotion, secondment and disciplinary proceedings. The Venice Commission reported the persistent claims of corporatism within the HCoJ, that is, conduct motivated primarily by the self-interest of the group of judges exercising decisive control over the system rather than safeguarding the judiciary's impartiality and independence. Those concerns of the Venice Commission are encapsulated in the following statement:

'Venice Commission would like to emphasise that a council for the judiciary such as the HCoJ should ultimately exercise its powers to protect judicial independence and the efficiency and quality of justice in a way that reinforces public confidence in the justice system. Public confidence in the justice system would suffer if a council for the judiciary is perceived to act out of self-interest, self-protection and cronyism.'⁹¹

106. During the meeting at the High Council of Justice on 17 February 2026, members of the HCoJ dismissed the claims relating to cronyism as misinformed and insulting. They also suggested that the Venice Commission was provided with false information by politically motivated sources. They emphasized that the HCoJ is never arbitrary and always proceeds in accordance with the requirements of Article 6 ECHR. For instance, they claimed that no judge was ever seconded against their will. In addition, according to the written information provided by Georgian MFA on 20 February 2026 (Annex XXI), '[f]rom 1 March 2024 to 18 February 2026, no disciplinary sanctions have been imposed on any judge.' and '[s]ince the entry into force of the provision on transferring a judge without consent, introduced under Article 371 of the Organic Law of Georgia on Common Courts, no judge has been transferred to another court without his or her consent to date (18 February 2026).'

107. Moreover, a public opinion survey commissioned by the HCoJ was cited by its members to emphasize that trust in the judiciary was high among the Georgian population.⁹² The survey (provided by the MFA to the Rapporteur on 20 February 2026 as Annex V) was conducted July/August 2024 by IPSOS France and indicates that 37% of the participants had complete trust in the judiciary system, while 27% did not have such trust at all. Moreover 61% rated the independence of Georgian courts as either fairly good (51%) or very good (10%). The Rapporteur notes that the survey was conducted before the mass protests and the related repression policy described below.

⁹¹ Venice Commission, 'Georgia: Opinion on the December 2021 Amendments to the Organic Law on Common Courts', para. 61. See also Georgian Court Watch, 'Factors Encouraging Nepotism and Cronyism in the Judiciary of Georgia (2022).

⁹² Meeting at the High Council of Justice, 17 February 2026.

108. According to the information obtained under this mandate from civil society groups, HCoJ is perceived as a pillar allowing the authorities to control the system of judiciary. According to the interviewees, it is well-positioned to exercise this control by, among others, arbitrary initiation of disciplinary proceedings, which, in turn, exerts a broader chilling effect.⁹³ During the meeting with the opposition leaders, a statement was made according to which there is no substantial difference whether a given decision is made by the legislative, executive or the judiciary, as neither is really independent and the judiciary is simply the government's tool.⁹⁴
109. Amendments to the Law on Common Courts adopted in 2025 introduced changes which seem to further obfuscate transparency of the HCoJ. Among others, they dispense with the obligation to publish the evaluation of judicial candidates undergoing nomination procedures. Furthermore, the voting on judicial candidates now takes place behind closed doors, instead of at public hearings. Georgian Association of Young Lawyers reports that, in recent years, the HCoJ became a 'fully closed institution'. According to the organization, it is practically impossible to access its premises or to obtain public information from it.⁹⁵
110. During the meeting at the HCoJ, members emphasized that those amendments were adopted by expedited procedures and the HCoJ did not have a meaningful opportunity to participate in their drafting. At the same time, members did not find these amendments unconstitutional. They also insisted that the HCoJ always provides access to public information, whenever the information in question is indeed public and subject to disclosure.⁹⁶
111. Similar transparency issues seem to pertain to the common courts. In 2025, a near complete ban on photo and video documentation of court proceedings was introduced.⁹⁷ As the Rapporteur learnt from interviews, journalists and other observers have encountered problems accessing the room of the Court or receiving the Court's decisions.⁹⁸ Members of the HCoJ defended these amendments as guaranteeing order in the courtroom. They claimed that media presence had been used in the past to disrupt the proceedings. In addition, they stressed that it is a standard procedure to record the court proceedings and so the presence of the media is not needed.⁹⁹

⁹³ Oral Testimony no. 4.

⁹⁴ Meeting with political opposition leaders, 18 February 2026.

⁹⁵ Georgian Association of Young Lawyers, 'Justice System Briefing Note on Challenges of the Justice System in Georgia: Key Developments Since Spring 2024 Submitted to the OSCE Human Dimension Mechanism (February, 2026)', 2026, https://admin.gyla.ge/uploads_script/publications/pdf/6.BN%20to%20OSCE%20MM%20-%20Challenges%20of%20the%20Justice%20System.pdf (accessed: 22/02/2026), p. 5.

⁹⁶ Meeting at the High Council of Justice, 17 February 2026.

⁹⁷ Georgian Association of Young Lawyers, 'Justice System Briefing Note on Challenges of the Justice System in Georgia: Key Developments Since Spring 2024 Submitted to the OSCE Human Dimension Mechanism (February, 2026)', p. 6.

⁹⁸ Oral Testimony no. 4; Oral Testimony no.16.

⁹⁹ Meeting at the High Council of Justice, 17 February 2026.

112. In September 2025, the Independent Inspector's Service and the position of the Independent Inspector were abolished. The Independent Inspector was responsible for the preliminary conduct of disciplinary proceedings against judges. The HCoJ thus overtook functions of the Independent Inspector.¹⁰⁰ Members of the HCoJ assessed this change as rather symbolic, since the Independent Inspector only conducted some preliminary work in disciplinary proceedings with the cases being taken over by the HCoJ at later stages anyway.¹⁰¹
113. In June 2025, amendments to the Law on the Prosecutor's Office were also adopted. According to the new version of the law, in the process of the selection of candidates for the position of Prosecutor General, legal experts and CSO representatives are not consulted.¹⁰² In June 2025, a new Prosecutor General was appointed by simple majority, after the predecessor stepped down.¹⁰³
114. The Special Investigation Service tasked with the investigation of abuses committed by law enforcement officials was dissolved as of 1 July 2025 and the authority to investigate these matters was transferred to the Prosecution Service of Georgia.¹⁰⁴ The Deputy Prosecutor General assessed this change positively as the prosecution possesses much greater resources and experience and is thus better suited to conduct effective investigations.¹⁰⁵ However, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment stressed that:

'the Committee is very concerned about the steps to abolish the Special Investigation Service (SIS) and transfer its functions back to the Prosecutor's Office. The CPT recalls that the setting up of an independent mechanism to investigate allegations of ill-treatment by law enforcement officials has been a long-standing recommendation by the Committee and other international actors, the reason being the perceived lack of efficiency of investigations into such allegations carried out by the Prosecutor's Office. Abolishing an independent investigation body, rather than strengthening it,

¹⁰⁰ InterpressNews, 'The so-called Independent Inspector's Service and the position of Independent Inspector within the judicial system are being abolished', 25 June 2025, <https://www.interpressnews.ge/en/article/140703-the-so-called-independent-inspectors-service-and-the-position-of-independent-inspector-within-the-judicial-system-are-being-abolished/>, (accessed: 22/02/2026).

¹⁰¹ Meeting at the High Council of Justice, 17 February 2026.

¹⁰² Georgian Public Broadcasters, 'New Procedure: Prosecutorial Council members to solely nominate Prosecutor General', 6 June 2026, <https://1tv.ge/lang/en/news/new-procedure-prosecutorial-council-members-to-solely-nominate-prosecutor-general/>, (accessed: 22/02/2026); Rustavi2, 'Law on the Prosecutor's Office is being amended - amendments have already been initiated in Parliament', 6 June 2025, <https://rustavi2.ge/en/news/316281>, accessed: 22/02/2026).

¹⁰³ OC Media, 'Giorgi Gvarakidze appointed new Georgian Prosecutor General', 25 June 2025, <https://oc-media.org/giorgi-gvarakidze-appointed-new-georgian-prosecutor-general/> (accessed 22/02/2026).

¹⁰⁴ Social Justice Center, 'The dissolution of the Special Investigation Service constitutes the formal institutionalization of impunity for law enforcement officers', <https://socialjustice.org.ge/en/products/spetsialuri-sagamodziebo-samsakhuris-gaukmeba-samartaldamtsavebis-dausjelobis-saboloo-institutsiuri-gaformebaa-sotsialuri-samartlianobis-tsentrishefaseba> (accessed 22/02/2026).

¹⁰⁵ Meeting at the Prosecution Service, 18 February 2026.

appears to be going in the exactly opposite direction to that long advocated by the CPT.¹⁰⁶

115. From March 2026 the Anti-Corruption Bureau will cease to exist and its mandate will be transferred to the State Audit Office (Monitoring of asset declarations, monitoring of political finances, Enforcement of the Law of Georgia – Foreign Agents Registration Act, Enforcement of the Law of Georgia on Grants, promotion of ethics and integrity in public service, protection of whistleblowers, awareness raising on the fight against corruption) and the Government of Georgia (drafting and adoption of general policy documents on the fight against corruption; drafting, adoption and implementation of the national Anti-Corruption Strategy and Action Plan).¹⁰⁷

F. Reform of the System of Higher and General Education

116. In October 2025, the Georgian government announced the programme of the higher education reform which includes changes to university funding and the geographical redistribution of faculties. According to the government there is an ‘excessive geographical concentration’ of the higher education institutions, in particular in Tbilisi,¹⁰⁸ resources are used in an irrational way, and the quality of teaching is uneven across universities. The Prime Minister Irakli Kobakhidze also indicated on a ‘disorganized personnel policy’, a ‘flawed funding system’, ‘weak link between higher education priorities and labour market demands’, as well as the lack of modern-standard academic programmes, and infrastructural issues, as justifying the reform.¹⁰⁹ This announcement sparked criticism as some argued that redistribution of faculties really aims to disperse large numbers of students who have actively participated in the protests.¹¹⁰ The proposed amendments were adopted by the parliament in February 2026.¹¹¹
117. In January 2026, the Education Minister Givi Mikanadze announced the merger of two of Georgia’s higher education institutions — Ivane Javakhishvili Tbilisi State University (TSU) and the Georgian Technical University (GTU).¹¹² Students and academics protested

¹⁰⁶ CPT, ‘Report’, 18 February 2026, CPT/Inf (2026) 06, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2024/2025-visit-to-georgia> (accessed 22/02/2026), p. 5.

¹⁰⁷ Information provided by Georgian MFA to the Rapporteur, 20 February 2026 (Annex XXV).

¹⁰⁸ <https://mes.gov.ge/uploads/files/umaglesi-ganatlebis-sistemis-reformis-erovnuli-koncepcia.pdf?csrt=2940089639010628490&ref=oc-media.org> (accessed: 22/02/2026); <https://mes.gov.ge/uploads/files/concept-universities.pdf?csrt=15926841656769098371> (accessed: 22/02/2026).

¹⁰⁹ OC Media, ‘Georgian government announces controversial higher education reforms’, 17 October 2025, <https://oc-media.org/georgian-government-announces-controversial-higher-education-reforms/> (accessed 22/02/2026).

¹¹⁰ Oral Testimony no. 1; Oral Testimony no. 8.

¹¹¹ Civil Georgia, ‘Disputed Parliament Adopts Controversial Changes to Education Laws’, 04.02.2026, <https://civil.ge/archives/720001> (accessed 22/02/2026).

¹¹² <https://www.interpressnews.ge/ka/article/860580-gia-volski-ori-avtoritetuli-istoriis-mkone-saganmanatleblo-strukturis-shercqma-racionalurs-gaxdis-umagles-sascavlo-process-pakultetebis-da-zustad-daemtveva-im-monacemebis-romelic-shromit-bazarze-akvs-kveqanas?ref=oc-media.org> (accessed 22/02/2026).

against the merger, emphasizing that the decision of authorities violated the universities' autonomy.¹¹³ In February 2026 the Georgian government scrapped the plan for the merger, but not the plan of centrally controlled assignment of faculties to specific locations.¹¹⁴

118. The changes in the system of funding of higher education institutions also means that studies at private universities will not be subsidized.¹¹⁵ Taking into account additional effects of the Law on Grants which bans some forms of foreign financial support (used to organize e.g. moot court competitions or summer courses), the mentioned change in the system of financing of the higher education institutions might destabilize the financial situation of the private sector of higher education. As it was stressed by the interviewed persons, having in mind the current restrictions, donors are generally unwilling to apply for the consent to grants.¹¹⁶

119. Those issues were raised by the Rapporteur during the meeting with the Minister of Education Mr. Givi Mikanadze on 18 February 2026. The Minister explained that the current reform is undertaken because of the low quality of university education in Georgia and lack of linkage between the offered programmes and the demands of the market. The Minister also stressed the need to better manage scarce human resources, to focus on the education of Georgian citizens in State-owned universities and to change the proportions of students studying in Tbilisi and in the regions (currently around 85% of them study in Tbilisi, while the aim is to have 60% students in Tbilisi and 40% elsewhere). According to the Minister, the general concept of the reform was presented to the public and was consulted with the Rectors' Council and with the Rectors' Conference. Based on the consultations (taking also into account requirements of the Bologna process), some amendments were introduced, e.g. concerning the length of studies required to enroll in a PhD degree. As a result of the reform, according to the Minister, the State will fully cover the cost of studies for 21,000 Georgian students and the cost of vocational education for another 10,000 persons (for comparison, according to the Minister, at the moment the government covers 100% of costs for 8,000 students and 50-70% for 6,000 students).¹¹⁷ The Minister also emphasized that the policy 'one city-one faculty' (applied to 19 State universities) would mean the investment in new infrastructure built in the main cities and would result in an increase of salaries of professors. The Minister stated also that those students who currently study at private universities will continue to benefit from the current system of financing studies, as changes do not affect students who have already commenced their degrees. In his opinion, private universities will be able to take over foreign students (as

¹¹³ OC Media, 'Georgian Dream announces merger of two prominent universities, sparking concern', 30 January 2026, <https://oc-media.org/georgian-dream-announces-merger-of-two-of-georgias-top-universities-sparking-concern/> (accessed 22/02/2026).

¹¹⁴ Civil Georgia, 'GD Scraps Plan to Merge Georgia's Technical University with Tbilisi State University', 9 February 2026, <https://civil.ge/archives/720624> (accessed 22/02/2026).

¹¹⁵ Oral Testimony no. 8.

¹¹⁶ Oral Testimony no. 8.

¹¹⁷ Meeting at the Ministry of Education, Science and Youth, 18 February 2026.

the State-owned universities will limit the number of foreign students to 5%); thus, because foreign students have to cover high fees, private universities should not be financially disadvantaged due to the reform. The Prime Minister declared that no professor will lose their job as a result of the reform.¹¹⁸

120. Apart from the higher education reform, the government decided to shorten the period of mandatory general education from 12 to 11 years (12th year will be optional).¹¹⁹ This move is considered by some as a tool to prevent students from pursuing their studies abroad (as their education would not allow them to start bachelor degrees abroad in those cases when 12 years of general education is required) and impose further differentiations between children depending on their welfare, as those with financial resources would be able to access longer education.¹²⁰ The Minister of Education in the meeting with the Rapporteur on 18 February 2026 assured that the Ministry will always offer the option to enroll in the 12th year of general education, even in instances where only one person in a given school is willing to enroll. He also emphasized that the number of children who pursue higher education abroad is not significant.

G. Brutality of security forces and repression of dissent

Dispersal of protests and the alleged cases of torture and ill treatment of protesters

121. Mass protests were held in October 2024 in response to the announcement of the election results.¹²¹ In November and December 2024 protests were organized in response to Prime Minister Irakli Kobakhidze's announcement of halting the EU accession process.¹²² With the announcement of the draft laws described above in the report, new waves of protests were organized in the following months of 2025, as well as in 2026. On 4 October 2025, some protesters attempted to storm the Presidential Palace.¹²³ During the protests, some individuals threw rocks, fireworks and other objects towards law enforcement forces, and tried to impair their vision with lasers. That said, the overwhelming majority of protesters were reportedly peaceful.

¹¹⁸ Meeting with the Prime Minister, 18 February 2026.

¹¹⁹ Civil Georgia, 'Disputed Parliament Adopts Controversial Changes to Education Laws', 4 February 2026, <https://civil.ge/archives/720001> (accessed 22/02/2026).

¹²⁰ Oral Testimony no. 1; Oral Testimony no. 8.

¹²¹ AP Archive <https://www.youtube.com/watch?v=cGn2Brj6fz8> (accessed 22/02/2026).

¹²² BBC, 'They can't crush our protests, vow Georgians after year of resistance', 27 November 2025, <https://www.bbc.com/news/articles/c208w378gg7o> (accessed 10/02.2026).

¹²³ BBC, <https://www.bbc.com/news/videos/cgq45vxywdko> (accessed 22/02/2026).

122. Particularly the protests following the announced halt to the EU accession protests received heightened media and CSO scrutiny.¹²⁴ The Rapporteur received numerous testimonies, including from people directly affected, of particularly harsh measures taken by the Georgian security forces during those demonstrations.¹²⁵
123. The measures used against demonstrators include the use of pepper spray, tear gas and other chemical irritants (according to the journalistic investigation by the BBC, the substantiation known as ‘camite’ was used)¹²⁶, water cannons, rubber bullets (sometimes aimed at protesters’ faces at close range), beatings and chasing protesters down.¹²⁷ The use of these measures (however, with no conclusion as to which exact chemical substance was used) is also confirmed by publicly available sources.¹²⁸
124. According to some of the testimonies received under this mandate, the use of chemicals resulted in poisoning, skin burns, coughing, gagging and other long-term symptoms.¹²⁹ In response to the allegations of illegal use of chemical substances to disperse the protesters, former Interior Minister Vakhtang Gomelauri, who was overseeing the dispersal of protests admitted that ‘[t]hese substances they are talking about were indeed purchased by the Ministry of Internal Affairs and used, but only until 2012. If I’m not

¹²⁴ See e.g. Democracy Research Center, ‘The Results of Monitoring of Protest Rallies’ (2025); GYLA, DRI, GDI, HRC, IDFI, ISFED, PHR, RG, SJC, GCRT, WISG ‘Human Rights Crisis in Georgia Following the 2024 Parliamentary Elections. 28 November 2024-28 February 2025’ (2025).

¹²⁵ Written Testimony no. 9; Written Testimony no. 10; Written Testimony no. 12; Written Testimony no. 13; Written Testimony no. 15; Oral Testimony no. 19; Written Testimony no. 27; Written Testimony no. 32; Written Testimony no. 36; Written Testimony no. 53; Written Testimony no. 59; Written Testimony no. 60; Written Testimony no. 62; Written Testimony no. 63; Written Testimony no. 64; Written Testimony no. 66; Written Testimony no. 77.

¹²⁶ BBC, ‘WW1 toxic compound sprayed on Georgian protesters’, BBC evidence suggests, BBC 2025, <https://www.bbc.com/news/articles/czrk7g50e1po> (accessed: 22/02/2026).

¹²⁷ See compilation of videos and stories at: <https://gaanate.org/?p=1349#შემთხვევით მოხვდათ ალბათ>; <https://gaanate.org/?p=1349#და ტიტულშეკები>; <https://gaanate.org/?p=1349#გამოიძიებენ და დასჯიან> (all accessed 22/02/2026); <https://samkhili.com/> (accessed 22/02/2026); and numerous testimonies, e.g. Written Testimony no. 3; Written Testimony no. 33; Written Testimony no. 76; Written Testimony no. 145; Written Testimony no. 152; Written Testimony no. 167; Written Testimony no. 173; Written Testimony no. 174; Written Testimony no. 176; Written Testimony no. 179; Written Testimony no. 182; Written Testimony no. 183; Written Testimony no. 200.

¹²⁸ See, among others: UN News, ‘Rights chief calls on Georgian authorities to protect basic freedoms’, 2024, <https://news.un.org/en/story/2024/12/1157681> (accessed: 22/02/2026); Amnesty International, ‘Georgia: Police actions in Tbilisi amount to yet another punitive assault on freedom of peaceful assembly’, 2024, <https://www.amnesty.org/en/latest/news/2024/11/georgia-police-actions-in-tbilisi-amount-to-yet-another-punitive-assault-on-freedom-of-peaceful-assembly/> (accessed: 22/02/2026); BBC, ‘Police use water cannon as Georgia EU protests erupt for second night’, 2024, <https://www.bbc.com/news/articles/c62jp68p315o>, (accessed: 22/02/2026);

¹²⁹ Oral Testimony no. 9; Oral Testimony no. 11; Written Testimony no. 9; Written Testimony no. 10; Written Testimony no. 24; Written Testimony no. 33; Written Testimony no. 41; Written Testimony no. 45; Written Testimony no. 57; Written Testimony no. 59; Written Testimony no. 66; Written Testimony no. 67; Written Testimony no. 68; Written Testimony no. 77; Written Testimony no. 84; Written Testimony no. 89; Written Testimony no. 93; Written Testimony no. 94; Written Testimony no. 101; Written Testimony no. 115; Written Testimony no. 116; Written Testimony no. 119; Written Testimony no. 120; Written Testimony no. 127; Written Testimony no. 129; Written Testimony no. 132; Written Testimony no. 133; Written Testimony no. 136; Written Testimony no. 144; Written Testimony no. 146; Written Testimony no. 149; Written Testimony no. 153; Written Testimony no. 156; Written Testimony no. 157; Written Testimony no. 158; Written Testimony no. 164; Written Testimony no. 165; Written Testimony no. 169; Written Testimony no. 175; Written Testimony no. 183; Written Testimony no. 195; Written Testimony no. 197; Written Testimony no. 201.

mistaken, the last purchase was made in 2009 or 2010. Since then, the Ministry of Internal Affairs has neither purchased nor used them.¹³⁰ The Prime Minister Irakli Kobakhidze admitted that chemical additives were used in water cannons and acknowledged the purchase of agents classified as UN 3439, though he adamantly denied that camite was among them.¹³¹

125. The Rapporteur learnt from interviewed persons that after the use of the chemicals, parts of the city center gave off a foul smell to such an extent that many of those who inhabited the area refrained from opening the windows.¹³² Interviewed persons stressed that the use of chemicals took place over several days from 28 November 2024.¹³³ During the meeting with the Public Defender on 17 February 2026, the Rapporteur learnt that the Ombudsman did not receive any complaints concerning chemicals in November or December 2024. There were no complaints about poisoning submitted to the Ombudsman. Nevertheless, the Rapporteur received numerous written and oral statements from people affected by the use of some chemicals.¹³⁴ The Minister of Internal Affairs, Mr. Gela Geladze, did not deny that chemical substances were mixed with water in water cannons, but he assured that the substances were not 'life-threatening' and they are widely used also by other States.¹³⁵ According to the Minister of Internal Affairs, the use of various methods of dispersal (including gas, water cannons etc.) was necessary for the sake of public safety and security. In the written information provided by the Georgian MFA on 20 February 2026, it was stated:

'The State Security Service (SSG) conducted a thorough investigation under the Criminal Code. More than 160 investigative actions were carried out, 93 witnesses were interviewed, including current and former employees of the MIA, doctors, experts, respondents to the BBC's story, and representatives of NGOs. The investigation seized 25 samples from the MIA's Special Tasks Department. The chemical examination was conducted at the Levan Samkharauli National Forensic Bureau. The investigation concluded that: MIA has never purchased the substance "bromobenzyl cyanide", known as "Camite"; During the interrogation, absolutely all respondents of the BBC documentary denied that their information or conclusions

¹³⁰ Georgia Today, 'Gomelauri on BBC investigation: Substances mentioned were purchased and used by the Interior Ministry, but only until 2012', 2 December 2025, <https://georgiatoday.ge/gomelauri-on-bbc-investigation-substances-mentioned-were-purchased-and-used-by-the-interior-ministry-but-only-until-2012/> (accessed: 22/02/2026).

¹³¹ Georgian Public Broadcaster, 'Several NGOs urge OPCW Director-General to dispatch mission to Georgia', 22 December 2025, <https://1tv.ge/lang/en/news/several-ngos-urge-opcw-director-general-to-dispatch-mission-to-georgia/>, (accessed: 22/02/2026); Civil Georgia, 'Kobakhidze Admits Substance Used in Water Cannons, Denies Camite', 3 December 2025, (accessed: 22/02/2026).

¹³² Oral Testimony 2; Oral Testimony no. 19.

¹³³ Oral Testimony no. 19.

¹³⁴ E.g. Written Testimonies no. 9, 17, 24, 28, 35, 41; in addition, the Rapporteur received several contact data to people who still have serious health issues allegedly due to the use of chemicals.

¹³⁵ Meeting at the Ministry of Internal Affairs, 17 February 2026.

concerned the toxic chemical substance "Camite". MIA has used the substances "chlorobenzylidene malononitrile" and "propylene glycol" to control crowds during protests - none of them belong to the prohibited substances.'

126. There are numerous publicly available videos proving that Georgian police as well as masked, unidentified persons beat, kicked, slapped protesters, threatened them with rape or even death.¹³⁶ One of the interviewed persons stated: 'Anyone who fell was beaten and kicked. It did not matter who you were. I saw my friend. I thought he was dead. His head was covered in blood, I shouted loudly.'¹³⁷ Some protesters were taken to vans all covered with blood where they were reportedly further beaten.¹³⁸ According to some testimonies, tear gas was applied in the closed vans where protesters were kept.¹³⁹

127. During the protests, gender-based psychological and physical violence, like sexist insults, threats of sexual violence, or degrading strip searches, reportedly took place.¹⁴⁰ According to Amnesty International one of the interviewed women was 'stripped and forced to lie naked on the floor during detention on 28 March 2025. Despite her medical condition, officers denied her access to medication and restrooms even after she developed hypertension and suffered repeated vomiting'.¹⁴¹ Also according to Amnesty International, Tbilisi mayor remarked on 8 September 2025, referring to protesters: 'There isn't a single woman here... it's some other breed.'¹⁴²

128. The Rapporteur received testimonies with medical documentation and photos of a woman who was reportedly taken from the protesting crowd by policemen and special security forces and then beaten, despite the fact that, according to her, she was cooperating and at first she was convinced that policemen wanted to help her.¹⁴³

¹³⁶ See video testimonies <https://www.youtube.com/watch?v=LXCbS3Hoc5o>, <https://www.youtube.com/watch?v=S7olEqLig1o>; <https://www.youtube.com/watch?v=tge0FyRwYFk> (all accessed 22/02.2026); Radio Free Europe: <https://www.rferl.org/a/georgia-protesters-police-violence/33221561.html> (accessed 22/02/2026); DW: <https://www.dw.com/en/georgia-police-accused-of-brutality-against-protesters/video-71190891>; (accessed 22/02/2026). See also Rights Georgia, 'Systematic Violence/ Investigation of Police Ill-Treatment' (2025); Union of Human Rights Defenders - Human Rights Center, 'Attack of Informal Punitive Groups on the Participants of Protest Demonstrations and People with Critical Views (2025).

¹³⁷ Oral testimony no. 11.

¹³⁸ Written Testimony no. 76.

¹³⁹ Oral Testimony no. 9.

¹⁴⁰ Amnesty International, 'Georgia: Women protesters are targeted with escalating violence and gender-based reprisals', 23 May 2025, <https://www.amnesty.org/en/latest/news/2025/05/georgia-women-protesters-are-targeted-with-escalating-violence-and-gender-based-reprisals/> (accessed 22/02.2026); Written Testimony no. 24; Written Testimony no. 58; Oral Testimony no. 6.

¹⁴¹ Amnesty International, 'Georgia: Women protesters are targeted with escalating violence and gender-based reprisals', 23 May 2025, <https://www.amnesty.org/en/latest/news/2025/05/georgia-women-protesters-are-targeted-with-escalating-violence-and-gender-based-reprisals/> (accessed 22/02.2026).

¹⁴² Amnesty International, 'Georgia: Elections marred by severe reprisals and risk of further violence', 3 October 2025, <https://www.amnesty.org/en/latest/news/2025/10/georgia-elections-marred-by-severe-reprisals-and-risk-of-further-violence/>, (accessed 22/02/2026).

¹⁴³ Written Testimony no. 3.

129. Amnesty International reported that ‘more than 500 protesters were detained in late 2024 alone, most on spurious administrative charges. At least 300 detainees reported torture or other ill-treatment, with dozens injured during the protests or in detention, and requiring hospitalization’.¹⁴⁴

130. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its report from periodic visit on 18-29 November 2024 and 20-21 January 2025 in Georgia wrote:

‘the delegation was inundated with allegations of ill-treatment when it interviewed numerous persons detained in connection with the demonstrations in Tbilisi on 29 November 2024. Most of the interviewed persons bore visible injuries, some of them severe and having necessitated urgent medical attention. The persons concerned referred to what appeared to represent a clear pattern of police behaviour during the demonstrations: masked and hooded officers wearing no form of identification had reportedly carried out arrests in groups of several officers, punching and kicking detained persons indiscriminately all over the body, swearing at them and threatening them. The persons reportedly did not resist and were already fully under the control of the police. Further, the beatings were reportedly carried out repeatedly, by several officers at a time, including whilst the detained persons had their hands cuffed behind the back. In almost all of the cases, the ill-treatment was said to have stopped once the hooded and masked police officers handed the detained persons over to patrol (or criminal) police officers who were not masked. That said, the delegation heard some allegations that following such handovers, detained persons had been subjected to questioning (without the presence of a lawyer), aimed at forcing them to confess or provide information.’¹⁴⁵

131. According to the information provided by the Georgian Public Defender, members of the Georgian Ombudsman’s office, from 28 November 2024 until the meeting with the Rapporteur (i.e., 18 February 2026), visited 571 persons who were detained and/or injured during protests in temporary detention centers, penitentiary institutions, police stations or clinics. 301 reported ill-treatment by the police. 194 persons had visible injuries of varying degree and severity. Of the 571 persons visited, 60 were detained under criminal law. Among those visited, 48 were women and 2 were minors.¹⁴⁶ The Public Defender, based on the information gathered during those visits, assessed that violence against the protesters was of

¹⁴⁴ Amnesty International, ‘Georgia: Elections marred by severe reprisals and risk of further violence, 3 October 2025, <https://www.amnesty.org/en/latest/news/2025/10/georgia-elections-marred-by-severe-reprisals-and-risk-of-further-violence/> (accessed: 22/02/2026).

¹⁴⁵ CPT, Report, 18 February 2026, CPT/Inf (2026) 06, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2024/2025-visit-to-georgia> (accessed 22/02/2026), p. 4.

¹⁴⁶ Meeting at the Public Defender Office, 17 February 2026 and additional information sent to the Rapporteur by the Public Defender Office, 18 February 2026.

systemic character (they were beaten by police, many of them had to spend weeks in hospital, and in some cases visible signs of torture could be noticed). In the opinion of the Ombudsman, violence against protesters took place during apprehension and transportation, but not in isolation centres.¹⁴⁷

132. The Rapporteur wishes to emphasize that in numerous reports and communications received under this mandate there were descriptions of severe forms of ill-treatment which might have passed the threshold of torture.¹⁴⁸

Attacks against journalists

133. The United Against Torture Consortium reported that between November 2024 and February 2025 ‘a nationwide wave of violent attacks and harassment by Georgian law enforcement agencies targeted journalists and civil society observers who were documenting police violence and extracustodial torture during anti-government protests.’¹⁴⁹

134. Justice for Journalists reported 298 attacks and threats against media workers at both traditional and online outlets in 2024, compared with 73 in 2023.¹⁵⁰ RSF documented between October 2024 and October 2025 600 violations of freedom of press (these include, but are not limited to, assaults, arbitrary fines, arrests, threats, and suspensions of accreditation).¹⁵¹ Within this number, 127 incidents involved the use of excessive force against journalists. RSF calls it ‘deliberate strategy of intimidation, harassment, and

¹⁴⁷ Meeting at the Public Defender Office, 17 February 2026. See also OMCT, ‘Georgia: Escalating Harassment of Anti-Torture NGOs and Journalists Threatens Survivors’ Right to Redress and Justice’, 30 October 2025, <https://www.omct.org/en/resources/statements/georgia-escalating-harassment-of-anti-torture-ngos-and-journalists-threatens-survivors-right-to-redress-and-justice> (accessed 22/02/2026), where the OMCT wrote: ‘Members of the Georgian Ombudsman’s office visited 156 detainees held in detention centres across the country, and 124 persons (80%), reported having been subjected to violence and ill-treatment’.

¹⁴⁸ Redress, ‘Georgia: Unprecedented Police Brutality Requires Firmer International Response’ 4 December 2024, <https://redress.org/news/georgia-unprecedented-police-brutality-requires-firmer-international-response/> (accessed 22/02/2026); OMCT, ‘Georgia: Torture Reported in Politically Motivated Case Illustrates Widening Impunity’, 3 October 2025, <https://www.omct.org/en/resources/individual-cases/georgia-torture-reported-in-politically-motivated-case-illustrates-widening-impunity> (accessed 22/02/2026); Communication from NGOs (Social Justice Centre, Georgian Young Lawyers’ Association, and European Human Rights Advocacy Centre) (23/01/2026) in the Tsintsabadze group of cases v. Georgia (Application No. 35403/06), [https://hudoc.exec.coe.int/#%7B%22execidentifier%22:%5B%22DH-DD\(2026\)179E%22%5D%7D](https://hudoc.exec.coe.int/#%7B%22execidentifier%22:%5B%22DH-DD(2026)179E%22%5D%7D) (accessed 22/02/2026); also testimonies gathered during the meeting with the leaders of opposition on 18 February 2026.

¹⁴⁹ OMCT, ‘Georgia: Escalating Harassment of Anti-Torture NGOs and Journalists Threatens Survivors’ Right to Redress and Justice’, 30 October 2025, <https://www.omct.org/en/resources/statements/georgia-escalating-harassment-of-anti-torture-ngos-and-journalists-threatens-survivors-right-to-redress-and-justice> (accessed 22/02/2026); CPJ, ‘CPJ condemns police brutality against journalists covering Georgian protests’ 4 December 2024, <https://cpj.org/2024/12/cpj-condemns-police-brutality-against-journalists-covering-georgian-protests/> (accessed 22/02/2026).

¹⁵⁰ FreedomHouse, ‘Key Developments, June 1, 2024 – May 31, 2025’ https://freedomhouse.org/country/georgia/freedom-net/2025#footnoteref3_13DfspepRNhbnOSfhwFx9Wx5j9KtpNbp4Sj17F6LCfM_gsmSmRcLFVwM (accessed 22/02/2026); Justice for Journalists, ‘Attacks on Media Workers in Georgia in 2023-2024’ 21 February 2025, <https://jfj.fund/attacks-on-media-workers-in-georgia-in-2023-2024-2/> (accessed 22/02/2026).

¹⁵¹ RSF, press release published on 24 November 2025, accessible via: <https://rsf.org/en/unprecedented-crackdown-georgia-600-attacks-against-press-one-year> (accessed 22/02/2026).

criminalisation of independent journalism'.¹⁵² Some of those attacks are documented in publicly available videos.¹⁵³ As RSF further reports, within the first three weeks since the beginning of protests on 28 November 2024, 70 journalists were attacked, some multiple times. The attacks included beatings, blasts from water cannons with chemicals, tear gas, arrests, insults, purposeful destruction or confiscation of their equipment.¹⁵⁴ To cite RSF, 'the environment [in Georgia] remains hostile for independent and opposition media'.¹⁵⁵

135. As per publicly available reports, among those who were attacked (by law enforcement officers or by masked, unidentified people), detained or treated in a degrading manner were numerous individuals who were seemingly targeted because they were journalists.¹⁵⁶ The Rapporteur talked with several of them. As reported by one interviewee:

'I was with a team of journalists. Suddenly mixed police forces encircled us, started to beat, and kick. They used a lot of bad words. This was surprising for me. Police did not behave in such a way before. They did not attempt to arrest me. They just started to beat. I shouted: I am a journalist. They replied: we know. I lost consciousness for a few seconds. At a certain moment, I was dragged by them from this place, they took me behind the parliament building. I had to get through the corridor where on both sides police forces were standing, still they were hitting me in the face. At the police station, being handcuffed, I waited for medical help for a few hours. There was one doctor. She could not stop the bleeding, she said I needed to be transferred to the hospital. In the hospital I had surgery because my nose was broken. They also diagnosed me with the signs of concussion.'¹⁵⁷

136. Some journalists (covering protests) as well as protesters were reportedly fined (5,000 GEL, about 1,560 EUR) for 'blocking the road' (Article 174 of the Code of Administrative Offenses).¹⁵⁸ Even the Finnish foreign minister, visiting Georgia as Chair of the OSCE, was fined (5,000 GEL) for blocking the road.¹⁵⁹ After the amendments to anti-protest

¹⁵² *Ibid.*

¹⁵³ <https://www.youtube.com/watch?v=iZX7YqfBk7w> - showing events of 7 December 2024 (accessed 22/02/2026); see also <https://www.bbc.com/news/videos/c07ggrnxx45o> (accessed 22/02/2026); https://www.youtube.com/shorts/04_cXydLwVI (accessed 22/02/2026).

¹⁵⁴ RSF, 'Georgia: the violence against reporters covering protests has been met with shocking impunity' <https://rsf.org/en/georgia-violence-against-reporters-covering-protests-has-been-met-shocking-impunity> (accessed 22/02/2026).

¹⁵⁵ RSF: <https://rsf.org/en/index> (accessed 22/02/2026).

¹⁵⁶ CPJ, 'In Georgia, 6 journalists attacked, robbed while covering protests' 10 September 2025, <https://cpj.org/2025/09/in-georgia-6-journalists-attacked-robbed-while-covering-protests/> (accessed 22/02/2026); also Written Testimony no. 170; Written Testimony no. 195; Oral Testimony no. 3; Oral Testimony no. 9; Oral Testimony no. 10; Oral Testimony no. 11; Oral Testimony no. 16.

¹⁵⁷ Oral Testimony no. 3.

¹⁵⁸ Written testimony no. 12; Oral Testimony no. 19; Oral Testimony no. 16; Written Testimony no. 18; Written Testimony no. 25; Written Testimony no. 27.

¹⁵⁹ Politico, 'Georgia fines Finnish foreign minister for 'blocking the road' during protest', 16 October 2025, <https://www.politico.eu/article/georgia-fines-finnish-foreign-minister-elina-valtonen-for-blocking-the-road-at-a-protest-rally-osce/> (accessed 22/02/2026).

regulations in October 2025, those accused of blocking roads or covering their faces are immediately detained.¹⁶⁰

137. Journalists with whom the Rapporteur talked confirmed that investigations of incidents of violence against them are stalled. The authorities reportedly claim that they cannot identify perpetrators.¹⁶¹

138. In the report of the OSCE Representative on Freedom of the Media titled 'Enhancing Protection of Journalists under Severe Political Pressure. Outcome Report' prepared by Arzu Geybulla it was pointed out that Georgia used to be a safe refuge for journalists from Azerbaijan, the Russian Federation and Belarus.¹⁶² However, this is no longer the case due to the rapid democratic backsliding. The report also stressed that 'The adoption of laws on 'foreign influence' and 'family values' marginalises journalists, exposes them to censorship and reduces space for free speech. As was noted by one of the experts working on Belarus, the adoption of the foreign agent law made it virtually impossible for Belarusian journalists working from Georgia to continue their work, leaving them no choice but to leave the country altogether.'¹⁶³ The Rapporteur also received information from Free Belarus Center, that not only Belarussian journalists but also various Belarussian activists and human rights defenders struggle to legalize their stays.¹⁶⁴

Attacks against critics by unidentified perpetrators

139. In many interviews the term 'titushky' was frequently mentioned to describe young men dressed in black and often (but not always) masked who violently attack government critics, including journalists, often in public spaces.¹⁶⁵ Dozens of people have reportedly been hospitalized as a result of their actions.

140. Some stressed that these groups coordinated their actions between one another and the police did not react to their attacks.¹⁶⁶ Some testimonies suggested that those attacks are coordinated with the Georgian security forces.¹⁶⁷

141. The above-mentioned bands often attack leaders of the opposition. They would severely beat them, also in the proximity of police forces which, reportedly, did not

¹⁶⁰ Civil Georgia, 'UPDATE: Protester Says Judge Dismissed 'Sidewalk' Case After Finding 'Elements of Criminal Offense', 9 January 2026, <https://civil.ge/archives/716868> (accessed 22/02/2026).

¹⁶¹ Oral Testimony no. 9; Oral Testimony no. 10; Oral Testimony no. 11.

¹⁶² See also Ana Burduli et al, 'Policy Paper 2025/07. Migration Trends in Georgia: Key Dynamics from 2012 to 2024', June 2025, <https://iset-pi.ge/storage/media/other/2025-06-02/d58b2cd0-3f80-11f0-9dd6-4b06e6741c44.pdf> (accessed 22/02/2026; also Written Testimony no. 14).

¹⁶³ OSCE, 'Enhancing protection of journalists under severe political pressure. Outcome report', 2025, https://rfom.osce.org/sites/default/files/f/documents/0/c/597612_2.pdf (accessed 22/02/2026).

¹⁶⁴ Also, Oral Testimony no. 13.

¹⁶⁵ Oral Testimony no. 10; Oral Testimony no. 16; Oral Testimony no. 18; Written Testimony no. 134; Written Testimony no. 78; Written Testimony no. 134; Written Testimony no. 148; Written Testimony no. 174.

¹⁶⁶ Oral Testimony no. 10.

¹⁶⁷ Oral Testimony no. 10.

intervene.¹⁶⁸ In one incident, one of the leaders of the opposition who had permission to carry a gun, fired warning shots to protect themselves. After this incident their gun permit was suspended when he was once again administratively punished for taking part in protests, while no efforts were undertaken to identify and prosecute his attackers.¹⁶⁹ On another occasion, leaders of the opposition were attacked when leaving a hotel where they had attended a meeting. One of them reportedly started to defend themselves and hit the attacker. After this incident they were accused of violence against a law enforcement officer, although during the attack there was no sign that the attacker belonged to the police forces.¹⁷⁰ The Rapporteur learnt during the meeting with the leaders of the opposition that each and every person attending the meeting was either attacked, threatened or their offices were raided and damaged. Some of those attacks reportedly occurred in public spaces, e.g. at Tbilisi International Airport.

142. The alleged insufficiency of the police response has reportedly undermined trust in law enforcement agencies. Interviewed individuals emphasized that after the events of 2024 and 2025 they no longer trusted the police and they did not see any use in approaching the police for protection, as they previously remained inactive or were themselves perpetrators of violence.¹⁷¹

Legal proceedings against protesters and other repressive measures

143. The Public Defender of Georgia, during the meeting on 17 February 2026, underscored a striking disparity between the effectiveness of criminal investigations against, on the one hand, protesters and, on the other hand, those who used disproportionate force in protest dispersal.¹⁷² Namely, the proceedings against the protesters tend to progress swiftly and result in harsh sanctions, while the investigations against those allegedly engaged in violence against them, including the security forces, stall.¹⁷³
144. One of the best known criminal cases concerning a protester is the one against a well-known journalist who was detained on 12 January 2025 in Batumi for placing sticker reading ‘Georgia is on Strike’ on the facade of a police station and for insulting the law enforcement officers by calling them ‘Slaves of Russia, dogs and pigs’; after being released, she joined other protesters and was involved in an incident with Batumi police chief Irakli Dgebuadze (she reportedly slapped him).¹⁷⁴ On 6 August 2025 she was sentenced to 2 years of imprisonment

¹⁶⁸ Meeting with the political opposition, 18 February 2026; Written Testimony no. 44; Written Testimony no. 88.

¹⁶⁹ Meeting with the political opposition, 18 February 2026.

¹⁷⁰ Meeting with the political opposition, 18 February 2026.

¹⁷¹ Oral Testimony no. 9; Oral Testimony no. 10 (‘I no longer tell my children to call police’).

¹⁷² Meeting at the Office of Public Defender, 17 February 2026.

¹⁷³ See also Human Rights Center, ‘Monitoring Report on Court Hearings against Civil Activists and on Protest Demonstrations’ (2025).

¹⁷⁴ OC Media, ‘Batumi Police Chief Dgebuadze transferred one month after Amaghlobeli’s sentencing’ 5 September 2025, <https://oc-media.org/batumi-police-chief-dgebuadze-transferred-one-month-after-amaghlobelis-sentencing/> (accessed 22/02/2026); TrialWatch Fairness Report: Georgia v. Mzia Amoghlobeli, Clooney Foundation for Justice

as being found guilty of ‘resisting, threatening, or using violence against a protector of public order’.¹⁷⁵ The same policeman — Dgebuadze — was reported to have harassed other protesters.¹⁷⁶ The media has also published a video on which Dgebuadze could be heard verbally threatening journalist.¹⁷⁷ The Public Defender submitted two amicus curiae in the case above and visited the journalist concerned many times in detention.

145. The Rapporteur was contacted also by other protesters who were detained in relation to their participation in protests. Usually protesters face charges based on Article 166 (petty hooliganism),¹⁷⁸ 173 (failure to comply with police orders),¹⁷⁹ 174 (violation of the rules for organizing and holding an assembly or manifestation — in particular para.10 which refers to the violation of public safety and order, the normal operation of State and public bodies, enterprises, institutions or organizations, transport or unhindered movement of people) of the Code of Administrative Offences¹⁸⁰ or based on Article 222 (Seizure or blockage of a broadcasting or communications organization and/or of a facility of strategic or special importance); and Article 347 (Violation of the procedure for holding an assembly or demonstration) of the Criminal Code .¹⁸¹

Initiative, https://cfj.org/wp-content/uploads/2026/01/2025.01-Fairness-Report_Georgia-Mzia-Amaglobeli.pdf (accessed 22/02/2026).

¹⁷⁵ AP, ‘Georgian journalist is convicted of slapping a police chief at a protest and gets 2 years in prison’ 6 August 2025, <https://apnews.com/article/georgia-press-freedom-trial-journalist-mzia-amaglobeli-288d950aea26bb91da030f3df9bdf3a9> (accessed 22/02/2026); Radio FreeEurope, ‘Georgian Journalist Mzia Amaglobeli Sentenced To 2 Years in Prison’, 6 August 2025, <https://www.rferl.org/a/georgia-journalist-mzia-amaglobeli-prison-sentence-media-rights/33496097.htmlhttps://oc-media.org/batumi-police-chief-dgebuadze-transferred-one-month-after-amaglobelis-sentencing/> (accessed 22/02/2026).

¹⁷⁶ OC Media, ‘Batumi Police Chief Dgebuadze transferred one month after Amaglobeli’s sentencing’ 5 September 2025, <https://oc-media.org/batumi-police-chief-dgebuadze-transferred-one-month-after-amaglobelis-sentencing/> (accessed 22/02/2026).

¹⁷⁷ OC Media, ‘Batumi Police Chief says Amaglobeli could avoid imprisonment with ‘simple actions’ 9 May 2025, <https://oc-media.org/batumi-police-chief-says-amaglobeli-could-avoid-imprisonment-with-simple-actions/> (accessed 22/02/2026).

¹⁷⁸ According to the information provided to the Rapporteur by the Georgian MFA on 24 February: ‘From 1 October 2024 to 31 December 2025, the first instance courts of Georgia issued decrees under Article 166 (Petty Hooliganism) of the Code of Administrative Offences in respect of 973 individuals, of whom:

- Proceedings concerning 80 (8%) individuals were terminated;
- An oral reprimand was issued to 462 (48%) individuals;
- Administrative liability was imposed on 431 individuals. Specifically, fine was imposed on 393 (40%) individuals and administrative detention was imposed on 38 (4%) individuals.’

¹⁷⁹ According to the information provided to the Rapporteur by the Georgian MFA on 24 February: ‘From 1 October 2024 to 31 December 2025, the first instance courts of Georgia issued decrees under Article 173 [...] of the Code of Administrative Offences in respect of 4,758 individuals, of whom:

- Proceedings concerning 111 (2%) individuals were terminated;
- An oral reprimand was issued to 1,365 (29 %) individuals;
- Administrative liability was imposed on 3,282 individuals. Specifically, a fine was imposed on 2,638 (55%) individuals and administrative detention was imposed on 644 (14%) individuals.’

¹⁸⁰ According to the information provided to the Rapporteur by the Georgian MFA on 24 February, ‘the judiciary has not compiled aggregated data on cases under Article 174 (Arbitrary Behavior) of the Code of Administrative Offences.’

¹⁸¹ Written Testimony no.12; Written Testimony no. 13; Oral Testimony no. 21; Oral Testimony no. 22; Oral Testimony no. 23; Oral Testimony no. 24. information provided by the Georgian MFA on 20 February 2026, Annex XX.

146. The Rapporteur received a significant number of written and oral testimonies which confirmed that protesters were fined or detained for ‘blocking the road’, even if they were standing on the sidewalks¹⁸² or for covering their faces.¹⁸³
147. The Rapporteur learnt about five foundations (Human Rights House Tbilisi; Shame Movement, Nanuka’s Fund, Prosperity Georgia and Fund for Each) whose accounts were frozen on 27 March 2025;¹⁸⁴ and about seven NGOs which had their accounts frozen on 27 August 2025 (e.g. Institute for Development of Freedom of Information (IDFI); Civil Society Foundation (CSF); International Society for Fair Elections and Democracy (ISFED); the Institute for Development of Freedom of Information (IDFI) Sapari; Social Justice Center (SJC); Georgian Democracy Initiative (GDI); Democracy Defenders).¹⁸⁵ Those organizations were particularly active in the area of human rights and the rule of law. They were accused of being involved in ‘sabotage, attempted sabotage under aggravating circumstances, assistance to foreign organizations and organizations under foreign control in hostile activities, and mobilization of financing for activities directed against Georgia’s constitutional order and foundations of national security’. Some of them were targeted — as they explained — because of ‘financial support for individuals fined for exercising their right to peaceful assembly and expression’. As explained by one representative of those organizations, ‘[w]e facilitated these payments using legally obtained grants, strictly within our organizational mandate, to assist those whose fundamental freedoms were violated through unjust judicial fines. Furthermore, we have only purchased a few dozen protective items (gas masks, face masks, waterproof clothing) for our staff members who were monitoring the demonstrations’.¹⁸⁶

H. Campaign of intimidation against critical voices

148. Before October 2024 elections, raids were conducted by officers from the Investigative Service of the Ministry of Finance on the homes of Sopo Gelava and Eto Buziashvili, two researchers at the Atlantic Council’s Digital Forensic Research Lab who had

¹⁸² Written Testimony no. 12; Written Testimony no. 16; Written Testimony no. 17; Written Testimony no. 18; Written Testimony no. 19; Written Testimony no. 32; Oral Testimony no. 18.

¹⁸³ Written Testimony no. 13.

¹⁸⁴ OMCT, ‘Georgia: Bank accounts of several human rights organisations frozen’, 28 March 2025, <https://www.omct.org/en/resources/urgent-interventions/georgia-bank-accounts-of-several-human-rights-organisations-frozen> (accessed 22/02/2026); see also Georgian Prosecutor’s Office Statement of 17 March 2025, <https://pog.gov.ge/news/saqartvelos-prokuraturis-gantskhadeba-4736?lng=geo> (accessed 22/02/2026).

¹⁸⁵ International Bar Association, ‘Georgia: IBAHRI joint statement on freezing of NGO accounts and the impact on legal aid’, 1 October 2025, <https://www.ibanet.org/Georgia-IBAHRI-joint-statement-on-freezing-of-NGO-accounts-and-the-impact-on-legal-aid>, (accessed 22/02/2026); see also <https://www.frontlinedefenders.org/en/case/prosecutors-office-freezes-bank-accounts-seven-more-human-rights-and-civil-society-4> (accessed 22/02/2026).

¹⁸⁶ Written Testimony no. 8; cf. Georgian Prosecutor’s Office Statement of 27 August 2025, <https://pog.gov.ge/news/saqartvelos-prokuraturis-gantskhadeba-4982> (accessed 22/02/2026); see also Civil Georgia, ‘Authorities Freeze Bank Accounts of Seven NGOs in ‘Sabotage’ Criminal Probe’, 27 August 2025, available at <https://civil.ge/archives/698002> (accessed 22/02/2026).

analysed online influence operations involving Georgia, the Russian Federation, and other countries; officers seized their computers and other devices. According to the official explanation provided by the authorities, the raids were reportedly part of an investigation into supposed money laundering and tax evasion.¹⁸⁷

149. As per the reports received under this mandate, some of those associated with the current opposition or previous government of Mikheil Saakashvili are placed under constant surveillance,¹⁸⁸ and their houses have been raided by special forces carrying automatic weapons, while demonstrating force in front of minors.¹⁸⁹

150. Accusations have been spread against the EU Ambassador and Head of EU Delegation in Georgia. He was accused of attempts to: ‘destabilize Georgia, drag it into war or impose so-called ‘non-traditional values’.¹⁹⁰ The EU Ambassador, together with other Western ambassadors, were labeled by Prime Minister Irakli Kobakhidze (e.g. on 16 September 2025) as being ‘complicit in violence’ and acting as ‘ambassadors of hatred’.¹⁹¹ Western ambassadors were accused of being members of the ‘Global War Party’ and inciting riots.¹⁹² Verbal attacks against Western diplomats take place on a regular basis.¹⁹³ The scale and the continuity of the attacks induced the EU Council to call Georgian authorities to ‘cease its aggressive narrative against the EU, the EU Ambassadors and Head of Delegation’.¹⁹⁴ The Georgian MFA in its communication sent to the Rapporteur on 20 February 2026 (Annex II) stressed that: ‘some Ambassadors, through their actions and statements, appear to be encouraging the radical/disruptive agenda and further fueling the polarization within Georgian society’. Additionally, the MFA indicated the following actions on the part of some of Ambassadors: ‘(1) neglecting the elections, (2) commending the boycott of the elections or legislative work, (3) influencing judicial proceedings, (4)

¹⁸⁷ Atlantic Council, ‘Statement on the home raids of two Atlantic Council staff in Georgia’, 24 October 2024, <https://www.atlanticcouncil.org/news/announcements/statement-on-the-hom...> (accessed 22/02/2026); Civil Georgia, ‘Financial Police Search Houses of Atlantic Council Employees’, 24 October 2024, <https://civil.ge/archives/629994> (accessed 22/02/2026); Freedom House, ‘Key Developments, June 1, 2024 – May 31, 2025’, https://freedomhouse.org/country/georgia/freedom-net/2025#footnoteref3_13DfspepRNhbnOSfhwFx9Wx5j9KtpNbp4Sj17F6LCfM_gsmSmRcLFVwM (accessed 22/02/2026).

¹⁸⁸ On uncontrolled surveillance see: Human Rights Center, ‘Uncontrolled surveillance and inviolability of Personal Life’ (2024).

¹⁸⁹ Written Testimony no. 1; Meeting with the political opposition, 18 February 2026.

¹⁹⁰ European Union External Action, ‘Georgia: Statement by the Spokesperson on disinformation’, 25 July 2025, https://www.eeas.europa.eu/eeas/georgia-statement-spokesperson-disinformation_en (accessed 22/02/2026); see also Platform X, Peter Fischer, @Diplo_Peter, 24 September 2025, https://x.com/Diplo_Peter/status/1970777097787638087?ref=oc-media.org (accessed 22/02/2026).

¹⁹¹ Civil Georgia, ‘EU Condemns GD’s ‘Disinformation and Baseless Accusations,’ Attacks on Ambassador’, 25 July 2025, <https://civil.ge/archives/694492> (accessed 22/02/2026); OC Media, ‘European embassies hit back at Georgian government attacks on diplomats’, 24 September 2025, <https://oc-media.org/european-embassies-hit-back-at-georgian-government-attacks-on-diplomats/> (accessed 22/02/2026).

¹⁹² Jan News, ‘German envoy in Georgia and alleged ‘secret meeting’: pro-government media attempt to discredit diplomat’, 17 January 2026, <https://jam-news.net/georgian-authorities-accuse-german-envoy-media-attempt-to-discredit-diplomat/>; <https://civil.ge/archives/717795> (accessed 22/02/2026).

¹⁹³ Oral Testimony no. 2; Oral Testimony no. 16.

¹⁹⁴ Presidency Conclusions on Enlargement, 16.12.2025, para. 128 (available at <https://data.consilium.europa.eu/doc/document/ST-16933-2025-INIT/en/pdf> (accessed 22/02/2026)).

avoiding dialogue and cooperation with democratically elected government and state institutions, (5) discrediting and bullying the civil service, while (5) openly supporting anti-governmental protests and encouraging the above anti-democratic agenda, seriously threaten Georgia's stability, and undermine its democratic institutions, which serve as a cornerstone of the country's European and Euro-Atlantic aspirations.' The MFA also clearly emphasized that: 'the statements by the Georgian politicians, which refer to and assess the above activities of some Ambassadors seen as an involvement in domestic affairs, should not be received or misinterpreted as personal attacks on the diplomatic corps.'

151. According to Human Rights Watch, posters featuring the images of CSO leaders and critical journalists, calling them traitors and enemies were placed in several cities.¹⁹⁵ The public television is engaged in smear campaigns against some journalists of independent media.¹⁹⁶ There are reports of apparently civilian violent groups which help police to chase, harass, and attack journalists.¹⁹⁷
152. Representatives of the government frequently deploy particularly harsh, stigmatizing language to label civil society activists, journalists, or opposition members. The Special Rapporteur on the situation of human rights defenders, Mary Lawlor, indicated on 5 September 2024 that the 'Government officials and members of the ruling party publicly smearing human rights defenders as enemies of the people continues to be a major problem in Georgia.'¹⁹⁸
153. For example, the World Organisation Against Torture (OMCT) reported that '[o]n 19 October 2025, the State-aligned broadcaster ImediTV aired a defamatory report falsely accusing the Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims of 'supporting terrorism' with funds from the European Commission.'¹⁹⁹ The same broadcaster, Imedi TV, aired a series of reports accusing private Georgian universities of, among other things, supporting terrorism.²⁰⁰

¹⁹⁵ HRW, 'Georgia. Events of 2024' <https://www.hrw.org/world-report/2025/country-chapters/georgia> (accessed 22/02/2026); see also Human Rights Center, 'Public Statements of Hate Speech, Hostile Rhetoric, And Disinformation by Georgian Officials' (2026).

¹⁹⁶ RSF, press release published on 23 May 2025, accessible via: <https://rsf.org/en/between-harassment-and-expulsion-georgia-bent-silencing-british-journalist-will-neal> (accessed 22/02/2026); Oral Testimony no. 19.

¹⁹⁷ RSF, 'Report Freedom of the media, security of journalists, and disinformation in Georgia', 9 February 2026.

¹⁹⁸ UN, 'Georgia: Targeted and sustained repression of human rights defenders must stop, says Special Rapporteur' 5 September 2024, https://www.ohchr.org/en/press-releases/2024/09/georgia-targeted-and-sustained-repression-human-rights-defenders-must-stop?fbclid=IwY2xjawFTnHhleHRuA2FlbQIxMQABHTM4io_-iypiZbhGXsdIIdO6sBkxOvipfsePZbr2KW-Tf6ifFHm5KNqeeew_aem_tA1eF8fF1u5EnTn3_hR_NA (accessed 22/02/2026).

¹⁹⁹ Civil Georgia, 'Imedi TV: EU Commission Bypassed FARA to Fund Georgian NGOs', 16 February 2026, <https://civil.ge/archives/707506> (accessed 22/02/2026); OMCT, 'Georgia: Escalating Harassment of Anti-Torture NGOs and Journalists Threatens Survivors' Right to Redress and Justice', 30 October 2025, <https://www.omct.org/en/resources/statements/georgia-escalating-harassment-of-anti-torture-ngos-and-journalists-threatens-survivors-right-to-redress-and-justice> (accessed 22/02/2026).

²⁰⁰ OMCT, 'Georgia: Escalating Harassment of Anti-Torture NGOs and Journalists Threatens Survivors' Right to Redress and Justice', 30 October 2025, <https://www.omct.org/en/resources/statements/georgia-escalating-harassment-of-anti-torture-ngos-and-journalists-threatens-survivors-right-to-redress-and-justice> (accessed 22/02/2026).

154. Georgian Parliament Speaker Shalva Papuashvili accused online media outlet Publika of promoting unlawful activity by publishing a statement from the organizers of a planned pro-EU demonstration.²⁰¹
155. Representatives of independent media reported their discrimination by tax authorities and the freezing of their accounts after airing critical opinions about the government.²⁰²
156. Individuals affiliated with the affected organizations claimed that they were targeted with a campaign of disinformation conducted mainly through the television stations Imedi and PostTV. Civil society organizations are labelled as ‘traitors’, ‘enemies’ or supporters of the ‘Global War Party’.²⁰³
157. As per the received reports, some of those who took part in the anti-government protests and were already fined or arrested were warned that they could be arrested once again for taking part in demonstrations and then imprisoned for up to one year.²⁰⁴
158. The Rapporteur received testimonies claiming that former members of governmental authorities or of security forces felt that they were in ‘acute, life-threatening danger’ and they were seeking asylum in other States.²⁰⁵

I. Legal actions and other repressive measures against political opposition

Proceedings against individual persons

159. Due to non-appearance before a parliamentary commission (led by Tea Tsulukiani) which investigated the alleged wrongdoings under Saakashvili’s government (which governed Georgia from 2004 to 2012),²⁰⁶ eight opposition leaders were arrested in 2025 and sentenced to 7-8 months of imprisonment based on Article 349 of the Criminal Code (Non-compliance with a request of the provisional investigative commission of the Parliament of Georgia). They were also deprived, for a period of two years, of the right to hold an appointive position in public service. Some members of the opposition reportedly served their sentence in solitary confinement. The sentenced members of the opposition explained that they did not feel obliged to appear in front of the unconstitutional commission (having in mind that the commission did not include the required 50% of opposition members; those who were appointed as the opposition were, according to the Rapporteur’s interlocutors, in

²⁰¹ Civil Georgia, ‘Watchdogs: Papuashvili Attempts to Intimidate and Threaten Media’ 2 February 2025, <https://civil.ge/archives/658797> (accessed 22/02/2026).

²⁰² Written Testimony no. 11.

²⁰³ Oral Testimony no. 16; Oral Testimony no. 5.

²⁰⁴ Written Testimony no. 5; Written Testimony no. 7.

²⁰⁵ Written Testimony no. 4.

²⁰⁶ Civil Georgia, ‘Tsulukiani Commission Presents 470-Page Report, Builds Case Against UNM, Others’ 2 September 2025, <https://civil.ge/archives/698895> (accessed 22/02/2026).

fact members of the Georgian Dream party and only artificially designated as opposition members and thus the establishment of the commission was in violation of the Constitution of Georgia). In addition, according to the leaders that the Rapporteur talked with, the procedure according to which the commission should take decisions was violated. The sentenced leaders also stressed they did not expect that criminal charges would be brought against them as they believed administrative sanctions should have been applied in their cases. They also indicated that the temporal scope of the work of the commission was, at one point, suddenly broadened to cover those leaders of the opposition who were not engaged in the government before 2012.²⁰⁷

160. Various opposition leaders face also other serious criminal charges based on:
- a. Article 319 of the Criminal Code (assistance to a foreign country, foreign organization or an organization controlled by a foreign State in hostile activities) — according to the explanation provided to them by the Prosecutor’s office, by providing information about the situation in Georgia they provoked foreign sanctions against Georgian authorities; this crime is punishable by 7 to 15 years of imprisonment.
 - b. Article 318 of the Criminal Code (sabotage) — this crime is punishable by 2 to 4 years of imprisonment — two leaders of the opposition have been charged based on this article, among others; Tbilisi City Court set bail at 1,000,000 GEL each, which both leaders paid.
 - c. Article 225 of the Criminal Code (organization, management or participation in group violence) — this crime is punishable by 6 to 9 years imprisonment — the Rapporteur learnt at the meeting with opposition leaders that one of the alleged proofs of the guilt of the accused was the fact that they encouraged riot by their ‘mimic’ – whatever this could mean.
161. There are also examples of specific criminal proceedings against other politicians, also allegedly politically motivated, like the case of one of the former prime ministers based on Article 333, para. 2 (Abuse of official powers by a State-political officeholder) and Article 25-117, para. 3, subpara. m (Organization of intentional grievous bodily harm against two or more persons) — both charges were brought soon after his party decided to take part in municipal elections.

Proceedings against political parties

162. The Article 23(3) of the Constitution of Georgia provides:

²⁰⁷ Meeting with the political opposition, 18 February 2026.

‘The establishment and activity of a political party that aims to overthrow or forcibly change the constitutional order of Georgia, infringe on the independence or violate the territorial integrity of the country, or that propagates war or violence or incites national, ethnic, provincial, religious or social strife, shall be inadmissible. The establishment of a political party on a territorial principle shall be inadmissible.’

163. In May 2025, the parliament adopted amendments providing that a party substantially identical to an already prohibited party may also be banned within 14 days by the Constitutional Court (Article 36(2) of the Organic Law on Political Associations of Citizens and Article 22(42) of the Organic Law on the Constitutional Court of Georgia). This provision has been challenged before the Constitutional Court by Lelo – Strong Georgia party.²⁰⁸

164. In October 2025, the parliament adopted amendments to Article 23 of the Law on the Constitutional Court of Georgia, which provides for the annulment of a party’s registration if its establishment or activities are declared unconstitutional by the Court.²⁰⁹ Based on the amendment of October 2025 individuals associated with political parties whose activities are declared unconstitutional are prohibited from founding, leading, or joining a political party; serving in its executive or supervisory bodies; holding State office; or assuming leadership positions in constitutional bodies.²¹⁰ At the same time, amendments were introduced to the Criminal Code to introduce fines for parties that fail to comply with, or obstruct, the execution of Constitutional Court decisions;²¹¹ and to the Law on Citizens’ Political Associations²¹² and Georgia’s Electoral Code.²¹³ As a result of these amendments, the Court is authorized to deny registration to parties that include such individuals as leaders or members, bar those individuals from running in local or parliamentary elections, and disqualify parties or revoke party electoral lists containing such individuals. The amendments to the Law on Political Associations of Citizens further prohibit such persons from making donations to political parties.

165. On 28 October 2025 the Georgian Parliament announced a motion to ban three leading opposition parties.²¹⁴ At the same time, Prime Minister Irakli Kobakhidze announced the plan to target with similar motions up to ten parties.²¹⁵

²⁰⁸ Civil Georgia, ‘GD Parliament Passes Amendments Paving the Way for Banning Opposition Parties’ 13 May 2025, <https://civil.ge/archives/681064> (accessed 22/02/2026).

²⁰⁹ <https://info.parliament.ge/file/1/BillReviewContent/4008632> (accessed 22/02/2026).

²¹⁰ Civil Georgia’ GD Parliament Adopts Law Extending Party Ban to Individuals, 16 October 2025, <https://civil.ge/archives/706643>, (accessed 22/02/2026).

²¹¹ <https://info.parliament.ge/file/1/BillReviewContent/400554> (accessed 22/02/2026).

²¹² <https://info.parliament.ge/file/1/BillReviewContent/400548> (accessed 22/02/2026).

²¹³ <https://info.parliament.ge/file/1/BillReviewContent/400551?> (accessed 22/02/2026).

²¹⁴ Civil Georgia, ‘Ruling Party Appeals to Constitutional Court to Ban Three Major Opposition Forces, 28 October 2025, <https://civil.ge/archives/708651> (accessed 22/02/2026).

²¹⁵ Civil Georgia’ GD Parliament Adopts Law Extending Party Ban to Individuals, 16 October 2025, <https://civil.ge/archives/706643>, (accessed 22/02/2026).

166. The Constitutional Court published a motion filed by 88 members of parliament which requests to declare the activities of Unity – National Movement, Coalition for Change: Gvaramia, Melia, Girchi, Droa, and Strong Georgia – Lelo, For the People, For Freedom as unconstitutional, to ban their operation, and to deregister them. These parties are claimed to be attempting to overthrow Georgia’s constitutional order, as well as to violate the country’s independence and territorial integrity.²¹⁶ The opposition parties Lelo – Strong Georgia and the United National Movement (UNM) filed a motion to the Constitutional Court claiming that amendments based on which the MPs seek to ban opposition parties are unconstitutional.²¹⁷

Other repressions against opposition members

167. Members of the opposition emphasized that they are under constant pressure. They have been physically attacked (see above), members of their families have been abducted and threatened, allegedly in order to force leaders of the opposition to resign from political engagement. Their offices and apartments have been raided and their property damaged. They stressed that they were functioning in an atmosphere of physical and psychological terror.²¹⁸

III. Assessment of the relevant developments

A. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

168. The right in question in this section of the report has been formulated in Article 3 of the ECHR as follows: ‘No one shall be subjected to torture or to inhuman or degrading treatment or punishment.’ The ICCPR, in turn, states in Article 7: ‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.’ Neither of the cited provisions contains a limitation clause. Additionally, articles 3 and 7 of, respectively, the ECHR and ICCPR cannot be derogated from in an emergency. This renders prohibition of torture and other cruel, inhuman or degrading

²¹⁶ Reuters, ‘Georgia’s ruling party will ask court to ban three largest opposition parties’ 28 October 2025, <https://www.reuters.com/world/georgian-parliament-speaker-says-ruling-party-asks-court-ban-three-largest-2025-10-28/> (accessed 22/02/2026). Georgia Today, ‘Constitutional Court publishes lawsuit to ban three political parties’ 4 November 2025, <https://georgiatoday.ge/constitutional-court-publishes-lawsuit-to-ban-three-political-parties/> (accessed 22/02/2026).

²¹⁷ Civil Georgia, ‘Lelo, UNM Sue Back Georgian Dream in Constitutional Court, 10 November 2025, <https://civil.ge/archives/710054>, (accessed 22/02/2026).

²¹⁸ Meeting with the political opposition, 18 February 2026.

treatment or punishment absolute and irrespective of a given person's conduct.²¹⁹ The prohibition of torture has been recognized by the UN International Law Commission as a peremptory norm of general international law.²²⁰

169. The right under consideration places on the authorities stringent obligations pertaining to the use of force. In particular, it must be borne in mind that any use of force by State agents must be treated as an *ultima ratio* measure, that is, as a last resort, when other measures are rendered insufficient vis-a-vis the conduct of a person subjected to the use of force.²²¹

170. In addition, the ECtHR distinguishes between substantive and procedural aspects of Article 3, the latter involving a positive obligation on State authorities to conduct an effective investigation into arguable instances of violations of the discussed right.²²²

171. Furthermore, the articles invoked above make a distinction between torture, that is, the most severe breach of the right in question, and other, also prohibited in absolute terms, forms of inhuman or degrading treatment or punishment. Torture is defined in Article 2 CAT as:

'any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.'

This provision thus defines torture by reference to essentially four criteria: '(1) involvement [or acquiescence] of a public official; (2) infliction of severe pain or suffering; (3) intention; and (4) specific purpose'.²²³

²¹⁹ ECtHR, Judgement of 21 January 2021, *Shmorgunov and Others v. Ukraine*, 15367/14 and 13 Others, para. 359; Human Rights Committee, General Comment No. 20 of 10 March 1992, 'Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)', para. 3.

²²⁰ UN ILC, Draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*), Yearbook of the International Law Commission, 2022, vol. II, Part Two. Annex.

²²¹ ECtHR, Judgment of 21 January 2021, *Shmorgunov and Others v. Ukraine*, 9078/14, 15367/14, 16280/14 et al., para. 359.

²²² See the summary of requirements of such an investigation under the ECtHR's case-law in: ECtHR, Judgement of 13 December 2012 (Grand Chamber), *El-Masri v. the former Yugoslav Republic of Macedonia*, 39630/09, paras 182-185.

²²³ Z. Gerrit, 'Definition of Torture', in M. Nowak, M. Birk, & G. Monina (eds), *The United Nations Convention Against Torture and its Optional Protocol: A Commentary*, 2nd Ed., Oxford University Press 2019, p. 24.

Alleged instances of torture

172. The Rapporteur recalls the reports she received (referenced in Part II Section G) concerning the treatment of some of the people detained in connection with their political activities, such as participating in demonstrations. Among those reports were the testimonies of victims themselves. Those reports included descriptions of such treatment as severe beatings, causing bone fractures and face mutilations, purposefully hitting on both ears at once, forcing individuals concerned to undress naked and lie on the bare floor, or strangling.²²⁴
173. The Rapporteur concedes that she had no means of conclusively confirming the truthfulness and accuracy of these testimonies. The Rapporteur nevertheless wishes to underline the sheer volume of these accounts as well as their consistency. Furthermore, some of them were accompanied by medical documentation, videos and photos. These testimonies in fact allow for discerning a certain pattern of behaviour of Georgian officials against some persons detained in connection with their involvement in actions perceived by the government as adversarial. This is further supported by the accounts passed to the Rapporteur indirectly, by the NGOs engaged in documenting instances of politically-motivated ill-treatment and assisting the victims. Furthermore, the Public Defender of Georgia shared with the Rapporteur disturbing instances of ill-treatment by Georgian authorities.²²⁵ Many of these accounts, both obtained by the Rapporteur directly and indirectly, describe treatment that, *prima facie*, bears all the hallmarks of torture, as defined in Article 2 CAT. If these accounts are true, which the Rapporteur considers highly likely at least with regard to some of them, this would render Georgia in violation of the prohibition of torture, as defined in Article 2 CAT.

Conduct of security forces during demonstrations

174. As regards other conduct that might fall within the ambit of prohibition of torture and other cruel, inhuman or degrading treatment or punishment (though not necessarily amounting to torture as defined in Article 2 CAT), the Rapporteur now turns the attention to the conduct of security forces during public demonstrations. The Rapporteur recalls that she received numerous testimonies, including from people directly affected, of particularly harsh measures taken by the Georgian security forces during such gatherings, including, but not limited to those that erupted in late 2024 in response to the suspension of negotiations on Georgia's EU membership and those opposing the adoption of 'foreign agents' legislation. These measures used against demonstrators include the use of pepper spray, tear gas and other chemical irritants, water cannons, rubber bullets (sometimes aimed at

²²⁴ Oral Testimony no. 11; Oral testimony no. 19.

²²⁵ Meeting with the Public Defender, 17 February 2026.

protesters' faces at close range) and beatings. The use of these measures is also confirmed by the publicly available sources.²²⁶ According to some of the testimonies received under this mandate, their use led to serious injuries.²²⁷

175. The Rapporteur accepts, in principle, that the use of some coercive measures may have been legitimate vis-a-vis some of the protesters who exhibited violent behaviour, particularly those who, as per the available reports, threw stones, bottles or fireworks at the police.²²⁸ Examples of violence on the part of the protesters were shared with the Rapporteur during the meeting at the Ministry of Internal Affairs on 17 February 2026.²²⁹

176. The above notwithstanding, the Rapporteur wishes to draw the attention to credible and authoritative accounts according to which the vast majority of protesters at demonstrations during which such violent behaviour was exhibited, remained peaceful.²³⁰ Accordingly, the Rapporteur echoes the ECtHR which holds that '[a]n individual does not cease to enjoy the right to peaceful assembly as a result of sporadic violence or other punishable acts committed by others in the course of the demonstration.'²³¹ These peaceful demonstrators participating in gatherings where some other participants displayed disruptive or violent behaviour, were nevertheless subjected to indiscriminate use of force. This has arguably borne the hallmarks of collective punishment of people who legitimately demonstrated to express their opposition to the government's policies. The indiscriminate nature of the authorities' deployment of force, makes this deployment, by definition, disproportionate and thus contrary to safeguards stemming from Article 3 ECHR and Article 7 ICCPR. The Rapporteur thus considers claims by the Minister of Internal Affairs, according to which the conduct of authorities during those demonstrations was fully humanitarian and exemplary, as highly unconvincing.²³²

177. The Rapporteur recalls the arguments raised by the Prime Minister and the Minister of Internal Affairs that some of the protests during which such particularly harsh measures

²²⁶ See, among others: UN News, 'Rights chief calls on Georgian authorities to protect basic freedoms', 2024, <https://news.un.org/en/story/2024/12/1157681> (accessed: 22/02/2026); Amnesty International, 'Georgia: Police actions in Tbilisi amount to yet another punitive assault on freedom of peaceful assembly', 2024, <https://www.amnesty.org/en/latest/news/2024/11/georgia-police-actions-in-tbilisi-amount-to-yet-another-punitive-assault-on-freedom-of-peaceful-assembly/> (accessed: 22/02/2026); BBC, 'Police use water cannon as Georgia EU protests erupt for second night', 2024, <https://www.bbc.com/news/articles/c62jp68p315o>, (accessed: 22/02/2026);

²²⁷ Written testimony no. 28; Written Testimony no. 35; Written Testimony no. 126; Written Testimony no. 130.

²²⁸ Guardian, 'Georgia protesters clash with police after EU membership talks suspended', 29 November 2024, <https://www.theguardian.com/world/2024/nov/29/georgia-protest-irakli-kobakhidze-salome-zourabichvili> (accessed: 22/02/2026); UN News, 'Rights chief calls on Georgian authorities to protect basic freedoms', 2 December 2024, <https://news.un.org/en/story/2024/12/1157681> (accessed 22/02/2026).

²²⁹ Meeting at the Ministry of Internal Affairs, 17 February 2026.

²³⁰ OSCE, OSCE human rights office condemns use of excessive force by police during protests in Georgia, 2024, <https://odhr.osce.org/odhr/581962> (accessed: 22/02/2026); Human Rights Watch, *Georgia: Brutal Police Violence Against Protesters*, 2024, <https://www.hrw.org/news/2024/12/23/georgia-brutal-police-violence-against-protesters> (accessed: 22/02/2026).

²³¹ ECtHR, Judgement of 13 October 2020, *Zakharov and Varzhabetyan v. Russia*, 35880/14, 75926/17, para. 86.

²³² Meeting at the Ministry of Internal Affairs, 17 February 2026.

were taken in fact amounted to organized coup d'état attempts.²³³ Notwithstanding the fact that some of the protesters reportedly attempted to forcibly enter government buildings during those demonstrations, the Rapporteur finds the justification of measures taken on this basis as unconvincing. The vast majority of protesters were not armed (although some of them threw stones, bottles or fireworks at the police; the Minister of Internal Affairs also claimed that some of the protesters used so-called Molotov cocktails²³⁴) and the protests in question, to the best of the Rapporteur's knowledge, did not bear the hallmarks of organized attempts of overthrowing the government. The mere fact that some (indeed, a small minority) of the individuals taking part in these protests exhibited violent behaviour and, in isolated incidents, attempted to forcibly enter government buildings, does not warrant a conclusion that the entire gatherings (which had been organized on a daily basis) constituted some form of coordinated insurrections, much less justified an indiscriminate use of force by the authorities against peaceful protesters.

178. As regards the conduct of authorities vis-a-vis persons who did exhibit violent behaviour, the Rapporteur underscores that even in such situations the use of force must be limited to what is necessary under particular circumstances. The assessment of necessity should therefore be conducted on a case-by-case basis, which the Rapporteur lacks the necessary materials, time, and resources to do and thus refrains from any conclusive judgement in this respect. The Rapporteur accepts, however, that there might have been situations in which the use of force was legitimate and proportionate, in particular in relation to individuals who threw objects at security forces or tried to forcibly enter government buildings. At the same time, this is not to suggest that the treatment of violent individuals was at all times compliant with the requirements of international law.

Violent attacks and threats against government critics by unidentified groups

179. It was brought to the attention of the Rapporteur multiple times throughout the duration of the mandate, that persons critical of the government are increasingly prone to violent assaults by unidentified suspects, including in public spaces.²³⁵ Such attacks were also carried out against well-known opposition figures.²³⁶ Although some of the interviewees claimed that these attacks were inspired by the Georgian government, the Rapporteur lacks the means of conclusively verifying these accusations. That said, some testimonies received under the mandate seem to suggest that some of those attacks might have been carried out

²³³ Meeting at the Office of the Prime Minister, 18 February 2026; meeting at the Ministry of Internal Affairs, 17 February 2026.

²³⁴ Meeting at the Ministry of Internal Affairs, 17 February 2026.

²³⁵ Written testimony no. 44.

²³⁶ Meeting with the political opposition leaders, 18 February 2026.

at least with the government's acquiescence. According to one such testimony, one opposition figure was assaulted in central Tbilisi in broad daylight. He managed to fend off the attackers by pulling out his legally carried gun and firing warning shots in the air. According to him, despite the incident taking place in broad daylight in the country's capital and police being notified immediately afterwards, the police never showed up. This, according to him, suggests that the attack was, in fact, coordinated with the authorities. If this is true, it would constitute a manifest violation of the prohibition of torture and other cruel, inhumane or degrading treatment on Georgia's part.²³⁷ Compliance with the procedural limb of this prohibition in relation to attacks by unidentified men is assessed separately below.

180. The Rapporteur also recalls testimonies she received related to extremely serious threats that some government critics receive from unidentified persons. According to the testimonies of some of the opposition leaders, they received threats over the phone multiple times. Furthermore, their family members were also threatened. Those phone calls involved threats of extreme violence and even death.²³⁸ Similarly as in the case of physical violence by unidentified groups, the Rapporteur is incapable of assessing the direct responsibility of the government for these incidents.

Impunity and lack of effective remedies

181. The Rapporteur now turns to the assessment of the procedural limb of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in respect to the individuals who allegedly experienced such treatment during demonstrations. In that, the Rapporteur echoes the ECtHR in stating that investigation into alleged instances of violations of the right in question 'must be capable of leading to the establishment of the facts and to a determination of whether the force used was or was not justified in the circumstances, and of identifying and — if appropriate — punishing those responsible.'²³⁹ The Rapporteur acknowledges that the obligation in question is the one of conduct, not one of result. However, 'any deficiency in the investigation which undermines its ability to establish the circumstances of the case or the person responsible will risk falling foul of the required standard of effectiveness.'²⁴⁰

182. Despite credible reports of conduct contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment during the demonstrations in Tbilisi in November and December 2024, the initiated investigations, to the best of the Rapporteur's knowledge, have not led to any conviction of officers involved in those actions.

²³⁷ Meeting with political opposition leaders, 18 February 2026.

²³⁸ *Ibid.*

²³⁹ ECtHR, Judgement of 7 May 2024 (Grand Chamber), *Tsaava and Others v. Georgia*, 13186/20, para. 204.

²⁴⁰ *Ibid.*, para. 207.

This is despite the fact that the prosecutions of protesters have progressed swiftly and have already led to a number of convictions. According to the information provided by the Deputy Prosecutor General, Mr. Amiran Guluashvili on the meeting of 18 February 2026, 7 individuals were charged in relation to attacking journalists. The Deputy also expressed the hope that the investigations might progress more swiftly since they were taken over by the Prosecution Service from SIS in 2025.²⁴¹ In the written information provided by the Georgian MFA to the Rapporteur on 20 February 2026 (Annex XX), in reference to the prevention of torture and ill treatment, it was stated that '[u]pon the court ruling, more than 27 hundred hours of video recordings from surveillance cameras have been requested from public and private entities. Within the framework of the criminal cases, 163 persons have been granted victim status.' Additionally, it was stated:

'In 2024-2025, 45 journalists/cameramen were recognized as victims of illegal interference in the professional activities of journalists that took place during the protest rallies. Criminal prosecution was initiated against 7 individuals under Article 154 of the Criminal Code of Georgia for illegal interference in the professional activities of journalists during a protest rally held near the Presidential Residence, on October 4, 2025, the day of the local government elections. 9 journalists and cameramen were recognized as victims. In 2025, The PSG prosecuted 11 persons for illegal interference in the professional activities of journalists, under the Article 154 of the Criminal Code of Georgia, as well as granted a victim status to 36 journalists/cameramen.'

183. The alleged impossibility of identification of the perpetrators was, on some occasions, apparently caused by the fact that special forces used to disperse assemblies did not bear any identification marks. The Minister of Internal Affairs admitted this problem and assured that based on the new regulations, all members of the law enforcement forces would have appropriate identification signs, so, according to him, this problem should not appear in the future.²⁴²

184. The Rapporteur has no means of assessing the quality of the initiated investigations. She nevertheless sees fit to presume, following, among others, the Commissioner for Human Rights of the Council of Europe,²⁴³ that those investigations likely lack the requisite quality and therefore Georgia might be in breach of the procedural limb of the right discussed here. The Public Defender, during the meeting on 17 February 2026, underscored a striking disparity between the effectiveness of investigations against, on the one hand, protesters and, on the other hand, those who used disproportionate force in protest dispersal. According to

²⁴¹ Meeting at the Prosecution Service, 18 February 2026.

²⁴² Meeting at the Ministry of Internal Affairs, 17 February 2026.

²⁴³ Council of Europe, Commissioner calls for effective investigations into alleged police violence during 2024 protests in Georgia, 2025, <https://www.coe.int/en/web/commissioner/-/commissioner-calls-for-effective-investigations-into-alleged-police-violence-during-2024-protests-in-georgia> (accessed: 22/02/2026).

- the Public Defender, the investigations stall even in cases where the perpetrators were not masked and their identities were easy to discern.²⁴⁴ Such a disparity is thus hardly justifiable.
185. The Public Defender's Office reviewed two criminal case files under investigation by the Special Investigation Service related to the protests. This review revealed that the investigation failed to meet the standards of effectiveness. The Public Defender submitted specific recommendations to the Special Investigation Service and the Prosecutor General's Office concerning investigative/procedural actions and reclassification of the charges. The office continues to request information periodically about the progress of the investigations.²⁴⁵
186. Moreover, the Rapporteur notes Georgia's history of violations of procedural aspects of Article 3 ECHR, including in a case where the facts almost mirrored those of the Tbilisi protests of November and December 2024, that is, the Grand Chamber's ruling in *Tsaava and Others v. Georgia*.
187. Furthermore, the Rapporteur recalls that she was presented with testimonies of violence by unidentified men which occurred in public places and violent individuals were not masked. In many of such cases, investigations also reportedly stall, despite the fact that the responsible individuals were easily identifiable.²⁴⁶
188. Taking the above into account, despite not having the means of assessing the quality of individual investigations, the Rapporteur considers it highly likely that Georgia is in systemic violation of the procedural limb of Article 3 ECHR on account of defective investigations of mistreatment of protesters and government critics.

B. Freedoms of assembly and association and freedom of expression

189. Treatment of freedoms of assembly and association together with the freedom of expression, as part of a single section, is justified by reference to the ECtHR case-law, according to which the purpose of freedom of assembly and association is often to exercise freedom of expression. Such a link between the two freedoms can be held to be even stronger where it can be said that organizations (being manifestations of freedom of association) are targeted because of the views they represent.²⁴⁷
190. For the purposes of this report, the wording of freedom of expression and freedoms of assembly and association is derived from the ECHR. Those freedoms are thus understood as follows:

²⁴⁴ Meeting at the Office of the Public Defender, 17 February 2026.

²⁴⁵ Information provided by the Office of the Public Defender, 18 February 2026; see also 2024 Parliamentary Report of the Public Defender. <https://ombudsman.ge/res/docs/2025091211433999093.pdf> (accessed 22/02/2026).

²⁴⁶ Meeting with the political opposition leaders, 18 February 2026.

²⁴⁷ ECtHR, Judgement of 14 June 2022, *Ecodefence and Others v. Russia*, 9988/13 and 60 others, para. 72.

Article 10

‘1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.’

Article 11.

‘1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.’

‘Foreign agents’ laws and accompanying legislation

191. It is self-evident to the Rapporteur, that both TFI and FARA constitute restrictions on the freedoms in question,²⁴⁸ as they impose significant duties on natural and legal persons subjected to them (e.g., registration, bookkeeping and reporting duties, labelling of materials, among others) and, furthermore, attach to the said persons stigmatizing labels of ‘an organization representing the interests of a foreign power’ (under TFI) and an ‘agent of a foreign principal’ (under FARA). The question therefore arises whether those restrictions

²⁴⁸ See also ODHIR, ‘Georgia’s “transparency of foreign influence” law incompatible with democratic standards and human rights law: international human rights office ODIHR’, 30 May 2024, <https://odhr.osce.org/odhr/569925> (accessed 22/02/2026); United Nations Human Rights Office of the High Commissioner, ‘Georgia: UN experts condemn adoption of Law on Transparency of Foreign Influence’, 15 May 2024, <https://www.ohchr.org/en/press-releases/2024/05/georgia-un-experts-condemn-adoption-law-transparency-foreign-influence> (accessed 22/02/2026).

can be justified in light of the relevant limitation clauses, that is, whether they can be deemed (1) prescribed by law and (2) necessary in a democratic society.

192. As regards the condition that a given restriction is ‘prescribed by law’, it must be underscored that it should be interpreted as not merely a formal requirement but one concerning also the *quality* of a law in question. In particular, the legislation in question must be ‘foreseeable’ in the sense that, among other requirements, it is sufficiently precise to enable a person concerned to regulate their conduct in accordance with the said law.²⁴⁹

193. Applying this principle to TFI and FARA, the Rapporteur shares the view of the Venice Commission that both acts lack the requisite legal precision of key terms they deploy: ‘organization pursuing the interests of a foreign power’ (TFI) and ‘agent of a foreign principal’ (FARA).

194. On the face of it, it may seem that the key term of ‘an organization pursuing the interests of a foreign power’ is defined in TFI by reference to an objective criterion of level of income obtained from a foreign source. However, the conclusion that this makes TFI sufficiently foreseeable would be misguided. This is because the qualification as ‘an organization pursuing the interests of a foreign power’ in fact results by reference to broad and indeterminate legal categories, such as ‘foreign power’ (understood to be virtually any entity outside Georgia, including natural persons), ‘income’ (which comprises money but also ‘other tangible goods of tangible value [any movable or immovable thing]’) and a legal nature of an entity subjected to the law (non-commercial legal entities, broadcasters, legal persons owning internet domains). The Rapporteur shares the view of the Venice Commission that the combination of these vague terms results in a significant ambiguity and potential difficulties for entities concerned in assessing whether they qualify as ‘organizations pursuing the interests of foreign powers’ and thus whether they are subject to significant restrictions such a qualification entails.²⁵⁰ Similarly, the competences of relevant authorities involved in registration process and control of compliance with the law are regulated in vague terms which may be interpreted as allowing sweeping measures to be taken against the entities subjected to the law.²⁵¹

195. Under FARA, the key category of ‘agent of a foreign principal’ is even less clear. It is defined, in contrast to TFI, solely by reference to qualitative and thus inherently indeterminate considerations related to the relationship of the entity in question with a ‘foreign principal’, such as acting ‘at the direction, request, instruction or control of a foreign principal’ in pursuing ‘political activities’. The definition of a ‘foreign principal’ is similar to the one of ‘foreign power’ under TFI and includes, with few exceptions, virtually any person,

²⁴⁹ See, among many others, ECtHR, Judgement of 16 June 2015 (Grand Chamber), *Delfi AS v. Estonia*, 64569/09, para. 120-122.

²⁵⁰ Venice Commission, ‘Urgent Opinion on the Law on Transparency of Foreign Influence’, 24 June 2024, paras 53-54, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)020-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)020-e) (accessed: 22/02/2026).

²⁵¹ *Ibid.*, paras 55-57.

natural or legal, located outside of Georgia. The scope of the term ‘political activities’ was defined in particularly broad terms and may well include any activity aimed at influencing public policy in any way, from political lobbying *sensu stricto*, through reposting social media posts to grassroots organization around shared causes.

196. Similarly, it is the opinion of the Rapporteur that other provisions of FARA also lack the requisite level of clarity, which has particularly serious potential consequences given the results of non-compliance. FARA imposes on ‘agents of foreign principals’ extensive registration and reporting requirements, involving duties of particularly broad and indeterminate nature. For instance, in the registration procedure, applicants are required to submit ‘a copy of any other act/document and a written description of the terms and conditions of all oral agreements relating to [the applicant’s] organization’ and ‘detailed information about all activities (including political activities) that the applicant carries out’. This indeterminacy, in combination with the fact that intentional violation of *any* provision of FARA is punishable by harsh sanctions, generates a considerable level of imprecision, allowing for broad, sweeping interpretations which potentially bear severe consequences for persons subjected to the law.
197. The Rapporteur takes into account the statement by the Prime Minister that the adoption of FARA was mainly a political act and it had not, at the time of writing, been deployed to punish those who failed to comply.²⁵² However, the mere existence of these provisions in the Georgian legal landscape and the fact that they *can* be used to impose particularly harsh, criminal sanctions, itself undermines the freedoms discussed under this section. The Rapporteur also recalls that, as mentioned in Part II, there are reports of organizations being officially approached for reasons of non-compliance.
198. Furthermore, the fact that TFI and FARA — which cover substantially similar subject matter yet establish partially differing administrative duties — are applicable in parallel, amplifies the involved legal uncertainty. Namely, depending on the particular circumstances of affected entities, it may be unclear for them whether they should be complying with registration and reporting duties under TFI, FARA, neither, or both. Given also the potential consequences of non-compliance, this situation creates significant legal uncertainty.
199. Similar considerations are applicable to the amendments to the Law on Grants and the Law on Broadcasting. As noted by the Venice Commission, the new provisions of the Law on Grants do not set out the criteria by which the government is to assess foreign grants for the purposes of granting authorization to receive them. This leads to the conclusion that such decisions may potentially be entirely arbitrary.²⁵³ In fact, the language of the Law on

²⁵² Meeting at the Office of the Prime Minister, 18 February 2026.

²⁵³ Venice Commission, ‘Opinion on the Law on the Registration of Foreign Agents, the Amendments to the Law on Grants and Other Laws Relating to “Foreign Influence”’, para. 90.

Grants is so imprecise that it seems capable of covering even remittances sent to inhabitants of Georgia by their families residing abroad.

200. The requirements introduced in the Law of Grants, according to which, for almost every external support in the form of money, in-kind assistance or provision of other services, from foreign subjects, the prior approval of the agreement by the Government is needed, may affect the abilities of Georgia and of international community to provide international assistance in the situation of disaster. The Law on Grants does not envisage any exception for humanitarian aid, but it specifically refers to grants as resources to implement specific humanitarian projects [Article 2(1)] and to humanitarian organizations [Article 3(1)(a)]. In consequence, the introduced restrictions contradict the recent tendency in International Disaster Law to lift obstacles to provide external assistance in the situation of disaster.²⁵⁴ The Rapporteur notes that lack of legal preparedness for a disaster may result in future violations of the obligation of the Georgian State to respect the right to humanitarian assistance (based on the right to life, right to food, right to housing, right to clothing, right to health care etc.) — envisaged in Articles 6 ICCPR and Articles 11-12 ICESCR.
201. As to the amendments to the Law on Broadcasting, they prohibit financing of broadcasters by ‘foreign powers’ defined identically as in the TFI which was determined to constitute an imprecise and overly broad definition above. Furthermore, the obligations set out in Article 54 impose on broadcasters stringent obligations, which are nevertheless formulated in inherently broad terms (e.g., to ‘ensure the clear separation of a fact from an opinion’ or prohibition on expression of ‘any viewpoints supporting or opposing any political party, social or religious association, or another interest group’). Such an indeterminate formulation invites almost any interpretation that fits the political goal of sanctioning inconvenient broadcasters. Additionally, Article 54 imposes on the broadcaster the obligation to secure the equal presentation of views by viewers making the calls during live programmes. The Rapporteur is of the view that it is in fact impossible to fulfill this obligation as the broadcaster has no control over the content of opinions expressed by viewers.
202. Taking the above into account, the Rapporteur does not consider that laws targeting so-called foreign agents and foreign influence, adopted within the period covered by the mandate, meet the requirement of being ‘prescribed by law’.
203. The requirement of ‘necessity in a democratic society’ warrants, according to the ECtHR case-law, assessment of whether a restriction in question addresses a ‘pressing social need’ and whether it is proportionate to the aims pursued.²⁵⁵

²⁵⁴ See e.g. International Law Commission, Draft articles on the protection of persons in the event of disasters (2016) - Article 8; Article 15; IFRC, Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance, available at https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2020-09/1205600-IDRL-Guidelines-EN-LR.pdf (accessed 22/02/2026).

²⁵⁵ ECtHR, *Ecodefence and Others v. Russia*, para. 118.

204. The Rapporteur is willing to accept, in principle, that the aim of increasing transparency of external funding of the NGOs and the media could be deemed legitimate for the reasons mandated by the ECHR and ICCPR, such as ensuring national security or crime prevention. The Rapporteur also accepts that the ground of national security is particularly salient in the Georgian context as it may be legitimately concerned about the adverse foreign influences in the country. However, the analysis of the laws in question, particularly but not exclusively TFI and FARA, suggests that their primary aim might not have been, in fact, countering adverse foreign influence but, rather, stigmatizing, intimidating and ultimately silencing organizations that are independent of the government and thus potentially willing to express critical opinions of it.
205. A number of provisions of the TFI and FARA support such a finding. First, the choice to label entities falling within their scopes as, respectively, ‘organizations pursuing the interests of foreign powers’ and ‘agents of foreign principals’ — that is, terms with unequivocally negative connotation commonly associated with treason — supports the conclusion that the real aim of the legislator was in fact to stigmatize them as potentially conspiring to undermine interests of Georgia at the expense of ‘foreign powers’.²⁵⁶ Second, the Rapporteur echoes the ECtHR which, in the context of a similar Russian legislation, held that such labels are not only stigmatizing but also misleading: there is no evidence to support the claim that all, or even some of the entities subjected to the laws in question do in fact serve or otherwise act in the actual or perceived interests of foreign powers. The designation as ‘foreign agents’ under either law does not require provision of any evidence to this effect.²⁵⁷ Third, the volume of administrative duties imposed on affected entities, especially, but not exclusively, by FARA, cannot reasonably be deemed proportionate to the purported aim of ensuring transparency of their finances. Rather, these duties are manifestly excessive, which is, furthermore, exacerbated by the unclarity of the relevant provisions (see above). This may have the effect of imposing a necessity to divert the resources to ensure compliance with the law in question, at the expense of core activities of organizations affected. Fourth, Georgian public officials have insisted that the law was intended to ensure transparency, yet, at the same time, they were not shying away from openly stating that the law was to be used against organizations criticizing the government or advocating for causes that the government disagrees with.²⁵⁸ Fifth, all laws under examination in this section involve harsh sanctions for failing to adhere to stringent, yet also indeterminate, obligations they impose. This may, and in fact is very likely to, exert a chilling effect on the exercise of

²⁵⁶ *Ibid.*, para. 136. In addition - Oral Testimony no. 15. The Rapporteur was not persuaded by the linguistic analysis submitted by the Georgian MFA on 20 February 2026 as Annex VIII, according to which that the term ‘foreign agent’ does not have a negative connotation in Georgian language. Substantiation of this view is provided below in Part III Section D.

²⁵⁷ ECtHR, Judgement of 22 October 2024, *Kobaliya and Others v. Russia*, 39446/16 and 106 others, para. 113.

²⁵⁸ Civil Georgia, ‘PM Defends Law, Labels CSOs, President “Foreign Agents”’, 17 April 2024, <https://civil.ge/archives/599588> (accessed: 22/02/2026).

freedoms of assembly and association and freedom of expression. The chilling effect may be material for both already existing organizations (which may feel compelled to refrain from actions which can be perceived as adversarial by the government) and individuals potentially willing to get involved in such organizations (who, under such circumstances, may be discouraged from doing so).

206. Therefore, the Rapporteur is of the opinion that the aim of ensuring transparency of foreign funding might not, in fact, have been the primary one that guided the adoption of the laws in question. The Rapporteur considers it likely that the true rationale was, in actuality, to silence potential dissent. This aim cannot, by any means, be deemed legitimate under international law binding on Georgia.

207. Even if it was concluded, however, that ensuring the transparency of foreign funding was the primary aim of the laws in question, this would still necessitate the finding that restrictions on freedoms of assembly and association and freedom of expression are disproportionate to this aim.

208. A number of considerations support such an assessment. First, as was already stated above, the TFI and FARA impose on affected entities onerous, excessive duties that may result in diverting substantial resources from their core activities in favour of ensuring compliance with the law. In this respect, the Rapporteur is unconvinced by the remarks of the Speaker of the Parliament who, during the meeting on 17 February 2026, appeared to downplay the volume of duties that both laws entail for entities subjected to them.²⁵⁹ Second, the duty to label the materials disseminated by ‘agents of foreign principals’ under FARA not only stigmatizes entities subjected to this duty, but also infringes upon the negative aspect of freedom of expression (by forcing them to disseminate information with which they do not necessarily agree) and, as was determined by the ECtHR in relation to a similar Russian legislation, bears ‘ominous resemblance to the discriminatory and segregationist labelling practices imposed on certain groups by authoritarian regimes of the past.’²⁶⁰ Third, FARA introduced the notion of public relations advisor which may encompass anyone who informs ‘foreign principals’ about internal or foreign policy of Georgia. As a result, journalists cooperating with foreign press might be considered foreign agents. Fourth, the application of the Law on Grants can have the effect of virtually cutting access to external funding entirely. As evidenced by the interviews held for the purposes of preparing this report, the application of this law had the effect of preventing certain organizations from receiving funding they were due to receive, forcing them to limit or even halt their activities. For example, organizations dealing with the fight with disinformation were forced to limit or halt totally their activities. Some of the interviewed persons claimed that the Law on Grants constituted an existential threat to CSOs.²⁶¹ The Rapporteur notes

²⁵⁹ Meeting at the Parliament of Georgia, 17 February 2026.

²⁶⁰ ECtHR, *Kobaliya and Others v. Russia*, para. 85.

²⁶¹ Oral Testimony no. 8.

the information provided by the Prime Minister, that any non-political grant would be approved and that the vast majority of those who applied, had their grants approved.²⁶² However, the mere existence of such a provision may, and in fact does, discourage both the donors and their potential beneficiaries (especially those involved in challenging the government legally or rhetorically) from even applying. Fifth, barring broadcasters completely from receiving foreign funding is a particularly severe measure and may significantly limit their ability to maintain the narrative that would be independent of the Georgian government. The Rapporteur thus shares the view of the Venice Commission which concluded that this measure runs counter to Georgia's positive obligation to guarantee media pluralism.²⁶³ Sixth, the severity of sanctions involved, including prospects of a prison sentence, can by no means be judged as adequate to the actual gravity of the impugned action of violating essentially administrative duties. In the context of freedom of political expression, deprivation of liberty is justified only in the most severe cases involving serious impairment of the rights of others, such as in instances of hate-speech or inciting to violence.²⁶⁴ The penalties involved for violations of FARA can thus by no means be judged as proportional to the conduct they aim to sanction.

209. As a result, the Rapporteur is of the opinion that, even if it is accepted that the laws in question were primarily aimed at ensuring transparency of foreign funding and thus preserving national security (which the Rapporteur believes is likely not the case; see above), the restrictions on freedoms of assembly and association and freedom of expression are disproportionate to this aim.

210. As regards parts of the Law on Broadcasting that impose stringent obligations as to the permissible content of broadcasting (in particular Article 54), they cannot reasonably be justified by the ground of national security. The only legitimate ground under Article 10(2) ECHR that the Georgian government could possibly rely on seems to be 'the protection of the rights of others'. That said, even that assumption seems rather unconvincing as it is difficult to see how duties such as 'ensuring the clear separation of a fact from an opinion', prohibition on covering 'information reflecting political or another confrontation, or current issues of public policy based on personal attitude or opinion of the broadcaster' or prohibition on expressing 'any viewpoints supporting or opposing any political party, social or religious association, or another interest group' could lead to the furtherance of that aim. These provisions, furthermore, are broad and indeterminate to the point of possibly covering almost any broadcast broadly dealing with politics. Accordingly, the Rapporteur is of the opinion that these obligations may be reasonably claimed as infringing upon the

²⁶² Meeting at the Office of the Prime Minister, 18 February 2026.

²⁶³ Venice Commission, 'Opinion on the Law on the Registration of Foreign Agents, the Amendments to the Law on Grants and Other Laws Relating to "Foreign Influence"', para. 104.

²⁶⁴ ECtHR, Judgement of 15 March 2011, *Otegi Mondragon v. Spain*, 2034/07, para. 59.

essence of freedom of expression, and thus manifestly disproportional to any legitimate aim under Article 10 ECHR.

211. In sum, the Rapporteur is of the opinion that the laws pertaining to ‘foreign agents’ and foreign influence adopted within the period covered by this mandate violate the freedoms of assembly and association and freedom of expression.

The Law on Family Values and shrinking space for LGBT+ expression

212. The Rapporteur considers the Law on Family Values to be falling within the ambit of freedom of expression and freedoms of assembly and association to the extent that (1) it prohibits ‘popularizing’ same-sex relationships and notions related to gender identity, including in education, broadcasting and provision of information to minors and (2) it prohibits public gatherings that would promote same-sex relationships and notions related to gender identity.
213. It is clear to the Rapporteur that the law in question constitutes a restriction of the said rights as it directly prohibits almost any public expression on certain topics and bans assemblies related to a certain theme. The question therefore arises whether those restrictions can be justified in light of the relevant limitation clauses, that is, whether they can be deemed (1) prescribed by law and (2) necessary in a democratic society.
214. As for the requirement of a restriction to be ‘prescribed by law’ the Rapporteur notes that the key category of ‘popularization’ is defined in markedly broad and vague terms as essentially any information or actions aimed at presenting issues related to gender identity, sexual orientation or *incest* in positive or exemplary light. This could be interpreted as prohibiting education or awareness-raising campaigns aimed at promoting sexual health or even as requiring LGBT+ individuals to conceal their sexual orientation or gender identity in their daily lives.²⁶⁵ Furthermore, the Rapporteur shares the view of the Venice Commission that essentially equating same-sex relationships and gender identity other than conforming to prevailing social norms with incest is stigmatizing and degrading and has no place in countries that claim to uphold human dignity and human rights.²⁶⁶ The Rapporteur notes that the Prime Minister stated at the meeting of 18 February 2026 that this provision was not intended to stigmatize anybody.²⁶⁷ This statement, however, is unconvincing given the wording of this particular provision, other provisions of the law as well as the overall oppressive atmosphere surrounding LGBT+ individuals in Georgia to which the openly homophobic and transphobic rhetoric of the government members contributes. Furthermore, it could also be argued that the intent is hardly relevant in the light of the fact

²⁶⁵See: ECtHR, Judgement of 20 June 2017, *Bayev and Others v. Russia*, 67667/09 44092/12 56717/12, para. 61.

²⁶⁶ Venice Commission, ‘Opinion on the Draft Constitutional Law on Protecting Family Values and Minors’, 25 June 2024, paras 68-70, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)021-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)021-e) (accessed: 22/02/2026).

²⁶⁷ Meeting at the Office of the Prime Minister, 18 February 2026.

that the provision in question does, in fact, treat matters related to LGBT+ rights on an equal footing with incest. As a result of the foregoing, the Rapporteur is of the opinion that the Law on Family Values does not meet the requisite standard of legislative quality and therefore measures under analysis cannot be deemed to be ‘prescribed by law’.

215. Turning now to the requirement that the restriction in question be ‘necessary in democratic society’, it can be inferred from public communications of government representatives and interviews held for the purposes of the present report, that the Georgian government could rely on ‘the protection of health or morals’ as a permissible ground for limiting the freedoms at issue.

216. As for the ground of public health, the Rapporteur shares the view of the ECtHR which, in the context of a similar Russian legislation, pointed out that restrictions in question are in fact counter-productive in pursuing the legitimate aim of ensuring public health. The Rapporteur is of the opinion that education and awareness-raising campaigns based on scientific knowledge related to non-heteronormativity and associated risks, as well as means of mitigating those risks, would be an important part of a meaningful public health campaign.²⁶⁸ Consequently, the Rapporteur believes that purging related information from the public sphere may have the actual effect of undermining public health.

217. The Prime Minister, moreover, at the meeting on 18 February 2026, suggested that the law in question was aimed to counter negative demographic trends which, as he suggested, could be attributed to ‘certain ideologies’.²⁶⁹ The Rapporteur cannot accept such a justification for two reasons. First, it is difficult to see how such an argument fits into the enumerative catalogue of grounds upon which the limitation of freedoms of expression and of assembly and association could be based. Second, and more importantly, even assuming that matters of demography are covered by the ground of ‘public health’, the Prime Minister’s suggestion seems to be based on prejudice rather than any scientific evidence which would link low fertility rates with visibility of LGBT+ individuals in the public sphere. Purging matters related to LGBT+ rights from the public debate does not make LGBT+ individuals disappear, nor does it have any scientifically proven impact on fertility rates. Relying on the ground of public health as mandating the restriction of the freedom of expression related to LGBT+ issues is, therefore, highly unconvincing.

218. As to the ground of public morals, the Rapporteur cannot accept a view, which is implicit in invoking ‘public morals’ as a justification of the discussed restrictions, that belonging to LGBT+ community is inherently ‘immoral’ or otherwise ‘bad’. The existence of LGBT+ individuals in every society is a fact of nature and claiming that their very identity

²⁶⁸ ECtHR, *Bayev and Others v. Russia*, para. 72.

²⁶⁹ Meeting at the Office of the Prime Minister, 18 February 2026; OC Media, ‘Kobakhidze blames ‘liberal ideology’ for declining birth rates’, 19 February 2026, <https://oc-media.org/kobakhidze-blames-liberal-ideology-for-declining-birth-rates/> (accessed 22/02/2026).

is unnatural, immoral or harmful to others amounts to gross insult, denigration and in fact undermines social cohesion.

219. Turning now to the argument, raised by the Speaker of the Parliament, that Georgian society is generally against LGBT+ expression,²⁷⁰ the Rapporteur echoes the ECtHR which held that the mere alleged fact of public opinion being against the exercise of a human right, does not, of itself, constitute a sufficient ground for restricting this right.²⁷¹ In fact, if it is indeed the case that the majority of Georgians do not accept non-heteronormativity, it is the role of the government which took upon itself to abide by the internationally recognized human rights, to strive to create the conditions of public respect to those very human rights. Furthermore, it must not be overlooked that the predominantly negative attitudes of the Georgian public towards the LGBT+ individuals may well, at least partly, be driven by the homophobic and transphobic rhetoric employed by the government authorities themselves. In any case, the Rapporteur echoes the well-established ECtHR case-law in stating that prevailing social attitudes cannot be held as sufficient to justify policies underpinned by stereotypes and biases against sexual minorities. Therefore, the Rapporteur does not consider the ground of public morals as providing a legitimate justification for restriction of freedoms of assembly and association and freedom of expression by the law in question.

220. In view of the above, it is unnecessary to turn to proportionality assessment in order to hold that the Law on Family Values constitutes an impermissible interference with freedoms of assembly and association and freedom of expression. However, the Rapporteur nevertheless finds it fit to underscore that restrictions put in place by the said law are so severe that they may be held as infringing upon the very essence of these freedoms. In wholly banning public gatherings organized around the theme of LGBT+ rights the law in question essentially nullifies the right to assembly. In banning any expression that would ‘popularize’ LGBT+ rights it can be interpreted as wholly denying the right to speak on those issues or even expressing sexual or gender identities of the persons concerned. By infringing upon the essence of the rights concerned, the proportionality requirement must also be found as not having been met.

221. The Rapporteur recalls that both the Prime Minister and the Speaker of the Parliament considered The Law on Family Values to be in line with Georgia’s international obligations, pointing to the fact there is no judgement directly binding upon Georgia which would hold the law in question to be at variance with those obligations.²⁷² However, in the light of the foregoing paragraphs which make it clear that the law in question is in fact

²⁷⁰ Meeting at the Parliament of Georgia, 17 February 2026.

²⁷¹ ECtHR, *Fedotova and Others v. Russia*, para. 217.

²⁷² Meeting at the Office of the Prime Minister, 18 February 2026; meeting at the Parliament of Georgia, 17 February 2026.

manifestly incompatible, among others, with the ECHR, the Rapporteur considers such claims to amount to bad faith interpretation of this treaty.

222. The Rapporteur also wishes to underscore the material facts that unfolded in the period covered by the mandate that point to substantial shrinking of space for expression of sexual orientation or gender identity other than conforming to prevailing social norms. In fact, drawing on conducted interviews as well as publicly available information, it can be concluded that LGBT+ expression has become dangerous in Georgia, due to the prevailing climate of stigmatization and apparent unwillingness of the authorities to provide protection to persons wishing to either express their identity or merely to inform the public about LGBT+ rights.

223. As a result of the foregoing, the Rapporteur is of the opinion that the Law on Family Values as well as the overall climate of stigmatization of or even danger for LGBT+ individuals, which appears to be partly driven by the authorities, amounts to Georgia being in violation of freedoms of assembly and association and freedom of expression.

Other legal developments

224. Shifting the burden of proof in defamation cases to the defendant carries a high risk in the light of freedom of expression in particular in so far as it can exert a chilling effect on journalists or other persons involved in the public debate on matters of public interest. The ECtHR held that the presumption of falsity of an allegedly defamatory statement, of itself, does not run counter to ECHR Article 10 and the impact on the right contained in this provision must be established on a case-by-case basis.²⁷³ However, the ECtHR also holds that '[the presumption of falsity,] taken in isolation, could be seen as unduly inhibiting the publication of material whose truth may be difficult to establish in a court of law, for instance because of the lack of admissible evidence or the expense involved.'²⁷⁴ Therefore, it seems to the Rapporteur that the standard more aligned with the freedom of expression against which to assess the impugned expression in defamation cases would not be the one of truth under all circumstances but, rather, of acting 'in good faith in order to provide accurate and reliable information in accordance with the ethics of journalism.'²⁷⁵ It is the view of the Rapporteur that demanding the proof of truth to shift the burden of proof back to the plaintiff might, at least under some circumstances, be excessive and thus raises concerns in light of freedom of expression. This provision is also particularly capable of exerting a chilling effect and thus contributing to self-censorship on account of fear of potential defamation lawsuits.

²⁷³ ECtHR, Judgement of 19 April 2011, *Kasabova v. Bulgaria*, 22385/03, para. 60.

²⁷⁴ *Ibid.*, para. 61.

²⁷⁵ ECtHR, Judgement of 02 November 2006, *Standard Verlags GmbH and Krawagna-Pfeifer v. Austria*, 19710/02, para. 57.

225. Turning now to the assessment of a general ban on covering one's face during the demonstration, the Rapporteur echoes the ECtHR as well as the Venice Commission and ODIHR in stating that such a general ban, not allowing for any legitimate exception, is disproportional.²⁷⁶ The Venice Commission together with ODIHR in 'Guidelines on Freedom of Peaceful Assembly' opine that '[t]raditional assemblies allow participants, if they so desire, a certain level of anonymity or at least a smaller likelihood of being 'singled out' or identified. Even the wearing of masks, for expressive purposes, is considered legitimate under international law' and further that '[t]he wearing of masks or other face coverings at a peaceful assembly should not be prohibited where there is no demonstrable evidence of imminent violence. An individual should not be required to remove a mask unless his/her conduct creates probable cause for arrest and the face covering prevents his/her identification.'
226. The Rapporteur thus considers a blanket ban on covering one's face during a demonstration to be disproportional and thus at variance with the demands of the ECHR. In addition, the Rapporteur received testimonies (with photo and video documentation) according to which the mere wearing of a hoodie was considered by the authorities as violation of the ban on covering face.²⁷⁷ Another testimony alleged that a person was administratively detained for wearing a medical mask.²⁷⁸ Those testimonies suggest that this already restrictive provision is interpreted by the authorities in an overly restrictive manner, further hindering the rights discussed here.
227. As for the amendments that raise sanctions for offences related to participating in protests, the Rapporteur recalls, once again, the need to always balance the requirements of public order with the rights to peaceful assembly and association and freedom of expression. Seen in this light, especially the amendments that introduce mandatory detention for some protest-related violations seem excessive, since detention should be treated as a measure of last resort.

Conduct of security forces towards critics and demonstrators

228. The conduct of security forces towards demonstrators was already covered as part of the assessment of compliance with the prohibition of torture and other cruel, inhumane or degrading treatment. Under this section, therefore, the Rapporteur will limit herself to only a few remarks. Nevertheless, it is clear to the Rapporteur that disproportionate use of force during the dispersal of demonstrations also contravenes the rights to assembly and to freedom of expression.

²⁷⁶ ECtHR, Judgement of 30 August 2022, *Ibragimova v. Russia*, 68537/13, para. 37.

²⁷⁷ Written Testimony no. 13.

²⁷⁸ Written Testimony no. 111.

229. According to the ECtHR, '[a]n individual does not cease to enjoy the right to peaceful assembly as a result of sporadic violence or other punishable acts committed by others in the course of the demonstration, if the individual in question remains peaceful in his or her own intentions or behaviour.'²⁷⁹ In addition, the UN Basic Principles on the Use of Force (para. 13) clearly state that 'in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.' Therefore, the use of force must always be assessed from the point of view of necessity and proportionality, having in mind the necessary balance to be struck between the public interest and the rights to assembly and freedom of expression.
230. The Rapporteur does not have the means nor the resources to analyse every circumstance when allegedly disproportionate force was used against the protesters. However, being confronted with sometimes drastic descriptions and images of beatings, firing of rubber bullets at protesters' faces at close range, extensive use of water cannons (possibly with chemicals added to the water) and similar measures against largely peaceful protesters, the Rapporteur concludes that such measures have been, on many occasions, disproportionate and therefore contrary to the freedoms of assembly and expression.
231. As regards the use of such measures against individuals who displayed violent behaviour, the Rapporteur underscores that even in such circumstances the force deployed must be proportionate. Lacking the resources and the means to assess these issues on a case-by-case basis, the Rapporteur accepts that such force might have been justified on some occasions but this is not to suggest that the treatment of violent individuals was at all times compliant with the requirements of international law.

Sanctioning of critics

232. The Rapporteur recalls that the Public Defender underscored a striking disparity between the swiftness of investigations in cases of, on the one hand, the protesters and, on the other hand, security forces using disproportionate force against them.²⁸⁰ The Rapporteur also recalls the particularly serious, and often hardly justifiable, charges brought against the leaders of political opposition.
233. Furthermore, the Rapporteur received further testimonies suggesting arbitrary deployment of criminal law. According to one such testimony, a certain road on which a protest was about to be organized was suddenly designated as strategic and thus the protesters, unknowingly, became liable to be punished on the basis of Article 222 of the Criminal Code.²⁸¹

²⁷⁹ ECtHR, *Zakharov and Varzhabetyan v. Russia*, para. 86.

²⁸⁰ Meeting at the Office of Public Defender of Georgia, 17 February 2026.

²⁸¹ Oral Testimony no. 21.

234. The above suggests a selective and at times arbitrary deployment of criminal law in order to silence dissent. Moreover, this practice exerts a particularly strong chilling effect on those disagreeing with the government's policies who may be legitimately scared to attend protests or otherwise exercise their freedoms of assembly, association or expression on account of potential criminalization.

235. The Rapporteur also recalls testimonies according to which people were laid off from public institutions allegedly because of their involvement in protests,²⁸² were warned that they might be laid off if their family members would not stop taking part in protests,²⁸³ or had disciplinary proceedings initiated against them in their place of employment for the alleged encouragement to take part in protests.²⁸⁴ The Prime Minister Irakli Kobakhidze announced the cleansing of the public service of people somehow involved in opposing government actions.²⁸⁵ Since such actions are clearly aimed at exerting a particularly strong chilling effect, they are irreconcilable with freedoms of assembly and expression.

Rhetorical attacks against diplomats

236. Rhetorical attacks by the members of the Georgian government against diplomats, mentioned in Part II, seem to be in violation of Article 29 of the 1961 Vienna Convention on Diplomatic Relations and Article 40 of 1963 Vienna Convention on Consular Relations (accessed by Georgia on 12 Jul 1993). These provisions are a reflection of customary law and they oblige Georgia to treat diplomatic agents 'with due respect' and to 'take all appropriate steps to prevent any attack on his person, freedom or dignity'. However, it was emphasized by the Speaker of the Parliament, Shalva Papuashvili, the harsh criticism against some diplomats is within the scope of the freedom of expression and the attacks are directed against those diplomats who allegedly interfere in the internal affairs of Georgia in violation of Article 41(1) of the 1961 Vienna Convention on Diplomatic Relations. The Speaker also suggested that Georgian political culture generally allows for such harsh rhetoric.²⁸⁶

237. The Rapporteur accepts that the overall level of permissible harshness of political discourse might differ from country to country and that even harsh criticism is encompassed

²⁸² Written Testimony no. 18; Written testimony no. 20; Oral Testimony no. 15; Written Testimony no. 50; Written Testimony no. 72; Written Testimony no. 75; Written Testimony no. 91; Written Testimony no.95; Written Testimony no. 96; Written Testimony no. 97; Written Testimony no. 102; Written Testimony no. 103; Written Testimony no. 107; Written Testimony no. 113; Written Testimony no. 114; Written Testimony no. 124.

²⁸³ Written Testimony no. 23, Written Testimony no. 79.

²⁸⁴ Written Testimony no. 24

²⁸⁵ InterpressNews, [transl.] 'Irakli Kobakhidze - The self-cleaning process in the public service was very interesting - we were monitoring everyone's actions and we will react, which I say with full responsibility!', 3 December 2024, <https://www.interpressnews.ge/ka/article/823115-irakli-kobaxize-sajaro-samsaxurshi-tvitcmendis-procesi-zalian-sainteresod-carimarta-qvelas-mokmedebas-vakvirdebodit-da-reagireba-gvekneba-rasac-mteli-pasuxismgeblobit-vambob> (accessed 22/02/2026); cf. also <https://www.radiotavisupleba.ge/a/33222551.html> and <https://bm.ge/news/sajaro-mokheleebi-mier-otsnebis-nabijtan-gamijvna-sakhelmtsifo-gadatrialebis-natsili-iyokaladze> (accessed 22/02/2026).

²⁸⁶ Meeting at the Parliament of Georgia, 17 February 2026.

by the freedom of expression. Nevertheless, the authorities should bear in mind the distinction between critique, even if harsh, based on the actual conduct of a person subjected to it and mere unproductive insults.²⁸⁷ Using terms such as ‘ambassador of hatred’ despite the diplomat concerned not, to the best of the Rapporteur’s knowledge, engaging in the actual hate speech, seems to fall in the latter category. The authorities should also take into account that building a hostile atmosphere around diplomats may put them in physical danger.

General situation of the media

238. The Rapporteur is of the view that legal and material developments in Georgia in the period covered by the mandate have had a particularly detrimental impact on press freedom. To reference RSF, ‘[t]he environment [in Georgia] remains hostile for independent and opposition media, with a growing number of verbal and physical attacks against journalists. The adoption of laws on ‘foreign influence’ and ‘family values’ marginalises journalists, exposes them to censorship and reduces space for free speech.’²⁸⁸
239. Many of the legislative developments which have a bearing on the situation of the media were already analysed above. It thus only bears to mention briefly that the laws targeting ‘foreign influence’ — TFI, FARA, Law on Grants and Law on Broadcasting — all potentially target independent media which maintain some form of international cooperation. TFI and FARA stigmatize them as ‘foreign agents’ and impose onerous, disproportionate administrative duties, while the Law on Grants and Law on Broadcasting potentially cut the available sources of funding, making their operations difficult and exerting a chilling effect.
240. The Law on Broadcasting, additionally, imposes on the broadcasters particularly stringent and, in the opinion of the Rapporteur, at times impossible duties regarding the content of permissible broadcast relating to political matters. In that, as was stressed before, it infringes upon the essence of freedom of expression. The Rapporteur recalls that members of the Communications Commission stated that in the limited cases brought to the Commission on the basis of Article 54 of the Law on broadcasting, even if violation was established, no sanction was imposed. Members of the Commission also claimed to be organizing information campaigns for the broadcasters to clarify the provision and its application, which the Rapporteur welcomes and appreciates.²⁸⁹ However, the Rapporteur is of the view that the mere existence of this provision in the Georgian legal framework and the possibility that it *can* be used any time to impose sanctions on broadcasters perceived as inconvenient is incompatible with freedom of expression. Things are similar with the Law

²⁸⁷ See, for example, ECtHR, Judgement of 27 May 2003, *Skalka v. Poland*, 43425/98, para. 34.

²⁸⁸ RSF, ‘Georgia’, 2026, <https://rsf.org/en/index> (accessed: 22/02/2026).

²⁸⁹ Meeting at the Communications Commission, 18 February 2026.

on Family Values which essentially nullifies freedom of expression on matters relating to LGBT+ rights. In that, the laws in question significantly limit the space for independent journalism thereby undermining freedom of the press.

241. The Rapporteur was told that the limited possibilities to apply for foreign funds affect also the broader culture industry. For example, movie-makers seeking foreign funding to their projects possibly fall within the scope of the Law on Grants. Furthermore, the Georgian Film Center reportedly declines funding to movies that may be perceived as inconvenient from the government's perspective.²⁹⁰
242. The widespread physical attacks on journalists by law enforcement forces as well as by unidentified groups of men have made independent journalism particularly dangerous. To this effect, the Rapporteur recalls the testimonies referenced in Part II of this report, in particular those suggesting that journalists were subjected to targeted violence precisely because they were journalists. The Rapporteur also recalls that journalists are frequently detained while covering protests and targeted with administrative and criminal sanctions levied against the protesters.²⁹¹ Furthermore, independent outlets are targeted with government-driven smear campaigns.²⁹² Members of the Communications Commission claimed to only have received one complaint regarding such a campaign. They, however, refrained from sanctioning the responsible outlet on account of 'freedom of expression'.²⁹³ As a result, independent journalists can be denigrated largely with impunity. These factors, taken together, have a detrimental influence on press freedom in Georgia.
243. The Rapporteur also talked with journalists who claimed that in the public media they are ordered to present pro-government perspectives and attempts to challenge them may result in losing employment or other repressions.²⁹⁴
244. The Rapporteur underscores the crucial role played by independent journalists in any democratic society. They serve as 'public watchdogs', imposing a soft form of control over the exercise of public powers, and, in so doing, 'impart information and ideas of general interest which the public is entitled to receive.'²⁹⁵ The ECtHR, therefore, insists on States' positive obligation under Article 10 of the ECHR to 'create, while establishing an effective system of protection of journalists, a favourable environment for participation in public debate by all the persons concerned, enabling them to express their opinions and ideas without fear, even if they run counter to those defended by the official authorities or by a significant part of public opinion, or even irritating or shocking to the latter.'²⁹⁶ The above-referenced developments run manifestly foul to this obligation. In fact, the Rapporteur

²⁹⁰ Oral Testimony no. 20.

²⁹¹ Written Testimony no. 54; Oral Testimony no. 16.

²⁹² RSF, 'Unprecedented crackdown in Georgia: 600 attacks against the press in one year', 2025, <https://rsf.org/en/unprecedented-crackdown-georgia-600-attacks-against-press-one-year> (accessed: 22/02/2026).

²⁹³ Meeting at the Communications Commission, 18 February 2026.

²⁹⁴ Oral Testimony no. 16.

²⁹⁵ ECtHR, Judgement of 10 January 2019, *Khadija Ismayilova v. Azerbaijan*, 65286/13, 57270/14, para. 158.

²⁹⁶ *Ibid.*

agrees with one person interviewed under this mandate that these developments, among others, send a clear signal that no one who disagrees with the government can feel safe.²⁹⁷

C. The right to liberty and security

245. For the purposes of this report, the right to liberty is understood as in Article 5 of the ECHR:

‘1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

- (a) the lawful detention of a person after conviction by a competent court;
- (b) the lawful arrest or detention of a person for noncompliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
- (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
- (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
- (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
- (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

²⁹⁷ Oral testimony no. 1.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.’

246. The Rapporteur recalls that the key purpose of the right in question here is protection from arbitrary or unjustified deprivation of liberty.²⁹⁸ What may amount to arbitrariness depends on the circumstances of a case at issue. The ECtHR, for example, has deemed deprivation of liberty arbitrary when there was an element of bad faith or deception on the part of the authorities or when the order to detain and the execution of the detention does not genuinely conform with the purpose of the restrictions permitted by the relevant sub-paragraph of Article 5 para. 1.²⁹⁹

247. The criterion of ‘lawfulness’ of deprivation of liberty is not limited to formal compliance with national law, but also concerns the quality of the law in question. In particular, the law must meet the requirement of legal certainty so that it is possible to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.³⁰⁰ The law in question must also be in conformity with the principle of proportionality.³⁰¹

The Foreign Agents Registration Act

248. FARA falls within the scope of right to liberty to the extent that it provides for a prison sentence for intentional violation of *any* provision of the law and for intentional inclusion of false information or intentional omission of any relevant information in registration and reporting procedures.

249. As was already explained above, in relation to freedom of expression and freedoms to assembly and association, the Rapporteur does not consider FARA to meet the requisite level of quality of legislation. It is thus only appropriate to stress here that FARA imposes stringent, yet also indeterminate duties on entities subject to it. Furthermore, due to the imprecise definition of ‘agent of a foreign principal’, determining who exactly falls within the law may be particularly challenging in some circumstances. Because FARA provides for a possible prison sentence for violation of any of its provisions, it is clear to the Rapporteur that it does not guarantee legal certainty, since it does not sufficiently allow to foresee the consequence of one’s actions.

²⁹⁸ ECtHR, Judgement of 22 December 2020 (Grand Chamber), *Selabattin Demirtaş v. Turkey (no. 2)*, 14305/17, para. 311.

²⁹⁹ ECtHR, Judgement of 29 January 2008 (Grand Chamber), *Saadi v. The United Kingdom*, 13229/03, para. 69.

³⁰⁰ ECtHR, Judgement of 15 December 2016 (Grand Chamber), *Klaifia and Others v. Italy*, 16483/12, para. 92.

³⁰¹ ECtHR, Decision of 28 August 2008, *Simons v. Belgium*, 71407/10, para. 32.

250. Notwithstanding the above, the Rapporteur considers the prison sentence of maximum of five years to be manifestly disproportional to the actual gravity of actions it applies to.

Detention of protesters and opposition figures

251. The Rapporteur lacks the means to assess, on a case-by-case basis, whether or not the detention of protesters in the period covered by this mandate was arbitrary. That said, the Rapporteur recalls the legislative amendments that introduced automatic administrative detention for various demonstration-related offences, such as blocking of roadways. This, paired with the received reports that those provisions are interpreted in an overly broad manner to sanction peaceful protesters standing on sidewalks, results in the conclusion that it is very likely that Georgian authorities oftentimes deprive peaceful protesters of their liberty in an arbitrary manner.

252. The Rapporteur recalls that some opposition leaders were jailed for 7 to 8 months for a failure to appear before the parliamentary committee, even though, according to them, administrative sanction was in order for this offence. Some of them also face charges potentially resulting in years-long imprisonment, such as those based on Article 319 of the Criminal Code (Assistance to a foreign country, foreign organization or an organization controlled by a foreign State in hostile activities). Allegedly, as was already stressed in Part II Section I, some of them were charged based on this article because, through their public statements, they provoked sanctions that were imposed against Georgian officials by some States. Furthermore, some of them were reportedly charged with sabotage and placed in pre-trial detention with a disproportionately high bail. These reports allow the Rapporteur to presume that criminal law might be interpreted by the prosecution and, to an extent, also the courts, in an expansive manner which causes a significant level of legal uncertainty and thus may not meet the requirement of 'lawfulness' from Article 5 para. 1 of the ECHR.

253. Furthermore, the Rapporteur recalls that some opposition figures as well as their family members were abducted by unknown individuals, for limited periods of time, and, while being deprived of liberty on those occasions, threatened with violence and death.³⁰² Due to a shortage of evidence, the Rapporteur does not intend to suggest that these abductions were carried out in coordination or with acquiescence of the authorities. Nevertheless, the Rapporteur wishes to highlight a positive obligation on the authorities 'to take appropriate steps to provide protection against an unlawful interference with those rights to everyone within its jurisdiction.'³⁰³ In short, Georgia is under a positive obligation to protect the freedom of persons under its jurisdiction. Its responsibility would be engaged

³⁰² Meeting with opposition leaders, 18 February 2026.

³⁰³ ECtHR, Judgement of 13 December 2012 (Grand Chamber), *El-Masri v. the former Yugoslav Republic of Macedonia*, 39630/09, para. 239.

if it were to be found that the authorities played a role in those abductions or even acquiesced to them or otherwise failed to protect the liberty of abducted persons despite being reasonably capable of doing so.³⁰⁴

D. The right to privacy

254. The right to privacy was formulated in Article 8 of the ECHR as follows:

‘1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.’

255. The Rapporteur recalls that the notion of ‘private life’ is a broad concept that cannot be succinctly defined. According to the ECtHR, ‘[i]t can embrace multiple aspects of the person’s physical and social identity.’³⁰⁵ The right to privacy thus encompasses, among others, aspects related to one’s social, sexual and gender identity, protection of personal data, ‘the right to personal development and the right to establish and develop relationships with others and the outside world’, and ‘the right to protection of reputation’.³⁰⁶

So-called ‘foreign agents’ laws

256. The Rapporteur considers TFI and FARA as warranting assessment in the light of right to privacy in so far as they (1) provide for the public character of registration documents and mandate the creation of a public database of registered entities and (2) label entities subjected to them as, respectively, ‘organizations representing the interests of foreign power’ and ‘agents of a foreign principal’.

257. It is unnecessary to retread here the assessment of the quality of the laws in question. Refer to Part III Section B for an assessment of this issue. It only bears recalling here that the Rapporteur does not consider the laws in question to meet the requisite standard of quality for the requirement of any restriction on right to privacy being ‘in accordance with the law’ to be met. The Rapporteur will thus limit herself here to the assessment of ‘necessity in democratic society’.

³⁰⁴ ECtHR, Judgement of 15 January 2009, *Medova v. Russia*, 25385/04, para. 124.

³⁰⁵ ECtHR, *Kobaliya and Others v. Russia*, para. 103.

³⁰⁶ See, among many others: *Ibid.*, paras 103-104; ECtHR, *Fedotova and Others v. Russia*, para. 142; ECtHR, Judgement of 7 February 2012 (Grand Chamber), *Axel Springer AG v. Germany*, 39954/08, para. 83; Human Rights Committee (HRC), ‘Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2172/2012,’ 28 June 2017, CCPR/C/119/D/2172/2012, para. 7.2.

258. As stressed in Part III Section B, the Rapporteur is willing to accept, in principle, that the aim of increasing transparency of external funding of the NGOs and the media could be deemed legitimate for the reasons mandated by the ECHR and ICCPR, such as ensuring national security or crime prevention. However, following the analysis of the laws in question, the Rapporteur does not believe that those were the primary aims of these laws. Rather, they seem to serve the primary objective of stigmatizing and ultimately silencing potential dissent. Refer to Part III Section B for the substantiation of this view. Nevertheless, the Rapporteur still considers it desirable to proceed to proportionality assessment in order to highlight the detrimental view the laws in question have for the right to privacy of individuals affected by them.
259. Both TFI and FARA provide for the public character of documents related to the registration as ‘foreign agents’ as well as for the creation of public registries of entities registered under each law. As for the TFI, the Rapporteur recalls the report of the Venice Commission, which concluded that it was unclear which exact data the registration documents will contain and thus which data will be subject to public exposure. As it seems, the broad language of the TFI does not preclude the disclosure of the most sensitive data of employees of the entities subject to the law.
260. This issue is even more problematic under FARA, which explicitly requires ‘agents of foreign principals’, as part of the registration procedure, to provide, among others, ‘a complete list of the applicant's employees’. Moreover, it specifically applies not only to legal but also to natural persons. As a result, it can be concluded from the mere wording of FARA that it provides for the publication of sensitive data of individuals themselves deemed as ‘agents of foreign principal’ or those working for legal entities branded as such.
261. Furthermore, the registration and reporting duties under both TFI and FARA may put at risk the confidentiality of data of beneficiaries of organizations subjected to the laws. This, paired with the public character of registration documents, results in the risk of disclosure of extremely sensitive data of CSOs’ beneficiaries.³⁰⁷
262. Public disclosure of data of entities and individuals affected by the laws in question is particularly detrimental for the right to privacy when paired with the stigmatizing labels of, respectively, ‘organizations representing the interests of foreign power’ and ‘agents of a foreign principal’. The Rapporteur again wishes to underscore, following the ECtHR, that such labels are not only stigmatizing but also misleading: there is no evidence to support the claim that all, or even some of the entities subjected to the laws in question, do in fact serve or otherwise act in the actual or perceived interests of foreign powers. The designation as ‘foreign agents’ under either law does not require provision of any evidence to this effect.³⁰⁸

³⁰⁷ OMCT, ‘Georgia: Escalating Harassment of Anti-Torture NGOs and Journalists Threatens Survivors’ Right to Redress and Justice’, 2025, <https://www.omct.org/en/resources/statements/georgia-escalating-harassment-of-anti-torture-ngos-and-journalists-threatens-survivors-right-to-redress-and-justice> (accessed: 22/02/2026).

³⁰⁸ ECtHR, *Kobaliya and Others v. Russia*, para. 113.

263. Many individuals that got in touch with the Rapporteur during the mandate stressed that their association with a ‘foreign agent’ label subjected them to considerable stress, as they felt stigmatized and having their reputation tarnished. One organization reported having its office vandalized, including by spraying slurs on its outside walls as well as some writings suggesting that they were foreign agents.³⁰⁹ The Rapporteur is thus not persuaded by the linguistic analysis submitted by the Georgian MFA on 20 February 2026 as Annex VIII suggesting that the term ‘foreign agent’ does not have a negative connotation in Georgian language.
264. In the Rapporteur’s view, incidents such as the one described above amount to a particularly grave form of intimidation, reasonably causing significant stress and fear in individuals targeted by such actions. This is not to suggest that the government is directly responsible for such acts of vandalism. However, it is clear to the Rapporteur that government officials drive the narrative that can be reasonably said to indirectly inspire such acts.
265. Furthermore, branding activists as foreign agents not only undermines their reputation but can have significant, negative consequences for establishing and maintaining relations with others, in both professional and private contexts.
266. In the light of the foregoing, the Rapporteur is of the opinion that the interference with the private lives of persons subjected to the laws in question is manifestly disproportionate.
267. For the reasons stressed above, the Rapporteur opines that both the enactment of laws pertaining to so-called ‘foreign agents’ as well as their application in practice amount to the infringement of the right to privacy on Georgia’s part.

The Law on Family Values and stigmatization of LGBT+ individuals

268. The Rapporteur considers the Law on Family Values to fall within the ambit of protection of the right to privacy in so far as it (1) bans gender-affirming care; (2) bans changing of the sex marker on legal documents; (3) bars legal recognition of same-sex relationships; (4) equals issues related to LGBT+ expression with incest and (5) bars LGBT+ individuals (couples as well as single persons) from adoption and foster care.
269. It is unnecessary to once again consider here the issues of quality of the law in question as well as its justification as protecting public health and morals. Refer to Part III Section B for the assessment of these issues.
270. In so far as it bans gender-affirming care, the law in question is clearly contrary to standards developed by the ECtHR. The notion of personal autonomy, central to the right to privacy, gives rise to the right to self-determination, of which the freedom to determine

³⁰⁹ Oral Testimony no. 4; Written Testimony no. 128.

one's gender identity is part and parcel.³¹⁰ While States Parties to the ECHR enjoy a certain margin of appreciation as regards regulating access to gender-affirming medical procedures on health-protection grounds, imposing a blanket ban on such procedures clearly oversteps this margin.³¹¹ The same can be inferred from soft-law documents of the Council of Europe and the United Nations.³¹² In this respect, the Rapporteur recalls one oral testimony, according to which because of the ban on gender-affirming care, many transgender persons undergo such care in improvised, home settings, without the necessary medical supervision, which puts them in physical danger.³¹³

271. In so far as the law in question bars the legal recognition of gender identity other than sex assigned at birth, it is at clear variance with a positive obligation under the ECHR to allow the change of the sex marker on legal documents, irrespective of whether a transgender person was earlier subjected to a gender-affirming surgery.³¹⁴ Such a positive obligation can also be inferred from the relevant soft-law documents.³¹⁵

272. To the extent that the Law on Family Values precludes same-sex marriage, it remains in compliance with the ECHR. The ECtHR maintains that States Parties exercise a margin of appreciation with regard to opening the institution of marriage to same-sex couples.³¹⁶

273. That said, while opening the institution of marriage to same-sex couples is not required, ECHR's States Parties have a positive obligation to provide, in their domestic legislation, for some form of legal recognition of same-sex couples.³¹⁷ In so far as the law in question applies not only to marriage but also to a 'union' between individuals of the same sex, it is thus in breach of Article 8 of the ECHR read alone and in conjunction with Article 14.³¹⁸

274. As regards the question of adoption and foster care by LGBT+ couples and individuals, it must be recalled that the ECtHR consistently holds that the ECHR does not give rise to the right to adopt. If, however, a given State provides for such a right in its domestic jurisdiction, then this right may not be regulated and applied in a discriminatory

³¹⁰ ECtHR, Judgement of 11 July 2024, *W.W. v. Poland*, 31842/20, para. 91.

³¹¹ See: ECtHR, Judgement of 10 March 2015, *Y.Y. v. Turkey*, 14793/08, paras 65, 101-122.

³¹² Parliamentary Assembly of the Council of Europe, Resolution 1728 (2010), 'Discrimination on the basis of sexual orientation and gender identity', 29 April 2010, para. 16.11.3; United Nations General Assembly, 'Protection against violence and discrimination based on sexual orientation and gender identity', 18 July 2018, A/73/152, para. 79.

³¹³ Oral Testimony no. 5.

³¹⁴ ECtHR, Judgement of 23 May 2006, *Grant v. United Kingdom*, 32570/03; ECtHR, Judgement of 6 April 2017, *A.P., Garçon and Nicot v. France*, 79885/12, 52471/13, 52596/13.

³¹⁵ Parliamentary Assembly of the Council of Europe, 'Discrimination on the basis of sexual orientation and gender identity', para. 16.11.2.; United Nations General Assembly, 'Protection against violence and discrimination based on sexual orientation and gender identity', para. 81.

³¹⁶ ECtHR, Judgement of 9 June 2016, *Chapin and Charpentier v. France*, 40183/07, para. 48; ECtHR, *Fedotova and Others v. Russia*, para. 188.

³¹⁷ ECtHR, Judgement of 21 July 2015, *Oliari and Others v. Italy*, 18766/11, 36030/11, para. 185; ECtHR, *Fedotova and Others v. Russia*, para. 178.

³¹⁸ See also: Venice Commission, 'Opinion on the Draft Constitutional Law on Protecting Family Values and Minors,' para. 31.

manner within the meaning of Article 14 of the Convention.³¹⁹ The ECtHR has thus ruled on, among others, incompatibility with the Convention of exclusion from adoption of single homosexuals where the law allows for the general right to adopt by single persons,³²⁰ and barring from adoption of a partner's child in the case of unmarried same-sex couples, where the domestic law generally allows such an adoption in the case of unmarried heterosexual couples.³²¹ *A fortiori*, this reasoning must also be applied to the question of foster care. Having regard to the above, and bearing in mind that the Georgian Law on Family Values explicitly points to the issue of belonging to LGBT+ community as a ground precluding adoption and foster care, the Rapporteur deems the relevant provision of this law to be at variance with Article 8 taken in conjunction with Article 14 of the ECHR.

275. Furthermore, the Rapporteur wishes to come back to the issue of the Law on Family Values equating, for its purposes, LGBT+ issues with incest. As already noted above, this is stigmatizing and degrading and has no place in a State which claims to uphold human dignity.

276. The Rapporteur, moreover, notes that the law in question constitutes yet another step in compounding demonization and stigmatization of LGBT+ individuals in Georgia, including through what appears to be State-sponsored hate-speech.³²² This process has had profound overall consequences for the right to privacy of LGBT+ individuals. The Rapporteur recalls the ECtHR which ruled that derogatory statements about LGBT+ individuals made by public officials are 'capable of having significant impact on the feelings of self-worth and self-confidence of individual members of the LGBTI community' which is covered by the scope of Article 8 ECHR.³²³ Many of LGBT+ individuals in Georgia feel compelled, for the sake of their physical safety, to conceal their sexual orientation or gender identity. Many live in a state of uncertainty and at the risk of verbal or physical abuse. This was well-reflected in the interviews held for the purposes of this report as well as in communications received to the dedicated email address. One homosexual person interviewed for this report stated that the building where they live with their partner had been vandalized, including by spraying homophobic slurs on the staircase leading to their apartment.³²⁴ It is not the intention of the Rapporteur to suggest that the authorities are directly responsible for such acts. However, the Rapporteur also believes that the enactment of the Law on Family Values, paired with homophobic and transphobic rhetoric of Georgian politicians and the widespread stigmatization of LGBT+ individuals in the public

³¹⁹ ECtHR, Judgement of 19 February 2013 (Grand Chamber), *X and Others v. Austria*, 19010/07, para. 135.

³²⁰ ECtHR, Judgement of 22 January 2008, *E.B. v. France*, 43546/02.

³²¹ ECtHR, *X and Others v. Austria*.

³²² Human Rights Council, 'Georgia: Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights', 31 October 2015, A/HRC/WG.6/51/GEO/2, paras 101-102; Human Rights Council, 'Summary of stakeholders' submissions on Georgia', para. 20.

³²³ ECtHR, Judgement of 30 May 2023, *Nepomnyashchiy and Others v. Russia*, 39954/09, 3465/17, para. 62.

³²⁴ Oral Testimony no. 5.

sphere, certainly contributes to the overall atmosphere, ripe for such deplorable displays of hatred.

277. While the Rapporteur is not aware of any scientific data to that effect, she nevertheless sees fit to echo one stakeholder who provided their submission for the purposes of Georgia's 2026 Universal Periodic Review, that the overall situation of LGBT+ individuals in Georgia must have had a marked impact on the mental health of members of the LGBT+ community.³²⁵

278. For the above-stated reasons, the Rapporteur is of the opinion that the Law on Family Values as well as surrounding climate of stigmatization of LGBT+ individuals, of which the State apparatus appears to be indifferent at best and supportive at worst, makes Georgia to be in clear violation of the right to privacy.

Rhetorical campaign of intimidation of critical voices

279. The Rapporteur also wishes to highlight the impact on the right to privacy of the stigmatizing and intimidating rhetoric, stemming even from the highest levels of government and targeting critical voices, in particular civil society actors.³²⁶ Such harsh, derogatory, stigmatizing and largely misleading statements of the Georgian public authorities are publicly available and were further brought to the attention of the Rapporteur by individuals who reported them throughout the present mandate.³²⁷

280. Following the logic of so-called foreign agents laws, Georgian officials regularly claim that civil society organizations are pursuing the interests of foreign entities and thus undermining the national security of Georgia.³²⁸ Such statements virtually amount to, and can be easily understood as, suggesting treason on the part of individuals active within Georgian civil society. It is thus a severe and, furthermore, misleading accusation as these statements are not backed by evidence that organizations and individuals they purport to do indeed engage in pursuing foreign interests at the expense of Georgia. As such, they collectively stigmatize Georgian civil society members and inevitably encroach on their right to privacy, including their capacity to establish and maintain relations with others as well as a sense of physical security. Reports of physical attacks on civil society members, apparently conducted with impunity, and, likely, negligence on the part of the authorities in investigating those attacks, only amplify such feelings.³²⁹

³²⁵ Human Rights Council, 'Summary of stakeholders' submissions on Georgia', para. 66.

³²⁶ Civil Georgia, 'PM Defends Law, Labels CSOs, President "Foreign Agents"; France24, Georgian PM vows to 'eradicate liberal fascism' amid crackdown on pro-EU protests', 5 December 2024, <https://www.france24.com/en/live-news/20241205-georgian-pm-vows-to-eradicate-opposition-amid-pro-eu-protests> (accessed: 22/02/2026).

³²⁷ Oral Testimony no. 4.

³²⁸ Civil Georgia, 'GD Accuses US Embassy, USAID, NED, EED, Foreign-Funded CSOs of Coordinated Work Against Georgia', 6 February 2025, <https://civil.ge/archives/660501> (accessed: 22/02/2026).

³²⁹ Human Rights Watch, 'Georgia: Violent Attacks on Government Critics', 2024, <https://www.hrw.org/news/2024/08/20/georgia-violent-attacks-government-critics> (accessed: 22/02/2026).

281. The same applies to political opposition which has been routinely accused of plotting a coup d'état — an accusation that has also been reflected in the legal action against opposition figures (this matter is dealt with in Part II Section I and Sections B, C and E of the present Part).³³⁰ Even when such accusations made publicly do not mention particular individuals by name, the Rapporteur is of the opinion that, by collectively targeting a particular social group (in this case opposition or civil society), they are capable of being detrimental to the rights of individuals comprising these groups.³³¹
282. Paired with legal action taken against government critics as well as physical danger related to the activities of groups of violent, unidentified men, the rhetorical campaign against them makes the members of Georgian CSOs and political opposition to live, according to them, under constant stress.³³²
283. The Rapporteur therefore considers the rhetorical campaign, driven by the public authorities of Georgia, targeting civil society and political opponents as 'foreign agents' and traitors, to constitute an infringement of the right to privacy of individuals targeted.

E. The right to a fair trial

284. The right to a fair trial is provided for in Article 6 ECHR which states:
1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
 2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
 3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;

³³⁰ EuroNews, 'Georgia's prime minister accuses opposition of attempting to topple him and vows further crackdown', 6 October 2024, <https://www.euronews.com/2025/10/06/georgias-prime-minister-accuses-opposition-of-attempting-to-topple-him-and-vows-further-cr> (accessed: 22/02/2026); Reuters, 'Georgia charges key opposition figures with seeking to topple government', 6 November 2025, <https://www.reuters.com/world/georgia-opens-criminal-case-against-saakashvili-opposition-leaders-2025-11-06/> (accessed: 22/02/2026).

³³¹ See: ECtHR, Judgement of 15 March 2012, *Aksu v. Turkey*, 4149/04, 41029/04, para. 58; ECtHR, Judgement of 16 February 2021, *Behar and Gutman v. Bulgaria*, 29335/13, para. 67.

³³² Oral Testimony no. 4; Meeting with political opposition leaders, 18 February 2026.

- (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.'

Additionally, Article 7 ECHR states:

'1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.'

285. The right to a fair trial is phrased similarly in Articles 14-15 ICCPR.

286. The right to a fair trial is essential for democracy, therefore the interpretation of guarantees from the above provisions cannot be restrictive.³³³ According to the Human Rights Committee, furthermore, '[t]he requirement of competence, independence and impartiality of a tribunal in the sense of article 14, paragraph 1, is an absolute right that is not subject to any exception.'³³⁴

287. According to the ECtHR's jurisprudence, the mere appointment of judges by the parliament or the executive does not, of itself, give rise to the violation of ECHR's Article 6, provided that so-appointed judges are free from external influence. Regardless of the appointment procedure, however, judges must be free from outside influence, coming from both within and outside of the judiciary. ECtHR has also consistently reaffirmed the salience of public perception of independence of the judiciary. In this respect, according to the Court, '[w]hat is at stake is the confidence which the courts in a democratic society must inspire in the public and above all, as far as criminal proceedings are concerned, in the accused.'³³⁵

³³³ ECtHR Judgement of 10 July 2012, *Gregacevic v. Croatia*, 58331/09, para 49.

³³⁴ HRC, General Comment No. 32, Art. 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32, 23 August 2007, para. 19.

³³⁵ ECtHR, Judgement of 25 September 2021, *Sahiner v. Turkey*, 29279/95, para. 44.

High Council of Justice and Independence of Common Courts

288. The Rapporteur is of the view that the mere fact of Georgian judges being appointed by the HCoJ does not, of itself, violate the right to a fair trial. However, the broad powers that this body exercises, paired with a marked lack of transparency in its proceedings as well as the public perception of it as being controlled and steered by the powerful group within the judiciary, does give rise to certain challenges to the right to a fair trial in Georgia.
289. Due to the limited temporal scope of the present mandate, the Rapporteur will not examine in detail the legal standing of the HCoJ, the common courts and the Supreme Court as shaped by legal developments prior to 2024. In this respect, the Rapporteur points to the concerns raised by the Venice Commission cited in Part II Section E. The Rapporteur also notes that the ECtHR has not, at the time of writing, identified a systemic deficiency in the Georgian judicial system, including in the case of former President of Georgia Mikheil Saakashvili.³³⁶ The Rapporteur, however, cannot but point out that the relevant amendments adopted in 2025 in fact steer in the opposite direction to the one recommended by the Venice Commission. These amendments, in fact, further undermine the transparency of works of the HCoJ and the common courts by limiting their public accessibility and thus may be seen as further undermining public trust in the independence of the judiciary.
290. Thus, despite the fact that the assessment of whether or not there was a violation of the right to fair trial should normally be conducted on a case-by-case basis, the Rapporteur takes note of systemic challenges to the Georgian judicial system that have not been remedied in the period covered by this mandate. To the contrary, further detriments to the transparency of HCoJ and common courts lead to the conclusion that those challenges were only made greater.

Trials of anti-government protesters, political opposition and other critics

291. Lawyers interviewed for this report representing both politicians and ordinary participants of protests emphasized that they were afraid that their involvement in defence of their clients or raising certain issues in the discussion with the Rapporteur could result in charges based on the same provisions as their clients. Although at the moment, to the best of the Rapporteur's knowledge, there are no prosecutions of this kind, the mentioned concerns serve as a good illustration of the unpredictability of the authorities' application of the law.
292. Legal representatives generally stressed that they did not have problems with access to their clients. However sometimes they struggled to localize them when they were apprehended by law enforcement forces.³³⁷ Nevertheless, the Rapporteur received one

³³⁶ ECtHR, Judgement of 23 May 2024, *Saakashvili v. Georgia*, 6232/20 22394/20.

³³⁷ Oral Testimony no. 12; Oral Testimony no. 21; Oral Testimony no. 22; Oral Testimony no. 23, Oral Testimony no. 24.

testimony according to which there was a denial of access to the lawyer at different stages of criminal proceedings, including in pre-trial detention.³³⁸

293. One of the basic guarantees of the fair criminal trial is the equality of arms, meaning that, according to the ECtHR, ‘each party must be afforded a reasonable opportunity to present his case in conditions that do not place him at a disadvantage vis-à-vis his opponent.’³³⁹ According to the interviewed persons (the protesters and political figures charged with criminal offences and their lawyers), the motions on evidence submitted by the defence are often rejected, even if they are crucial to prove innocence. One example provided to the Rapporteur was the motion to include as evidence a video footage from the location and time when the alleged crime was committed or to summon crucial witnesses.³⁴⁰ Legal representatives complained that often the only witnesses listened to by the court are police officers. According to interviewed lawyers, often they have to deal with manipulation of evidence and their attempts to question that evidence are in vain as they cannot present potentially contradicting evidence. As an example presented to the Rapporteur, when the evidence was video recording, the Prosecution Service submitted only small excerpts and the court declined to display longer parts of the video which could clarify the context. In one of the well described case, many pieces of evidence were reportedly rejected by the court.³⁴¹

294. Among other reported violations of the right to fair trial, legal representatives of persons facing criminal charges stressed:

- a. the violation of the presumption of innocence — it is, according to the interviewees, quite common that high public officials make statements concerning the alleged guilt of the accused.³⁴² Moreover, some of the accused apparently had to appear in the courtroom in glass cages, surrounded by prison guards as if they were dangerous criminals.³⁴³
- b. disproportionate application of the harshest possible preventive measures (pre-trial arrest) and punishments (imprisonment) even in cases of persons with serious health issues.³⁴⁴
- c. forcing detained persons to sign false statements which were then used against them in the criminal proceedings.³⁴⁵

³³⁸ Written Testimony no. 1.

³³⁹ ECtHR, Judgement of 18 March 1997, *Foucher v. France*, 22209/93, para. 34.

³⁴⁰ Oral Testimony no. 21.

³⁴¹ A Clooney Foundation for Justice Initiative, ‘Georgia v. Mzia Anglobeli’, January 2026, https://cfj.org/wp-content/uploads/2026/01/2025.01-Fairness-Report_Georgia-Mzia-Amaglobeli.pdf (accessed 22/02/2026), p. 27.

³⁴² A Clooney Foundation for Justice Initiative, ‘Georgia v. Mzia Anglobeli’, January 2026, https://cfj.org/wp-content/uploads/2026/01/2025.01-Fairness-Report_Georgia-Mzia-Amaglobeli.pdf (accessed 22/02/2026), p. 54-55; Oral Testimony no. 12

³⁴³ A Clooney Foundation for Justice Initiative, ‘Georgia v. Mzia Anglobeli’, January 2026, https://cfj.org/wp-content/uploads/2026/01/2025.01-Fairness-Report_Georgia-Mzia-Amaglobeli.pdf (accessed 22/02/2026), p. 31.

³⁴⁴ Oral Testimony no. 12.

³⁴⁵ Oral Testimony no. 3.

- d. reclassification of charges by the court without giving the chance to the defence to dispute the new charges before the conclusion of the proceedings.³⁴⁶
295. The Rapporteur was not provided access to the files of particular cases and did not have the opportunity to attend the court proceedings. The Rapporteur, therefore, is not in a position to conclusively determine that those allegations heard during the course of the present mandate were true. If they were, however, this would make Georgia in violation of the right to fair trial, possibly, in the context of proceedings against critics of the government, of systemic nature.

F. The right to free elections and political pluralism

296. According to Article 3 of Protocol No.1 to the ECHR: ‘The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.’ Based on this provision, everyone has the right to elect the government of his/her country by secret vote. The free elections guarantee the proper representativeness of elected bodies and they are essential to legitimize the legislative and executive bodies, which help to build people’s confidence in the State’s institutions.
297. Although during the elections of 2024 and 2025 there certainly were some irregularities, the cited in Part II reports and gathered testimonies cannot, of themselves, be sufficient — in the opinion of the Rapporteur — to claim that the credibility of election results was utterly compromised or that a large-scale electoral fraud took place. The Rapporteur had no means or sufficient resources to conclusively assess such allegations.
298. However, in the opinion of the Rapporteur, the growing problem is the systemic eradication of political pluralism by the elimination of the opposition and destruction of civil society organizations critical of the current government.
299. In many testimonies, written and oral, the term ‘State capture’ appeared to describe taking control over State’s institutions by the Georgian Dream. The ruling party is able to easily and quickly change the law and appoint its representatives to all State institutions. In result, the law and State’s institutions are used to dismantle opposition by (a) motions to ban certain parties; (b) criminal proceedings against leaders of the opposition; (c) inadequate response of the State apparatus to instances of violence experienced by opposition figures; (d) smear campaigns in the media and rhetoric of intimidation. The provisions of the Georgian Criminal Code concerning sabotage, assistance to foreign power, as well as the recently amended crime of high treason may encompass interpretation capturing almost any criticism of the ruling party. The situation when the leaders of opposition parties are jailed for a few months (in solitary confinement!) and almost immediately after release other

³⁴⁶ Oral Testimony no. 12.

criminal charges are brought, suggests that those charges may be brought in order to force their resignation from political activities. The Rapporteur is inclined to believe that the substantial number of the proceedings against the opposition constitutes the abuse of power and aims only to eliminate political opponents. As an example, it is telling that two leaders of the opposition, sentenced for 8 months for non-appearance before the parliamentary commission, were unexpectedly pardoned on 5 September 2025 by President Kavelashvil without any request from their side, just one day after the deadline of registration of candidates to municipal elections expired. Thus, they — party leaders — could not be registered as candidates.³⁴⁷

300. Dismantlement of the opposition is not only effected through legal measures. Almost all leaders of the opposition (and their family members) were physically assaulted — they were beaten, abducted, threatened by police forces or by unidentified perpetrators with law enforcement apparently unwilling to react. Their offices and apartments were raided, their property destroyed. The attacks against the opposition are, apparently, not prosecuted. The culture of impunity apparently prevails if the victims are members of the opposition. The Rapporteur believes that these developments are aimed at eliminating any meaningful opposition and thus impairing political pluralism.

301. In properly functioning democracies there should be many institutions which help keep the government accountable. Among them, the role of civil society organizations cannot be overstated. NGOs observe elections, point to abuses of power or other government's malpractices, educate and enrich the civic culture of societies. TFI, FARA, Law on Grants and accompanying laws not only impose disproportionate duties on but also stigmatize CSOs, thereby undermining their credibility. In addition, it cannot be ignored that even those organizations which decide to comply with the new laws cannot predict what other restrictions will be imposed on them. As an example, based on the amendments tabled in January 2026, employees of the organizations registered under FARA will be excluded from politics for 8 years. As it was stressed in one of the written testimonies sent to the Rapporteur: '[the proposed amendments] would mean, for instance, that parents of disabled children, who run day centers co-funded by an international donor or through international crowdfunding won't be able to join a political party.'³⁴⁸ The Rapporteur once again stresses that accepting foreign funds does not automatically mean serving foreign interests at the expense of Georgia. Thus, this proposed amendment further undermines political pluralism under the guise of ensuring transparency.

³⁴⁷ Written Testimony no. 83.

³⁴⁸ Written Testimony no. 90.

G. Right to property

302. The right to property is defined in Article 1 of the Protocol 1 to ECHR, which states that ‘Every natural or legal person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by general principles of international law.’ The same provisions stresses also that the mentioned right does not in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure payment of taxes or other contributions or penalties’.

303. In the communications sent to the Rapporteur many persons complained about the freezing of their accounts based on the administrative or criminal code to secure the payment of the fines or as a preventive measure.³⁴⁹ The Rapporteur was unable to assess whether the freezing of accounts was necessary to secure payment of eventual penalties thus whether the application of those measures was proportionate to the interest which the State wanted to secure.

304. According to various reports cited in Part II (concerning attacks against journalists), confirmed by testimonies collected by the Rapporteur, during protests police forces seized equipment of journalists (such as cameras) or purposefully damaged it.³⁵⁰ According to one testimony, when the interviewee’s camera was temporarily seized, the authorities did not return the equipment afterwards, which they justified by not being able to find it.³⁵¹ In the case of ordinary protesters, the police also reportedly took their property (wallets, phones, keys, shoes).³⁵² This property was, according to some testimonies, never returned to the owners, nor, to the best of the Rapporteur’s knowledge, was any compensation paid.³⁵³ The Rapporteur cannot see any justification for such conduct and considers those acts as clear violation of the right to property.

³⁴⁹ E.g. Written Testimony no. 42; Written Testimony no. 45; Written Testimony no. 106; Written Testimony no. 171.

³⁵⁰ Oral Testimony no. 3; Oral Testimony no. 9; Oral Testimony no. 11.

³⁵¹ Oral Testimony no. 3.

³⁵² See video: <https://www.youtube.com/watch?v=LXCbS3Hoc5o> ; <https://www.youtube.com/watch?v=WZUnoqgdZaM>, <https://www.youtube.com/watch?v=tge0FyRwYFk> (accessed 22/02.2026).

³⁵³ Oral Testimony no. 9; Oral Testimony no. 11.



საქართველოს მუდმივი წარმომადგენლობა ეუთო-სა და
ქ. ვენაში განლაგებულ სერთიფორმირებულ ორგანიზაციებში
PERMANENT MISSION OF GEORGIA TO THE OSCE AND
OTHER INTERNATIONAL ORGANISATIONS IN VIENNA



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№ 11/7236
09.03.2026

Vienna, 9 March 2026

Ms. Maria Telalian,
Director of the Office of Democratic Institutions and Human Rights (ODIHR)
Organization for Security and Co-operation in Europe
Warsaw, Poland

Madame Director,

The Government of Georgia expresses its profound concern regarding the Report of the OSCE Fact-Finding Mission under the Moscow Mechanism on developments in Georgia since Spring 2024. While Georgia remains steadfast in its commitment to OSCE principles and Human Dimension obligations, the Report contains serious factual inaccuracies, selective interpretations, and politically biased conclusions that fundamentally undermine its credibility and objectivity.

The Moscow Mechanism was activated by 23 OSCE participating States. From the outset, Georgia maintained serious reservations regarding the potential for selective interpretation and politicization of this procedure. Nevertheless, in full respect for OSCE norms and in the spirit of constructive engagement, Georgia cooperated fully and transparently with the Fact-Finding Mission. This included high-level meetings with the Prime Minister, the Chairpersons of Parliament and the High Council of Justice, multiple Ministers, and the heads of key state agencies, including the Prosecution Service, the Central Election Commission, the Communications Commission, and the Public Defender. Extensive written submissions and access to relevant institutions and documentation were provided, ensuring the Mission had the necessary information for an informed assessment.

Despite this cooperation, the Report fails to reflect the complexity of Georgia's political and legal context, omits critical clarifications provided by competent state bodies, and selectively emphasizes isolated cases as "politically motivated," disregarding legal safeguards, ongoing judicial processes, and internationally recognized fair trial

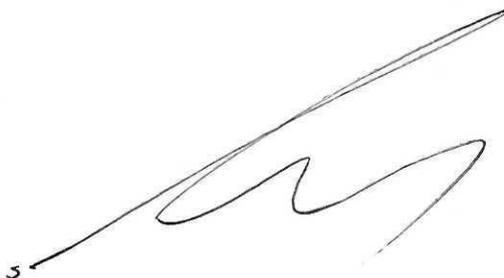
standards. The portrayal of the Law on Broadcasting, electoral procedures, and investigative actions concerning protests contains factual inaccuracies and mischaracterizations. Furthermore, the Report issues recommendations far beyond the scope of the Moscow Mechanism, including urging other international organizations and States to act against Georgia, thereby exceeding the Mission's authorized mandate.

The Report's selective presentation and timing indicate a predisposition to politicize findings, overlooking Georgia's longstanding achievements in democratic transformation, political pluralism, freedom of expression, and an over 85% reduction in applications to the European Court of Human Rights in last decade. The extremely limited 14-day timeframe for the Mission, coupled with the fact that the Report was produced in just a couple of days after the visit, further compounded these shortcomings, resulting in incomplete analysis of voluminous documentation.

The Government of Georgia therefore vigorously rejects the Report's findings and recommendations, and requests that the OSCE and its participating States give due consideration to Georgia's legal arguments, achievements, and comprehensive clarifications. Georgia further requests that this Response be published alongside the Report on the OSCE/ODIHR website, ensuring that the full context and factual record are accessible to all participating States.

Enclosure: 90 pages.

Respectfully,

A handwritten signature in black ink, consisting of a long, sweeping horizontal stroke followed by a series of smaller, more intricate loops and curves.

H.E. Ambassador Alexander Maisuradze,
Permanent Representative of Georgia to the OSCE
and other International Organizations in Vienna

Cc: OSCE Secretary General
Cc: OSCE Participating States

Response of the Government of Georgia

to the “Report on Developments in Georgia in Respect of Human Rights and Fundamental Freedoms since Spring 2024”

prepared by Professor Patrycja Grzebyk, Sole Rapporteur,

within the OSCE fact-finding mission on Georgia (2026) under paragraph 12 of the Moscow Mechanism Document

The Government of Georgia requested the publication of this Response.

Tbilisi, March, 2026

Table of Contents

Introduction.....	3
Meetings Facilitated by the Ministry of Foreign Affairs of Georgia	4
Comments by the Ministry of Foreign Affairs of Georgia	5
Comments by the Ministry of Justice of Georgia	11
Comments by the Ministry of Internal Affairs of Georgia	14
Comments by the Ministry of Education, Science and Youth of Georgia	47
Comments by the Administration of the Government of Georgia.....	49
Comments by the Cabinet of the Chairman of the Parliament of Georgia	54
Comments by the High Council of Justice of Georgia	65
Comments by the Prosecution Service of Georgia.....	74
Comments by the Central Election Commission of Georgia	86
Comments by the Communications Commission of Georgia	87

Introduction

In 2026, 23 OSCE participating States invoked the Moscow Mechanism to examine developments in Georgia. From the outset, the **Government of Georgia expressed serious reservations regarding potential politicization and selective interpretation of the procedure. Nevertheless, Georgia cooperated fully**, providing extensive access to senior officials, including the Prime Minister, Chairpersons of Parliament and the High Council of Justice, multiple Ministers, and the heads of the Prosecution Service, Central Election Commission, Communications Commission, and Public Defender, along with comprehensive written submissions, legal texts, and investigative materials. This document consolidates the official clarifications and positions of the Georgian authorities in response to the Fact-Finding Mission, addressing legislative and judicial reforms, law enforcement actions, electoral processes, freedom of expression and media, and broader human rights and governance issues. **The comments correct factual inaccuracies, provide omitted context, and demonstrate Georgia's full compliance with OSCE commitments and international standards.** Contrary to the selective portrayal in the Report, Georgia has consistently upheld the rule of law, safeguarded judicial independence, protected fundamental freedoms, maintained political pluralism, and achieved a **more than 85% reduction in applications to the European Court of Human Rights, reflecting the effectiveness of domestic remedies and institutional reforms.** By presenting these materials, Georgia ensures that OSCE participating States and international stakeholders have access to the complete factual record, enabling an objective, balanced, and evidence-based assessment of the country's adherence to its Human Dimension obligations.

Meetings Facilitated by the Ministry of Foreign Affairs of Georgia

Visit of Dr. Patrycja Grzebyk to Georgia

Tbilisi, 17-18 February, 2026

H.E. Irakli Kobakhidze, Prime Minister of Georgia

H.E. Shalva Papuashvili, Chairman of the Parliament of Georgia

Mr. Paata Salia, Minister of Justice of Georgia

Mr. Gela Geladze, Minister of Internal Affairs of Georgia

Mr. Givi Mikanadze, Minister of Education, Science and Youth of Georgia

Mr. Nikoloz Marsagishvili, Chairperson of the High Council of Justice of Georgia

Mr. Amiran Guluashvili, Deputy Prosecutor General of Georgia

Mr. Goga Gulordava, Chairman of the Communications Commission of Georgia

Mr. Giorgi Kalandarishvili, Chairperson of the Central Election Commission of Georgia

Mr. Levan Ioseliani, Public Defender (Ombudsman) of Georgia

Comments by the Ministry of Foreign Affairs of Georgia

General credibility

According to the report, the mandate of the OSCE fact-finding mission required analysing of the *“the large amount of material in a very limited time of 14 days”*, and the *“Rapporteur met with the Georgian authorities and representatives of political opposition held a series of online meetings with various stakeholders, received numerous written submissions, and collected publicly available materials...”*. While acknowledging that according to the paragraph 7 of the Moscow Mechanism Document, there is approximately three weeks’ time limit for the submission of the report to the inviting state, considering the initial amount of the material analyzed for the report, the limited timeframe, the methodology used, as well as inconsistency between provided facts and disproportionately severe and mostly biased assessments and recommendations of the mission, the credibility of the report and its observations should be challenged.

Moreover, the Georgian side notes that the 14-day timeframe imposed upon the Rapporteur fundamentally precluded a comprehensive and balanced investigation. A mission tasked with analysing *“large amounts of material”* exclusively through *“online meetings”* and *“publicly available materials”* lacks the evidentiary nexus required for a report of this gravity. The Mission has failed to meet the minimum standard of objectivity required of independent experts. The Government of Georgia provided thousands of pages of evidence during the Vienna Mechanism phase (that covered the period of Autumn 2024 – January 2025) and an extensive volume of materials under the Moscow Mechanism (covering the period since spring 2024 till February 2026), which the Rapporteur neglected or did not reflect sufficiently. **This proves pre-determined intent.** By vividly prioritizing the narratives of political opposition and pre-selected stakeholders over verifiable state data and judicial records, **the report has transitioned from a fact-finding exercise into a politically motivated instrument.**

Consequently, **the Government of Georgia formally reserves its right to disregard any and all recommendations formulated within this report. We maintain that recommendations derived from procedurally flawed process, conducted without on-the-ground verification and tainted by political bias, carry no binding moral or political authority under the Helsinki Final Act or the Moscow Document.**

Inconsistency between the mandate of the mission and a number of recommendations

[Recommendations to \[the Republic of\] Georgia](#)

Regarding this section, it should be noted that, under Article 2(1) of the Constitution of Georgia, the name of the state of Georgia is “Georgia”.

- **With regard to the legislative reforms (Rec-s N2, N3 and N5):**

2. *Similarly, the recent amendments to the Law on Broadcasting concerning foreign financing and restrictions on content of broadcasting (Article 54) should be repealed.*
3. *The Law on Family Values should be repealed. This concerns, particularly but not exclusively, equation of same-sex relationships and transgender identity with incest, 7 prohibition of ‘popularization’ of these notions, including through gatherings, a ban on gender-affirming care and change of sex markers in identity documents and civil acts.*

5. *Regulations which introduced an absolute ban on covering of faces during demonstrations should be repealed. Other regulations disproportionately limiting the right to assembly (such as automatic detention and disproportionately high fines) should be repealed or revised in order to ensure a proper balance between this right and considerations of public order.*

Instead of providing reasonable recommendations regarding a number of Georgia's internal legislative acts, the report indicates, in an **imperative manner**, that various laws of Georgia "**should be repealed**". Such statement **does not correspond to the spirit of constructive cooperation, exceeds the mandate** of the mission and is **inconsistent with the core principle of international law regarding non-interference in the internal affairs of nations**.

[Recommendations to the International Community](#)

- **With regard to the UN Special Procedures (Rec N6):**

6. *Facilitate the involvement of the UN special procedures in the protection and promotion of human rights and consider the establishment of a country office of the UN High Commissioner on Human Rights in Georgia. Among the UN Special procedures and other mechanisms of the Human Rights Council, the special consideration should be given to:*

- Working Group on arbitrary detention (WGAD) - particularly useful as there is no requirement to exhaust national remedies*
- Special Rapporteur on torture and other ill-treatment*
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*
- Special Rapporteur on the rights to freedom of peaceful assembly and of association*
- Special Rapporteur on the situation of human rights defenders*
- Special Rapporteur on the independence of judges and lawyers*
- Special Rapporteur on the human rights of internally displaced persons*
- Special Rapporteur on minority issues*
- Special Rapporteur on the right to privacy*
- Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*
- Special Rapporteur on violence against women and girls, its causes and consequences*
- Working Group on discrimination against women and girls*

Georgia attaches great importance to the protection of human rights and **remains in good cooperation with UN human rights mechanisms** in this regard.

Georgia extended a standing invitation to all special procedures mandate holders in 2010 and already hosted their several visits. For instance, during the recent years, visits were made to Georgia by the UN Independent Expert on the Promotion of a Democratic and Equitable International Order (2023), the UN Special Rapporteur on the Rights of Persons with Disabilities (2023), the UN Special Rapporteur on the Situation of Human Rights Defenders (2023) and members of Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) (2023).

Therefore, **this recommendation is unsubstantiated and mostly irrelevant.**

- **With regard to the Universal Periodic Review (UPR) (Rec N7):**

7. Actively engage in the follow-up to the Universal Periodic Review of Georgia.

Georgia is strongly committed to the UPR. In particular, **Georgia has been regularly submitting its National Report under each cycle of the UPR.** At the same time, the reporting process in Georgia is **open and inclusive** with the active participation of all the relevant State agencies.

It should be stressed that on 26th January 2026 the review of Georgia was held within the 4th cycle of the UPR. The Report also consisted of the table showing the status of implementation of the recommendations that we supported during the 3rd cycle. During the recent review Georgia received 307 recommendations. Due to the internal procedure, the recommendations received during the current cycle will be carefully examined firstly by the Government and afterwards by the Parliament of Georgia that monitors and overall plays crucial role at all stages of the UPR reporting process. Hence, the recommendations will be assessed, considered and Georgia's position on them will be provided in due course.

Generally, almost the absolute majority of the recommendations received during each cycle of the UPR are supported by the Georgian side. Therefore, the recommendation is unsubstantiated and irrelevant.

- **With regard to the Organisation for the Prohibition of Chemical Weapons (OPCW) (Rec N8):**

8. States Parties to the 1992 Convention on Chemical Weapons may consider requesting the Executive Council of OPCW to clarify the alleged use of chemical weapons by Georgian authorities in accordance with Article IX of the 1992 Convention on Chemical Weapons.

The recommendation that the States Parties to the Chemical Weapons Convention (CWC) request clarification under Article IX before the OPCW **exceeds the mandate of the mission.** The mission was **limited to fact-finding and assessing Georgia's compliance with its OSCE commitments,** followed by political recommendations within that framework.

By encouraging activation of a formal compliance procedure under a separate disarmament treaty, the report moves beyond documentation and assessment into the realm of inter-State dispute mechanisms external to the OSCE system. The OSCE has no supervisory or enforcement role under the CWC, and the Rapporteur is not authorized to recommend the initiation of treaty-based proceedings in other legal regimes. This constitutes an *ultra vires* expansion from political human-dimension review to the promotion of formal accountability processes under a distinct arms control framework.

- **With regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the European Court of Human Rights (ECtHR) (Rec-s N9, N10 and N11):**

9. States Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights; ECHR) may consider submission of 11 inter-state application to the ECtHR in accordance with Article 33 of the European Convention on Human Rights (ECHR).

10. States Parties to the ECHR, as well as other bodies like Venice Commission, Council of Europe Commissioner for Human Rights and CSOs may consider intervening in ongoing and future proceedings in the European Court of Human Rights.

11. In case of the issuance of the judgments by the ECtHR, States Parties to the ECHR, as well as CSOs, may actively engage in implementation of judgments through the Committee of Ministers of the Council of Europe.

Under the Moscow Mechanism, the **Rapporteur may propose only “possible solutions to the question raised” within the OSCE human dimension framework, as reflected in paragraph 11 of the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (1991).**

Article 33 of ECHR allows one State Party to bring a case against another State before the ECtHR, and this is a **Council of Europe judicial mechanism, separate from the OSCE system.** Recommending that States initiate Article 33 inter-State proceedings **goes beyond that mandate** for the following reasons:

1. Absence of Mandate Authority

The mandate does not authorize engagement with external judicial bodies. It contains no express or implied competence permitting the Rapporteur to recommend or promote litigation before the ECtHR.

2. Autonomous Nature of Article 33 Proceedings

Article 33 proceedings fall exclusively within the Council of Europe treaty framework and constitute a distinct contentious mechanism under the ECHR. They are formal inter-State judicial proceedings concerning alleged breaches of the Convention. As autonomous adjudicatory processes, they are governed by the Court’s admissibility requirements and other procedural conditions, each of which must be independently assessed by the prospective Applicant State. **The decision to initiate such proceedings is therefore a sovereign legal determination that cannot be directed, pre-structured, or operationalized within a separate institutional framework.**

The same institutional autonomy applies to the execution of ECtHR judgments, which is supervised by the Committee of Ministers under Article 46 of the Convention, and to third-party interventions regulated by Article 36 and the Court’s Rules. These processes form part of the autonomous Strasbourg system and **operate independently of the OSCE framework.**

The Moscow Mechanism does not confer authority on the Rapporteur to recommend, coordinate, or facilitate engagement in these judicial or supervisory procedures. Such recommendations therefore exceed the institutional competence conferred by the mandate.

3. Institutional Boundaries of the Moscow Mechanism.

The Moscow Mechanism is designed as a fact-finding and political follow-up procedure within the OSCE human rights dimension. It does not provide for judicial enforcement, nor does it delegate authority to propose, endorse, or encourage formal treaty litigation under a separate international legal regime. Recommending recourse to Article 33 therefore extends beyond the institutional competence conferred by the mandate.

By recommending Article 33 inter-State proceedings, the Rapporteur moved beyond the scope of the mandate. The recommendation concerns a separate treaty enforcement mechanism within the

Council of Europe system and therefore exceeds the institutional competence conferred under the Moscow Mechanism.

- **With regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Rec-s N12 and N13):**

12. States Parties to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) may consider submission of inter-state communication to the Committee against Torture.

13. States Parties to CAT may consider submission of the application to the International Court of Justice.

Recommendation 12 exceeds the mandate by urging the States Parties to the Convention against Torture to initiate an inter-State communication before the Committee against Torture under Article 21. Although the report may assess allegations of torture against applicable international standards, the **Moscow Mechanism does not empower the Rapporteur to encourage the activation of quasi-judicial inter-State procedures under UN treaty bodies.** Such communications are adversarial proceedings aimed at determining State responsibility and carry significant legal and diplomatic consequences. By recommending their initiation, the **report moves beyond cooperative political review and into the promotion of contentious enforcement mechanisms under a separate treaty regime.** This fundamentally alters the nature of the mission, shifting it from dialogue-oriented human-dimension assessment within the OSCE framework to the facilitation of formal litigation outside its institutional competence.

Recommendation 13 represents the clearest departure from the mandate by encouraging States Parties to the Convention against Torture to institute proceedings before the International Court of Justice (ICJ). ICJ proceedings constitute binding inter-State adjudication concerning alleged breaches of international law and directly engage questions of State responsibility and sovereignty. The Moscow Mechanism, however, is a political fact-finding tool; it is neither a judicial body nor vested with authority to recommend recourse to compulsory dispute settlement under external treaties. Its mandate is confined to assessing compliance with OSCE commitments and issuing political recommendations aimed at dialogue and improvement. **By advocating the initiation of ICJ litigation under CAT's compromissory clause, the report escalates matters from cooperative review to formal judicial enforcement, effectively inviting States to challenge another State's sovereign conduct before the UN's principal court.** Such a step intrudes into the domain of sovereign decision-making regarding dispute settlement and exceeds the institutional and functional limits of the Mechanism, transforming a human-dimension assessment into a platform for international litigation.

- **With regard to the International Criminal Court (ICC) (Rec. N16):**

16. States Parties to the Rome Statute may consider referral of the situation in Georgia to the International Criminal Court, taking into account the growing number of examples of political persecution, torture and other inhumane acts.

The 16th Recommendation regarding the potential referral of the situation in Georgia to the ICC by States Parties to the Rome Statute is inconsistent with the Statute and broader principles of International Law on three main reasons:

1. Under Article 5 of the Statute, the Court has jurisdiction over “*the most serious crimes of international concern*”, namely, genocide, crimes against humanity, war crimes and aggression. The situation described by the mission fails to meet the legal thresholds for these crimes:
 - I. **Crime of Aggression:** Under Article 8 *bis*, this requires a prior finding by the UN Security Council of an act of aggression by a State against the sovereignty, territorial integrity or political independence of another, in accordance with UN General Assembly Resolution 3314 (XXIX). **No such finding exists;**
 - II. **Genocide:** Under Article 6, this requires proof of a heightened *mens rea* of genocidal intent to destroy, in whole or in part, a protected national, ethnical, racial, or religious group (with discriminatory grounds being conclusive). **The current allegations do not satisfy this high evidentiary threshold and no identified protected group has been targeted.**
 - III. **War Crimes:** Under Article 8, these shall be closely and substantially related to an ongoing international or non-international armed conflict. **No such contextual link exists.**
 - IV. **Crimes Against Humanity:** Under Article 7, these require governmental or organizational policy decision to direct attacks against civilian population as a part of widespread or systematic attack. **The alleged political persecution or other inhumane acts do not satisfy the severity threshold of the crime and no such state-level policy exists.**

Consequently, the acts referenced in the Report do not fall within the Court’s jurisdiction *ratione materiae*.

2. Under Article 1 of the Statute, the ICC is intended to be complementary to national criminal jurisdictions. In any scenario, as the State exercising territorial jurisdiction, **Georgia is primary and best-equipped forum to conduct effective investigation in the alleged domestic crimes and ensure the administration of justice.** Since the elements of international crimes remain unsatisfied and the domestic judiciary remains the appropriate venue, the Court lacks competence based on the principle of complementarity.
3. Under Article 13 of the Statute, the Court’s jurisdiction is triggered by three mechanisms: (1) a referral by a State Party, typically understood to mean States on whose territories large-scale atrocities were being committed; (2) a referral by the Security Council, acting under Chapter VII of the Charter of the United Nations; or (3) an investigation initiated by the Prosecutor on a *proprio motu* basis, when the territorial State is unwilling or unable genuinely to carry out the investigation or prosecution. **A recommendation that State Parties, irrespective of any involvement or territorial connection to the alleged offence, refer a situation that manifestly fails to meet the gravity threshold of the Court contravenes the principle of the sound administration of justice and redirecting the Court’s limited resources toward situations lacking such “sufficient gravity” is inconsistent with its mandate under Article 17(1)(d).**

Taking into account all the above-mentioned, the recommendation not only exceeds the mandate of the mission, but also is completely irrelevant.

Comments by the Ministry of Justice of Georgia

According to Paragraph 6 of the Report the mandate of the fact-finding mission was to: 1) document recent developments in Georgia in respect of human rights and fundamental freedoms; 2) assess the impact of these developments in light of the OSCE's comprehensive definition of security; 3) provide recommendations on how to address matters of concern.

Comments are hereby provided with respect to: a) Part II of the report which was supposed to outline the relevant developments within the mandate of the mission and establish respective facts; b) Part III on legal assessment of those developments; c) Recommendations provided by the Rapporteur.

Comments regarding Part II - Key developments in the period covered by the mandate

While the Rapporteur underscores in the Methodology Part of the Report (para. 27) that the “[f]indings of this report are, to a significant extent, based on publicly available information”, in fact Part II, which was meant to establish facts, is rather descriptive, referring to the already existing sources without providing findings of the Rapporteur, that was the central purpose of the fact-finding mission.

Instead the findings are suggested only in the Executive Summary in one paragraph, without explaining which facts, sources or evidence they are based on.

Part II of the Report also fails to clarify with respect to certain findings how was evidence/information furnished by the Georgian authorities analyzed against other sources and which proof was considered more credible or reliable.

Hence, it can be observed that the **Report failed to establish facts regarding the key developments in the reporting period**, which was the main purpose of invoking fact-finding mission under the Moscow Mechanism of the human dimension of OSCE.

As regards certain factual omissions or discrepancies:

- a. In paras. 60 and 62, the reference to the Ministry of Justice has to be changed with the National Agency of the Public Registry;
- b. In paras. 104-115, the relevant information relating to the reforms of the judicial system, provided to the Rapporteur during the meeting at the Ministry of Justice and subsequently in writing, is missing.

In particular, the **mission was provided with the relevant judgments/decisions of the European Court of Human Rights (ECtHR)** depicting:

- (i) that the **ECtHR has never identified the existence of any structural or systemic deficiency affecting the independence of the Georgian judiciary;**
- (ii) Georgia **embarked on a major reform of the justice system, directed at strengthening the institutional independence** of the judiciary and reinforcing safeguards for **impartial adjudication** since 2012.

Comments regarding Part III - Assessment of the relevant developments

As a general observation, it should be underlined that **this part of the Report goes beyond the mandate of the fact-finding mission**, as instead of assessing the impact of factual developments in

light of the OSCE's comprehensive definition of security, the **Rapporteur presented her opinion on alleged incompatibilities with ECHR and certain UN Treaties.**

Finding alleged violations of certain article of ECHR is the exclusive competence of the European Court of Human Rights, which examines each and every particular case in line with the established rules, procedures and standard of proof enabling the Strasbourg court to make findings based on law and evidence. **Likewise, Georgia has accepted individual complaints mechanisms under relevant UN Treaties, which are authorized to establish alleged violations of the said treaties.**

Against this background, **providing legal appraisal with respect to a huge number of factual developments in light of the ECHR and UN Treaties within just couple of days without essential procedures**, is not only the Rapporteur's attempt to assume the role of the ECtHR judge, but falls outside the framework for which the Moscow Mechanism is established.

Notably, in relation to the majority of cases which were considered by the Rapporteur as breach of certain article of ECHR or UN Treaties, **the alleged victims have not lodged complaints against Georgia before the ECtHR or UN Committees, which is self-telling that there is no ground for finding violations.** Should any such complaint be communicated to the Government of Georgia, **detailed legal reasoning along with evidence will be provided to the ECtHR or relevant UN Committee** in line with established litigation procedures.

As regards the issues, on which there is an **ongoing litigation before the ECtHR** (for instance the application of 120 civil society organizations, 16 media outlets and four individual applicants challenging the TFI law), **all the evidence and legal appraisal are already presented to the competent European Court.**

Hence, it is not pertinent to comment on Part III of the Report in details, since: **a) the mandate of ECtHR and UN Treaties as well as ongoing or future legal proceedings should be respected; b) the fact-finding mission under the Moscow Mechanism was invoked to make assessments within the OSCE legal framework and the scope of the Report should not go beyond these margins.**

The following illustrative examples suffice to demonstrate that it is **neither reasonable nor feasible** to make **credible legal assessments under ECHR and UN Treaties with respect to such a broad spectrum of human rights issues by a single expert** under OSCE mechanism **within such a short period and without relevant adversarial proceedings and evidentiary standards:**

- c. At the meeting in the Ministry of Justice of Georgia it was explained and subsequently provided in writing that the **labeling requirements** that was the central problem in "the Russian Foreign Agents Act" and "Hungarian Law of 2017 on the Transparency of Organisations", **is absent in the Georgian TFI Law.** The Report ignored this crucial factual and legal aspect and misguidedly asserts that *"both TFI and FARA constitute restrictions on the freedoms in question, as they impose significant duties on natural and legal persons subjected to them (e.g., registration, bookkeeping and reporting duties, labelling of materials, among others)..."* (para. 191).
- d. Regarding **alleged stigmatizing** effect of TFI and FARA, the mission was provided the following **clarifications both orally and in writing** that the term "pursuing the interests of a foreign power" used in the Georgian TFI Law, or even the term "foreign agent" (used in FARA) is not inherently stigmatizing and carries no negative connotation. The aforementioned was affirmed by the **independent linguistic analysis prepared by a Georgian linguist from the Tbilisi State University.** She concluded that the **terms used in the TFI Law are predominantly neutral and, in some contexts, even positive.** The independent expert further emphasized that the inclusion

of the word “transparency” in both the title and the operative text imparts a positive semantic modifier, as in Georgian the term denotes openness and clarity, inherently excluding a negative meaning. The Rapporteur was duly provided with the mentioned independent expert report. Against this background the Rapporteur definitely concludes that she is not persuaded by an independent linguistic expert analysis, only because certain individuals or organizations presented her one oral testimony and one written testimony stating that “*association with a ‘foreign agent’ label subjected them to considerable stress, as they felt stigmatized and having their reputation tarnished*” (para. 263).

Comments regarding Recommendations

Acknowledging that the Rapporteur has liberty of presenting her own recommendations upon her own perceptions, however, **certain recommendations** still require response since they are **clearly out of the scope of the mission or not related to the topics covered by the Report**.

As an illustration the Rapporteur recommends the international community *inter alia* to:

- e. Submit inter-state application to the ECtHR;
- f. Submit inter-state communication to the Committee against Torture;
- g. Refer the situation in Georgia to the International Criminal Court;
- h. Submit the application to the International Court of Justice.

Considering the rules of procedure before such international courts/mechanisms, those recommendations are absolutely irrelevant and unrelated to the scope of the mission. Such unrealistic recommendations would not call any attention if the Rapporteur was not a University Professor with main research interests on International Humanitarian Law, International Criminal law, Use of Force and the role of international courts.

As for an example of recommendation which is not based on factual findings or legal grounds, the Rapporteur recommends the Georgian authorities to “*Withdraw arbitrarily brought charges against leaders of political opposition*” and “*Immediately and unconditionally release all prisoners held for political reasons, in particular members of the opposition*”. **The Report fails to demonstrate any established fact of arbitrariness of charges or trials. On the contrary, the Rapporteur was furnished with the judgments of the ECtHR expressly confirming the absence of any political motive underlying the arrests of high-ranking officials, political leaders, and members of the opposition parties. The Strasbourg Court in all examined cases dismissed the applicants’ submissions in this regard and unequivocally affirmed the impartiality and independence of the judiciary at every stage of the proceedings.** The Rapporteur herself emphasized that “*the ECtHR has not, at the time of writing, identified a systemic deficiency in the Georgian judicial system, including in the case of former President of Georgia Mikheil Saakashvili*” (para. 289). Against this background, **it is groundless to recommend immediate and unconditional release of any person simply because of his or her political status.**

Comments by the Ministry of Internal Affairs of Georgia

*Report (Recommendations About the prohibition of torture and other cruel, inhumane and degrading treatment or punishment, page 7) passage states – 1. **Immediately cease the disproportionate use of physical force, in particular torture and other forms of ill-treatment against peaceful protesters, journalists and political opponents.***

This recommendation is legally unsubstantiated and is based not on verified facts, but on subjective and politicized perceptions, which grossly violates the fundamental principle of the presumption of innocence. The use of the terms - „torture“ and „ill-treatment“ - without any legal research, objective investigation, or a court judgment that has entered into legal force, constitutes premeditated stigmatization and an arbitrary interpretation of legal definitions.

State institutions possess the legitimate authority and obligation to use proportionate measures of coercion provided by law to protect public order and security, while the automatic identification of this process with torture contradicts both national legislation and the case law of the European Court of Human Rights regarding the use of force.

Furthermore, the recommendation is of a discriminatory nature, as it demands a privileged approach toward specific subjects - political opponents and journalists - which directly contradicts the constitutional principle of equality before the law. Such a record also ignores the independent investigative mechanisms operating in the country and carries out the political instrumentalization of legal processes, which precludes its objectivity and legal validity.

Based on the above, the recommendation is devoid of valid legal argumentation and represents an unsubstantiated accusation against state institutions.

*Report (Recommendations About the prohibition of torture and other cruel, inhumane and degrading treatment or punishment, page 7) passage states – 2. **Ensure the proportionate use of force also against those protesters who exhibit violent behaviour.***

Article 18 of the Constitution of Georgia and Articles 17 and 31 of the Law of Georgia „On Police“ directly define the state's authority to use physical force and special means to suppress an unlawful act. According to Article 31 of the Law „On Police“ a police officer has the right to use force „to protect public safety and law and order,“ while its proportionality is assessed according to the severity of the specific situation and the nature of the unlawful act. The European Court of Human Rights, in the case Giuliani and Gaggio v. Italy, explains that the use of force is not considered a violation of Articles 2 or 3 of the Convention if it was „absolutely necessary“ to defend oneself from a violent attack or to quell a riot.

Consequently, the use of force by Georgian police against violent participants is a legally sanctioned, proportionate response aimed at restoring safety and upholding the rule of law.

*Report (Recommendations About the prohibition of torture and other cruel, inhumane and degrading treatment or punishment, page 7) passage states – 4. **Ensure that the process of apprehension and transportation of detained persons conforms with the requirements of human dignity. Ensure decent conditions of detention.***

Georgian legislation, specifically Article 9 of the Constitution of Georgia and the Imprisonment Code, already fully provides absolute guarantees for the protection of the dignity of detained and imprisoned persons, which is in compliance with Article 3 of the European Convention on Human Rights (Prohibition of Torture). The National Preventive Mechanism of the Public Defender's Office carries out monitoring in a continuous regime and has not confirmed the type of systemic misconduct that would become the basis for such a categorical demand. The practice of the European Court, specifically in the case *Muršić v. Croatia*, establishes strict criteria for assessing imprisonment conditions, while a recommendation of a general nature, which does not point to a specific incident, represents a declaration of groundless mistrust toward state institutions. Furthermore, the rule for the apprehension and transportation of detained persons is detailed in normative acts, which fully respond to international standards of human rights protection, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

*Report (Recommendations About the prohibition of torture and other cruel, inhumane and degrading treatment or punishment, page 7) passage states – 5. **To the extent possible, protect children from the impact of police raids and adopt child-sensitive practices during police operations.***

Articles 66 and 67 of the Code on the Rights of the Child directly mandate law enforcement agencies to consider the best interests of the child as a priority during the planning and implementation of any investigative or policing measure. According to Georgia legislation, the protection of the child is an imperative obligation. Furthermore, child-oriented practice during police operations is already implemented in the form of specialized units of the Ministry of Internal Affairs and relevant instructions, which is in full compliance with the UN Convention on the Rights of the Child.

*Report (Recommendations About freedoms of assembly, association and expression, page 8) passage states – 1. **Ensure the freedom of peaceful assembly in line with international standards like the General Commentary 37 of the UN Human Rights Committee of 2020 and case-law of the European Court of Human Rights (ECtHR).***

Georgia fully recognizes and implements in practice the guarantees of freedom of peaceful assembly based on Article 21 of the Constitution of Georgia and the Law of Georgia „On Assemblies and Manifestations”. These normative acts, by their essence, are in full alignment with Article 11 of the European Convention on Human Rights and the case law of the European Court (ECHR).

Specifically, the legal system of Georgia already provides for the standards established by the UN Human Rights Committee’s General Comment No. 37 of 2020, which emphasizes the peaceful character of assembly, the state's positive obligation, and the ultimate necessity of the use of force. In accordance with the practice of the European Court (for example, the case of *Kudrevičius and Others v. Lithuania*) peaceful protest is strictly demarcated from violent actions in Georgia. The state ensures the safety of assembly participants as long as the assembly maintains a peaceful character, while any restriction (in case of such necessity) is based on the test of legitimate aim, necessity, and proportionality, which precisely responds to international standards.

Furthermore, the existing mechanisms in the country - including judicial control and the supervision of the Public Defender - represent an effective guarantee that the freedom of assembly is protected from any unjustified interference.

*Report (Recommendations About freedoms of assembly, association and expression, page 8) passage states – 2. **Respect the right to spontaneous assemblies as part of the right to assembly.***

The current legislation and judicial practice of Georgia fully ensure the right to spontaneous assembly as an integral part of the freedom of assembly and manifestation. Article 21 of the Constitution of Georgia grants everyone the right to assemble publicly and unarmed without prior permission.

As already noted, the freedom of assembly is ensured by the Constitution of Georgia, while the rule for exercising the mentioned right is defined by the Law of Georgia „On Assemblies and Manifestations.“ According to Article 21 of the Constitution of Georgia, everyone, except for those persons who are members of the defense forces or the body responsible for the protection of state or public safety, has the right to assemble publicly and unarmed without prior permission. According to the same Article, the necessity of prior notification to the authorities may be established by law if the assembly is held in a place of movement of people or transport.

The Law of Georgia „On Assemblies and Manifestations“ regulates the exercise of the right recognized by the Constitution of Georgia by persons — to assemble publicly and unarmed without prior permission, both indoors and outdoors. It is noteworthy that Article 5 of the same Law provides for the necessity of prior notification to the Ministry of Internal Affairs of Georgia, no later than 5 days in advance, if the assembly or manifestation is held in a place of movement of people or transport or hinders the movement of transport or people.

It is noteworthy that according to Article 10 of the Law of Georgia „On Assemblies and Manifestations,“ for the purposes of ensuring the protection of public safety and order, the normal work of state and public bodies, enterprises, institutions, and organizations, the unhindered movement of transport or people, and the protection of human rights and freedoms, the Ministry of Internal Affairs of Georgia is authorized, within 3 days from receiving the notification, and in the case of a spontaneous assembly or manifestation - at the place of its conduct, to consider the issue of the expediency of changing the time and/or place or route of the assembly or manifestation and, in writing or via other means of communication, and in the case of a spontaneous assembly or manifestation - orally, give a mandatory instruction to the organizer and/or participants of the assembly or manifestation about this, if:

The assembly or manifestation creates a real threat to public safety and order, the normal work of bodies, enterprises, institutions, and organizations, the unhindered movement of transport or people, or other human rights and freedoms;

Another rally (the notification of which was submitted to the Ministry of Internal Affairs of Georgia earlier) is planned to be held at the same place and at the same time.

In the aforementioned case, the assembly or manifestation is held according to the alternative time and/or place, as well as the alternative route defined by the mandatory instruction.

It is to be emphasized that the Law of Georgia „On Assemblies and Manifestations“ defines the obligations of the participants of the assembly or manifestation, including the prohibitive list of items or actions for them that might pose a threat to public safety, human life, or health, or hinder the proper functioning of state agencies and transport.

The persons responsible for the organization and conduct of the assembly or manifestation and its participants are obliged to observe the requirements established by the legislation of Georgia and

fulfill the obligations undertaken by the notification; otherwise, for the violation of the rule of organizing and conducting an assembly or manifestation, they shall be subject to the liability provided for by the Administrative Offenses Code of Georgia and the Criminal Code of Georgia.

*Report (Recommendations About freedoms of assembly, association and expression, page 8) passage states – 3. **Cease to target journalists covering protests***

Georgian legislation, specifically Article 154 of the Criminal Code of Georgia, strictly punishes the unlawful interference with a journalist's professional activities. The state not only does not carry out the „targeting“ of journalists, but on the contrary - ensures their safety and creates an environment where media representatives can freely cover any public event.

According to the practice of the European Court of Human Rights (e.g., in the case Pentikäinen v. Finland), it is emphasized that journalists are obliged to obey lawful police demands during the protection of public order. In the event that a journalist finds themselves within the area of the use of force during the dispersal of an assembly, this represents not „targeting“, but an unfortunate concomitant event arising in a dynamic process, to avoid which the police constantly issue relevant instructions and warnings.

Any possible misconduct toward a journalist becomes the subject of a detailed study by the General Prosecutor's Office of Georgia. Accordingly, the call to „cease targeting“ is a political declaration and not a document of legal content, as it bypasses the independent institutional mechanisms existing in the country.

*Report (Recommendations About freedoms of assembly, association and expression, page 8) passage states – 4. **Refrain from arbitrarily detaining and fining peaceful participants of protests.***

Any administrative detention or imposition of a fine is carried out only in strict compliance with the Administrative Offenses Code of Georgia and is based on a specific offense, such as non-compliance with a lawful police demand (Article 173) or petty hooliganism (Article 166).

In accordance with Article 18 of the Constitution of Georgia, any person whose liberty has been restricted is immediately presented to the court, which assesses the legality and substantiation of the detention.

According to the practice of the European Court of Human Rights (e.g., in the case Steel and Others v. the United Kingdom), detention is considered lawful if it serves the protection of public order and is based on national legislation. In Georgia, law enforcement agencies act precisely by this standard and respond only to those actions that exceed the scope of peaceful assembly and violate the rights of others or public tranquility.

The legislative framework of Georgia and the existing practice fully ensure the protection of the right to liberty in accordance with international standards, which excludes the risks of arbitrary detention. According to Article 5 of the Criminal Procedure Code and constitutional principles, the presumption of liberty is supreme, and its restriction is permissible only in cases of extreme necessity, if there is a substantiated threat of a person's absconding, commission of a new crime, or destruction of evidence. Any interference with the right to liberty is subject to strict judicial control, which is in full compliance with Article 9 of the International Covenant on Civil and Political Rights and the requirements of the

European Convention on Human Rights. The foreseeable procedures established by Articles 244-251 of the Administrative Offenses Code mandate law enforcement officers to immediately explain to the detainee their rights, including the right to have a lawyer and to inform the family, and ensure their presentation before a court within a maximum of 24 to 48 hours. It is noteworthy that the Georgian model of preventive detention is in alignment with the practice of the Grand Chamber of the European Court (e.g., *S., V. and A. v. Denmark*) and General Comment No. 37 of the UN Human Rights Committee, which allows for preventive measures to protect public order if they are based on specific operational information and not on abstract assumptions. An additional guarantee for the protection of detainees' rights is created by the high standard operating in temporary detention insulators, which includes mandatory medical examination according to the Istanbul Protocol, 24-hour video monitoring, and unrestricted access for the Public Defender. Any possible misconduct is subject to study by the General Prosecutor's Office of Georgia, and in the case of unlawful detention, the legislation provides for the right to receive compensation. Thus, the legal filters, procedural precision, and institutional oversight existing in the country create a solid system that fully responds to international standards and excludes the arbitrary restriction of a person's liberty.

*Report (Recommendations About freedoms of assembly, association and expression, page 8) passage states – 8. **Refrain from any undue repression related to the performance of journalists' duties, and from the unjustified seizure of and damage to their equipment and footage.***

The aforementioned recommendation is fulfilled in substance, since the legislation of Georgia and the practice of law enforcement agencies fully exclude any kind of repressive actions toward journalists and ensure the inviolability of their activities and property. The protection of journalistic activity is guaranteed by the Constitution of Georgia and the Law of Georgia „On Freedom of Speech and Expression“, which prohibits censorship and any unlawful pressure on media representatives. Particular importance is attached to Article 154 of the Criminal Code of Georgia, which establishes criminal liability for the unlawful interference with a journalist's professional activities, including the forced suspension of the acquisition and dissemination of information. Regarding the inviolability of equipment and materials, the Criminal Procedure Code of Georgia establishes strict legal filters concerning the seizure of any object, which is possible only on the basis of a court warrant, in case of substantiated necessity. Law enforcement agencies act with a high professional standard so that, during the protection of public order, the disruption of media work or damage to their technical means is minimized. Any individual case where a violation of a journalist's right or damage to property may have occurred is subject to immediate and objective investigation by the General Prosecutor's Office of Georgia. Accordingly, the legislative barriers and institutional control existing in Georgia represent a solid guarantee that media representatives are protected from any unjustified interference, which makes the given recommendation an already realized standard.

*Report (Recommendations international cooperation, page 9) passage states – 2. **Cooperate with the Organisation for the Prohibition of Chemical Weapons (OPCW) to clarify the allegations concerning the use of chemicals against protesters.***

Georgia is a signatory party to the Chemical Weapons Convention (CWC) and closely cooperates with the Organisation for the Prohibition of Chemical Weapons (OPCW).

The means used in Georgia are strictly controlled, and their composition does not exceed internationally established norms.

According to the statement of the State Security Service dated December 6, 2025:

„As you are aware, for several days, an investigation has been underway at the State Security Service on a criminal case regarding both the information conveyed in the story produced by the BBC television company, as well as the campaign conducted in Georgia based on it.

More than 160 investigative actions were conducted on the given criminal case, 93 witnesses were interviewed, including current and former employees of the Ministry of Internal Affairs, doctors, experts, respondents of the British broadcaster's film, representatives of non-governmental organizations, and other persons. Various types of documentation have been seized from the Ministry of Internal Affairs and the Customs Department of the Revenue Service. From the bases of the first and second departments of the Special Tasks Department of the Ministry of Internal Affairs, the investigation seized 25 research samples, on which a chemical expertise was conducted at the Levan Samkharauli National Forensics Bureau.

As a result of the mentioned operational and investigative actions, it was established that the chemical powder purchased by the Ministry of Internal Affairs of Georgia and used over the years during ongoing rallies for mass management, as needed, is 'Chlorobenzylidene malononitrile.'

The mentioned substance was purchased by the Ministry of Internal Affairs from an Israeli company on December 18, 2007, and March 27, 2009, together with the solvent substance 'Trichloroethylene.' During transportation, it was assigned the international shipping code UN3439, while the solvent liquid was assigned the shipping code UN1710. These codes are recorded in customs documentation and in all other acts, including the write-off acts drawn up in the period following its use. A 17.5 kg barrel, in which the mentioned powder was stored, was seized as a sample. It bears an information sticker made by the substance's supplier organization, where, among many other data, both the name of the mentioned substance 'Chlorobenzylidene malononitrile' and the assigned international transportation code UN3439 are indicated.

The investigation has also established that with the international shipping codes UN3439 and UN1710 mentioned in the film prepared by the BBC, various Georgian organizations, including 'Aversi-Rational,' 'GPC,' 'Rustavi Azot,' and others, besides the Ministry of Internal Affairs, have imported dozens of various types of civil, industrial, and medical cargo 606 times over the last 20 years; among them, transportation code UN3439 is recorded 507 times and transportation code UN1710 is recorded 99 times in the accounting databases of the Customs Department.

Regarding the substance 'Bromobenzyl cyanide,' also known as 'Camite' — the Ministry of Internal Affairs of Georgia has never purchased such a substance.

The people whose so-called conclusions or information the information spread by the BBC regarding the use of poisonous chemical substances relied upon were interviewed as witnesses in the case. During the interview, absolutely all of them denied that their information or conclusions concerned the poisonous chemical substance 'Camite.'

According to the explanation of the authors of the so-called research, they could not have established the fact of using 'Camite' for the elementary reason that they had not conducted research in this direction.

Within the scope of the investigation, representatives of medical and expert circles were also interviewed as witnesses; also, according to materials obtained from open sources, to satisfy public interest, we can explain that the use of the substance 'Bromobenzyl cyanide,' so-called 'Camite,'

toward humans causes the most severe and, in many cases, even lethal results, due to which it was banned in the modern civilized world in the 1930s.

Against this background, it is noteworthy that according to documents obtained from the Ministry of Health of Georgia during the days following November 28, 2024, out of 54 people transferred to inpatient medical facilities by emergency medical aid brigades, 5 persons showed signs of mild intoxication, and they were discharged from medical clinics the very next day.

The investigation also established that in the first days of December 2024, specifically on the night of December 4-5, the substance 'Chlorobenzylidene malononitrile' was used for mass management, for which a solution of the substance 'Propylene glycol' was used as a solvent; neither of these substances belongs to the category of prohibited substances.

According to the conducted chemical expertise, the substances seized by the investigation from the Special Tasks Department of the Ministry of Internal Affairs are — First: the chemical substance 'Chlorobenzylidene malononitrile.' Second: the chemical substance 'Trichloroethylene' (in this case, referring to a written-off residue in the amount of 880 liters). Third: the chemical substance 'Propylene glycol.'

Among the persons of interest to the investigation, it was not possible to interview the only witness, Lasha Shergelashvili, whose information significantly formed the basis of the opinions of the author of the story prepared by the BBC.

It is a noteworthy circumstance that operational-search and investigative actions are underway at the State Security Service against the mentioned person in connection with one of the high-profile criminal cases in the recent past, which concerned the fact of the purchase and storage of firearms and ammunition, including the explosive substance TNT, by the accused Beka Chulukhadze.

We remind the public that operational and investigative actions on this case were underway in parallel with the well-known events of October 4 of the current year.

The investigation is working intensively on a version according to which Lasha Shergelashvili, employed under contract in the special services of Ukraine, several days before October 4, ordered Beka Chulukhadze to purchase and hide the above-mentioned ammunition, explosive substances, and devices near Tbilisi. Shergelashvili is currently in Ukraine.

Thus, the undeniable evidence obtained by the investigation provides the basis for the conclusion that the information voiced in the BBC film about the use of the so-called chemical weapon 'Camite' against protesters in Georgia is complete and deliberate disinformation and serves to damage the interests of Georgia, in which, unfortunately, Georgian citizens are also involved, and together with the authors of the BBC film, their actions bear a well-planned, organized, and campaign-like character to achieve specific hostile goals against Georgia.

Accordingly, since investigative actions have been exhausted regarding one of the two directions to be studied in detail by the investigation, which concerned the fabricated fact of the use by the police of the so-called 'Camite' — a substance banned in the 1930s of the last century — the State Security Service continues the investigation into the possible crime provided for by Article 319 of the Criminal Code of Georgia, which implies assistance to a foreign organization in hostile activities.

As the body responsible for the security of any self-respecting state, the State Security Service of Georgia will continue to pay special attention to issues of political stability and security as one of the main challenges for our country in the field of security.“

Report (Recommendations to the International Community, page 10) passage states – 2. Consider bringing perpetrators of torture and inhumane treatment and their responsible superiors to justice in national courts, wherever possible, including through invoking universal jurisdiction.

The given recommendation represents a total disregard for the legal system of a sovereign state and an arbitrary interpretation of the fundamental principles of international law. Such a call is not only groundless but also directly contradicts the stability of the international order and established norms of legal mutual assistance between states:

1. **The given recommendation violates the principle of sovereign equality and non-interference:** According to the UN Charter (Article 2, Paragraphs 1 and 7), the international order is based on the sovereign equality of states. A call toward other states to exercise their own justice against the citizens of a sovereign country is an attempt at gross interference in the internal affairs of a state and a total disrespect for sovereignty, which violates the 1970 UN Declaration on Friendly Relations.
2. **The given recommendation ignores the principle of subsidiarity and complementarity:** It is a fundamental principle of international criminal law that the primary right and obligation to exercise justice belong to the state on whose territory the alleged fact occurred. Universal jurisdiction is not an „alternative justice“ that can be activated based on political desire. Its use is an extraordinary measure and is permissible only when a national system does not exist at all or has collapsed, which in the case of Georgia is an absurd claim, as the country possesses a functional, independent, and effective judicial system.
3. **The given recommendation supports the Abuse of Universal Jurisdiction:** Debates ongoing within the framework of the International Law Commission and the UN General Assembly emphasize that universal jurisdiction must not be used for political purposes. Its arbitrary demand, without any factual evidence or legal substantiation, threatens international relations and creates the risk of the politicization of justice, which contradicts the „principle of stability of international justice“.
4. **The given recommendation violates the presumption of innocence and the principle of a fair trial (Article 6 of the European Convention on Human Rights):** The recommendation directly points to the „punishment“ of persons and branding them as „criminals“ without any court verdict. This is in contradiction with Article 6 of the European Convention on Human Rights and Article 14 of the International Covenant on Civil and Political Rights.
5. **The given recommendation violates the principle of the inadmissibility of „inappropriate forum“ (forum non conveniens):** According to legal logic, a case should be considered by the court that is closest to the evidence, witnesses, and the scene of the incident. The artificial transfer of cases to the courts of foreign countries complicates the establishment of objective truth and increases the risk of flawed administration of justice, which contradicts the interests of effective justice.

6. **The given recommendation violates the fundamental legal principle of *Non-bis-in-idem* (prohibition of double jeopardy):** The recommendation threatens the internationally recognized principle according to which a person cannot be tried twice for the same act. Under conditions where the General Prosecutor's Office and the judicial system of Georgia are functioning, the involvement of foreign jurisdiction causes legal uncertainty and procedural duplication.
7. **The given recommendation is adopted in the absence of evidence and aims at the stigmatization of the Georgian authorities:** The use of the terms „torture“ and „inhuman treatment“ in a systemic context, without any objective investigation, represents a disinformation campaign directed against the state. International law requires evidence „beyond reasonable doubt,“ which the given recommendation does not consider at all and relies solely on one-sided political narratives.

This recommendation is not a legal instrument, but an expression of political radicalism aimed at damaging the state reputation of Georgia and the degradation of international legal mechanisms.

Report (Recommendations to the International Community, pages 10-11) passage states –

9. States Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights; ECHR) may consider submission of inter-state application to the ECtHR in accordance with Article 33 of the European Convention on Human Rights (ECHR).

12. States Parties to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) may consider submission of inter-state communication to the Committee against Torture.

13. States Parties to CAT may consider submission of the application to the International Court of Justice.

The given recommendation deliberately distorts the essence and purpose of international justice. Such a call is not an attempt at a legal dispute, but an open political attack on Georgian statehood, which completely ignores the fundamental principles of international law.

An inter-state application provided for by Article 33 of the European Convention (ECHR) is an extreme mechanism which, as a rule, is used during armed conflicts or mass, systemic violations. The call to activate this mechanism against a country that fully cooperates with European structures and possesses effective domestic legal remedies is the instrumentalization of international law for political purposes.

Filing a complaint with the International Court of Justice (ICJ) in The Hague on the basis of the „Convention against Torture“ (CAT) requires an existing, real legal dispute between states regarding the interpretation or application of the Convention. In the given case, there is no prerequisite, evidence, or factual basis that Georgia is systemically violating the provisions of the CAT. Such a recommendation represents an insult to the authority of the ICJ as the highest legal body.

It is a golden rule of international law that justice must first be executed at the national level. The General Prosecutor's Office of Georgia, the independent judiciary, and the Institution of the Public Defender operate in Georgia. The call for the involvement of international courts while domestic

mechanisms are functioning is a gross violation of the principle of subsidiarity and a disrespect for the country's constitutional order.

The recommendation relies only on one-sided, politically motivated narratives and not on objective facts. Presenting an accusation against a state in international courts requires undeniable evidence (**Proof beyond reasonable doubt**), which this call does not consider.

The call toward partner countries to start a legal warfare against Georgia contradicts the principles of **Good Faith** and friendly cooperation between states.

Thus, the given recommendation aims to turn international courts into political instruments. It is deprived of any legitimate basis and represents a direct attack on Georgia's sovereignty and its democratic institutions.

Report (Recommendations to the International Community, page 11) passage states – 16. States Parties to the Rome Statute may consider referral of the situation in Georgia to the International Criminal Court, taking into account the growing number of examples of political persecution, torture and other inhumane acts.

The aforementioned recommendation is deprived of a legal basis and contradicts the fundamental principles of the functioning of the International Criminal Court (ICC), specifically:

The jurisdiction defined by Article 5 of the Rome Statute extends only to crimes against humanity, genocide, war crimes, and aggression. In order for an act to be qualified as a crime against humanity (Article 7), it must be „part of a widespread or systematic attack directed against any civilian population.“ Individual policing measures or facts of legal prosecution against the background of political protest, regardless of their assessment, cannot meet the gravity threshold established by the Rome Statute by their scale and nature.

Based on the above, the recommendation regarding the referral of the situation to the ICC is legally unsubstantiated, as there exists neither a jurisdictional basis (gravity threshold) nor a procedural prerequisite (inactivity of the national system) in Georgia, which are necessary for the activation of international justice.

*Report (paragraph 121, page 43) passage states - Mass protests were held in October 2024 in response to the announcement of the election results. In November and December 2024 protests were organized in response to Prime Minister Irakli Kobakhidze's announcement of halting the EU accession process. With the announcement of the draft laws described above in the report, new waves of protests were organized in the following months of 2025, as well as in 2026. On 4 October 2025, **some protesters attempted to storm the Presidential Palace. During the protests, some individuals threw rocks, fireworks and other objects towards law enforcement forces, and tried to impair their vision with lasers. That said, the overwhelming majority of protesters were reportedly peaceful.***

Paragraph 121 of the report states that „on October 4, 2025, some protesters attempted to break into the Presidential Palace“. This entry does not reflect objective reality, as photo and video evidence confirms that it was not just a few, but dozens of protesters who broke into the Presidential Palace.

Furthermore, in the given sentence, it is stated that the protesters „attempted“ to break into the Presidential Palace, which is also an inaccurate statement. The evidence confirms that the protesters

broke into the Presidential Palace, specifically, into its courtyard enclosed by fences, which represents an integral part of the palace.

The events described in the report, including in Paragraph 121, are presented fragmentarily and without context. Specifically, when speaking about the events of October 4, 2025, it is nowhere mentioned that opposition parties - including those who participated in the local self-government elections and those who boycotted the elections - announced several months in advance that on the day of the local self-government elections, October 4, they planned a large-scale anti-government rally, during which, using every possible means, they would inevitably overthrow the Georgian government. They were calling on the population of Georgia through television broadcasts for the public overthrow of the state power and for the violent change of the constitutional order of Georgia. These individuals were calling on the population to gather armed at 16:00 on October 4 to overthrow the Georgian government.

According to the statements made by the opposition parties, a gathering would be held on Rustaveli Avenue on October 4, 2025, which would overthrow the Georgian government on that very day, October 4. This call was circulated for months by radical opposition media outlets, both through television broadcasts and social networks.

On May 28, 2025, a member of the „Rustaveli Avenue“ union, Paata Burchuladze, stated in the PalitraNews program „360 Degrees“¹ that the government would change before January; on June 13, he announced the holding of a general assembly,² and on June 30, he declared³ that the general assembly would be held on the day of the local self-government elections, October 4.

Calls for the overthrow of the government were made repeatedly in the period leading up to October 4 through public speeches, as well as via television broadcasts and social networks. For example, on July 31, Paata Burchuladze, a member of the „Rustaveli Avenue“ union, made the following call:⁴

„I appeal to His Majesty, the Georgian people. On October 4, at 16:00, we gather at Republic Square, we hold a national assembly, we take back the country seized by the regime, and we vote for the liberation of Georgia. We must strip Ivanishvili of the illegally appropriated power and return it to the people. October 4 will not just be a date of protest; it will be a day of historical victory. Thus, October 4 is declared the day of the peaceful overthrow of Ivanishvili. Prepare, Georgia, the fight to the end!“

¹ <https://www.interpressnews.ge/ka/article/839519-paata-burchulaze-am-kviridan-31-ricxvidan-chven-vapirebt-gasvlas-kalakis-ubnebshi-xalxs-unda-davelaparokot-unda-avuxsnat-rashia-sakme-da-rogor-unda-chavatarot-archevnebi>

² <https://www.interpressnews.ge/ka/article/841035-paata-burchulaze-chven-unda-shevizlot-qrilobis-chatareba-unda-shevkmnat-mesame-respublika-rogorc-ciprul-archevnebze-iqo-ormxrivi-damokidebuleba-axla-amazec-daicqes-rom-rogor-sheizleba-amis-gaketeba-magram-es-aucilebelia>

³ <https://www.interpressnews.ge/ka/article/842700-paata-burchulaze-4-oktombers-unda-chavatarot-erovnuli-qriloba-sad-gvakvs-imis-puli-rom-stadionebis-tanxa-vixadot-mivmartavt-merias-rom-gadagvixados>

⁴ <https://www.interpressnews.ge/ka/article/845151-paata-burchulaze-4-oktomberi-cxaddeba-ivanishvilis-mshvidobiani-damxobis-dged-vikribebit-respublikis-moedanze-vatarebt-erovnul-krebas-vibrunebt-rezhimis-mier-mitacebul-kveqanas-da-xmas-vazlevt-sakartvelos-gatavisuplebas>

On September 5, the Chairman of the Political Council of the „National Movement,“ Levan Khabeishvili, made the following statement:⁵

„The country needs revolutionary changes to return to our European family – the state institutions were taken away from the Georgian people, but they could not take the Georgian flag, around which we unite. On October 4, the peaceful overthrow of this regime is inevitable.“

On September 12, one of the leaders of the „United National Movement,“ Levan Sanikidze, stated:⁶

„Today, the Political Council of the 'United National Movement' met with the initiator of the October 4 peaceful people's revolution, Mr. Paata Burchuladze, and the civil organization 'Rustaveli Avenue.' Mr. Paata Burchuladze introduced us to the movement's plans regarding the October 4 general people's assembly. The Political Council of the 'United National Movement' once again welcomed the initiative of 'Rustaveli Avenue.' The Political Council... expressed an even more active and firm position so that on October 4, the Georgian people, every patriotic citizen of our country, should gather not at the points of 'Georgian Dream's' criminal, treacherous, Russian special operation, but let us come out into the street, together condemn the Russian regime, and do everything to see the peaceful end of this regime.“

On October 1, the leader of the „National Movement,“ Irakli Nadiradze, stated:⁷

„This day will be a day of victory for the Georgian people, and no matter how much Bidzina Ivanishvili is afraid, this day will end with the Georgian people's peaceful revolution of flags.“

On October 2, one of the leaders of the „National Movement,“ Levan Bezhashvili, stated regarding the planned rally for October 4:⁸

„We must put down the television remote, turn off the TV, phone, social networks, go to Rustaveli Avenue, and write the recent history of Georgia. The arrival and action of each person, even personal self-sacrifice if necessary...“

On October 2, a member of the „Anti-Crisis Platform,“ Zurab Tsetskhladze, stated:⁹

„If a massive number of people come out on October 4, we will change this government. It depends on how many people come out on Rustaveli. However, we are not necessarily banking on half a million people coming—100-150 thousand will come—but if half a million come out, consider this issue settled such that the government will change. We will have a situation where if we change the government on October 4, there will be a technical government and

⁵ <https://www.interpressnews.ge/ka/article/847877-levan-xabeishvili-kveqana-sachiroebs-revoluciur-cvllilebebs-vertiandebit-4-oktombers-gardauvalia-am-rezhimis-mshvidobiani-damxoba>

⁶ <https://www.interpressnews.ge/ka/article/848585-levan-sanikize-politsabchom-levan-xabeishvilis-samarcxvino-dakavebis-ponze-kidev-upro-mtkice-pozicia-gamoxata-rata-4-oktombers-gamovidet-kuchashi-dagavaketot-qvelaperi-rata-am-rezhimis-mshvidobiani-dasasruli-vnaxot>

⁷ <https://www.interpressnews.ge/ka/article/850412-irakli-nadiraze-paktia-rezhimis-zalian-eshinia-moaxloebuli-4-oktombris-mshvidobiani-revoluciis-da-amis-dadasturebaa-bizina-ivanishvilis-cerilic-es-dge-dasruldeba-kartveli-xalxis-mshvidobiani-droshebis-revolucii>

⁸ <https://www.interpressnews.ge/ka/article/850606-levan-bezhashvili-4-oktombers-gadavdot-pulti-gamovrtot-televizori-teleponi-socialuri-kselebi-cavidet-rustavelze-da-davcerot-uaxloesi-istoria-vaprtxilebt-xelisuplebas-argabedon-zaladoba-ra-pasuxi-akvs-xalxs-gvinaxavs>

⁹ <https://www.interpressnews.ge/ka/article/850598-zurab-cecxlaze-4-oktombers-qvelaperi-sheizleba-moxdes-da-sheizleba-araperi-moxdes-kargi-pormulaa-4-shi-vicqebt-4-shi-vamtavrebt-magram-gvakvs-5-da-6-oktomberi-ar-aris-gamorixuli-grzelvadiani-brzolis-processhi-chavdget>

there will be the legitimate government [the Supreme Council] that was restored; there is also the anti-crisis platform, and during this process, what role the protest and the people who have been standing in the street have—there will be a discussion on this issue.”

On October 3, the founder of the movement „Rustaveli Avenue,“ Paata Burchuladze, stated at a briefing: ¹⁰

„Friends, hours remain until October 4—until the epochal victory of the Georgian people. We are gathering on Rustaveli so that the Georgian people can reclaim the government seized by Ivanishvili. I urge everyone who wants a dignified and free Georgia: come all of you to Rustaveli on October 4 at 16:00. No one should think that someone else’s arrival is enough. Furthermore, I want to make one statement—we are often asked what will happen when the Ivanishvili regime ends. I want to tell you that we take responsibility: the functioning of not a single state institution will be hindered. If any minister or high-ranking official flees, it will not cause a collapse of functions. Moreover, as a result, a collapse will not be created even for a short time. All vital state services, such as healthcare, salaries and pension provision, law and order, and others, will be guaranteed. I want to emphasize that the work of state institutions is ensured not only by ministers but also by professionals distributed across various positions in the agencies. We not only have expectations, but we know exactly that these people will continue to perform their functions. Therefore, now everything depends on you. On October 4, at 16:00, everyone come to Rustaveli, participate in this historical national assembly, let’s create a new Georgia together, end the Ivanishvili regime, and reclaim our homeland.“

On October 4, at 11:00, one of the leaders of the „United National Movement,“ Levan Sanikidze, stated at the Parliament of Georgia: ¹¹

„At 16:00, as soon as the first wave begins to arrive, many details regarding the course of the rally will become known. According to the information I have, from 16:00 we will learn more details regarding the course and content of the rally. I do not want to get ahead of events; Paata Burchuladze will provide you with more details.“

On October 4, 2025, at 16:00, a gathering organized by opposition parties began, the declared goal of which was the overthrow of the government. The gathering soon took on an unlawful character, after which the Ministry of Internal Affairs of Georgia, in accordance with the highest legal standards, took proportional measures to ensure the protection of the law.

In Detail:

On October 4, 2025, at 08:00, the voting process for the local self-government elections began in a peaceful environment. 3,061 polling stations opened across the country. Simultaneously, opposition parties began mobilizing participants from Georgia's regions and Tbilisi for the assembly/rally planned for 16:00 on October 4, aimed at overthrowing the Georgian government.

On October 4, 2025, at 11:13, the Ministry of Internal Affairs of Georgia released a statement:¹²

¹⁰ <https://www.interpressnews.ge/ka/article/850649-paata-burchulaze-xshirad-gvekitxebian-ra-moxdebaroca-ivanishvilis-rezhimi-dasruldeba-vigebt-pasuxismgeblobas-rom-arc-erti-saxelmcpo-instituciis-punkcionireba-ar-sheperxdeba>

¹¹ <https://www.interpressnews.ge/ka/article/850765-levan-sanikize-dges-ec-rusuli-specoperaciis-ubnebzemisvla-aris-kveqnis-galati-ar-gvainterebs-ras-ambobs-ivanishvili-mtavaria-ras-itqvis-xalxi>

¹² <https://police.ge/news/shinagan-sakmeta-saministros-gantskhadeba-19/9980>

„For the purpose of protecting public safety, the mobilization of relevant police units of the Ministry of Internal Affairs is underway in various locations of the capital, as well as in the courtyard of the Parliament building. The MIA calls on the organizers and participants of the rally to hold the assembly-manifestation within the framework established by the legislation of Georgia, obey the lawful demands of the police, and not hinder the performance of official activities. Each fact of law violation will be followed by a corresponding legal response from the police.“

On October 4, at 15:40, participants of the assembly/rally planned by opposition parties blocked vehicular traffic on Rustaveli Avenue, and a few hours later, began delivering speeches at the podium. At 18:45, at a gathering held in front of the Tbilisi City Assembly at Freedom Square, the founder of the movement „Rustaveli Avenue,“ Paata Burchuladze, read the so-called Declaration, where he announced that „state institutions no longer reflect the will of the people; the people are reclaiming their power.“ He put three issues to a vote:

1. „The National Assembly declares that power belongs entirely to the people.“
2. „The so-called government has constitutionally lost its legitimacy and its power is terminated.“
3. „A peaceful transitional period is declared.“

According to his statement, the Ministry of Internal Affairs should obey the people; he also voiced a call to capture and hold accountable the following individuals: Irakli Kobakhidze; Shalva Papuashvili; Anzor Chubinidze; Mamuka Mdinradze; Tea Tsulukiani; Bidzina Ivanishvili.

Following Paata Burchuladze's calls, a member of the „National Movement,“ Murtaz Zodelava, called on the participants of the assembly for „masculine forces“ to move toward the back entrance of the Parliament, then move to Orbeliani and „seize the keys to the Presidential Palace“: ¹³

„I want to address the employees of the law enforcement system, the Special Tasks Department (GDD), and others: today you stand before a specific choice. You must choose either the Georgian people or serving Ivanishvili. Today we will stand here; masculine force will begin to act today. ... I ask everyone, masculine force only there, and we begin the movement so that the Georgian people can begin returning their own centers of government. To any policeman who meets us, we will ask a single question: whose side are you on - the people's, the Constitution's, or Ivanishvili's? The motherland's or Russia's? Only the one who gives the correct answer - that he serves the Georgian people and the state - will be perceived by us as a policeman. This is our approach; enough blah-blah, wandering, Bidzina's slavery, and cowardice. I ask everyone, let the masculine force stand out; the ladies should stand here. Come out, masculine force, toward Baratashvili Park. We will gather now and take delivery of the keys to the Presidential Palace.“

Following this call, the demonstrating participants of the assembly went toward the Palace of the President of Georgia, located on Atoneli Street in Tbilisi. Employees of the Special State Protection Service reinforced the door of the Presidential Administration with an iron construction; however, the rally participants broke through the iron barriers and burst onto the territory of the Palace of the

¹³ <https://1tv.ge/news/murtaz-zodelava-mamakacuri-dzala-dghes-daiwyebis-moqmedebas-shevikribebit-dachavibarebt-prezidentis-sasakhlis-gasaghebs/>

President of Georgia. The rally participants began throwing stones and various objects at the law enforcement officers mobilized on the spot.

The Ministry of Internal Affairs of Georgia immediately called on the rally participants to obey the lawful demands of the police:¹⁴

„The ongoing rally has exceeded the norms established by law for assemblies and manifestations. Calls of a violent nature were voiced by the rally organizers, aimed at the seizure of administrative buildings. The organizers damaged the barriers of the Presidential Palace building located on Atoneli and attempted to break into the building. The Ministry of Internal Affairs once again calls on all participants of the rally to obey the lawful instructions of the police and not allow the artificial escalation of the situation; otherwise, law enforcement officers will use appropriate measures provided for by law.“

The participants of the violent rally did not obey the warning and demand of the police and continued attempts to break into the Presidential Palace. They blocked Atoneli Street adjacent to the palace with iron constructions and set up barriers using household items taken from nearby cafes and various private facilities. The rally participants set fire to various objects on Atoneli Street, in the area adjacent to the Palace of the President of Georgia, and began collecting stones by damaging the pavement, which they threw at the police; the participants of the violent rally also threw various objects at the law enforcement officers. As a result, numerous police officers were injured, requiring their urgent hospitalization, and the condition of several remains serious to this day.

Participants of the violent assembly from Rustaveli Avenue periodically joined the rally participants on Atoneli Street.

Parallel to the violent intrusion into the Presidential Residence on Atoneli Street, the rally and speeches continued at Freedom Square. At 20:17, Murtaz Zodelava again called on the „masculine force“ to mobilize in the Leselidze area and go toward the Dream office, where the election results were being announced:¹⁵

„We are mobilizing again and will go down to them as well; we will hold them accountable. Now the main thing is for mobilization to happen here - you see there are many people. Step by step, every half hour, every hour, there will be a specific action that will push 'Georgian Dream' against the wall and force Ivanishvili to flee. The main surprise, the main circumstance is that no one intends to go home; everyone intends to fight to the end. It is unimaginable, Ivanishvili, to forgive you this; you are counting your final hours.“

In parallel, on Atoneli Street, the rally participants at the Presidential Palace continued erecting barricades and damaging the inventory of nearby food facilities.

Rally participants attacked the filming crews of the Public Broadcaster, Georgia's First Channel, and the „Imedi“ TV company, spraying them with pepper spray. Journalists were injured and required medical assistance. The Prosecutor's Office of Georgia launched an investigation into the facts of illegal interference with the professional activities of journalists under the first part of Article 154 of the Criminal Code of Georgia (unlawful interference with a journalist's professional activities, i.e., forcing them to disseminate information or refrain from disseminating it). The start of the investigation in the

¹⁴ <https://police.ge/news/shinagan-sakmeta-saministros-gantskhadeba-21/9982>

¹⁵ <https://1tv.ge/news/murtaz-zodelava-aravin-apirebs-sakhishi-wasvlas-yovel-ert-saatshi-iqneba-konkretuli-moqmedeba-akhla-mtavaria-mobilizeba-mokhdes-da-mivalt-qartuli-ocnebis-ofistan/>

Investigation Department of the Tbilisi Prosecutor's Office was based on information spread in the media, according to which, on October 4, on Atoneli Street and the surrounding area in Tbilisi, protest participants illegally interfered with the journalistic activities of the filming crews of the „Public Broadcaster“ and „Imedi“ TV by spraying pepper spray and physical obstruction.¹⁶

At 21:29, the Deputy Minister of Internal Affairs held a briefing at the Ministry of Internal Affairs.¹⁷ He noted that the investigation into the violent acts during the rally is ongoing under Articles 317, 187, 222, and 225 of the Criminal Code of Georgia. He also stated that 14 employees of the MIA were injured, one of whom is in serious condition:

„Regarding the unlawful and violent actions carried out by the organizers and participants of the ongoing rally in Tbilisi, an investigation has begun under Articles 317, 187, 222, and 225 of the Criminal Code, which implies an attack on a police officer, a call for the violent change of the constitutional order of Georgia or the overthrow of state power, damage or destruction of an object, organizing, leading, or participating in group violence, as well as the seizure or attempted blocking of an object of strategic or special importance. We wish to provide the public with detailed information regarding the events that developed during the rally. Throughout the day, the participants of the protest had the opportunity to express their protest and continue the rally in a peaceful environment. The Ministry of Internal Affairs also issued a corresponding call to the rally participants that the assembly-manifestation should be peaceful and not exceed the limits established by law. Despite numerous calls from law enforcement officers toward the rally participants, as well as official statements released by the Ministry of Internal Affairs, the members of the rally did not obey the lawful calls of the law enforcement officers. The rally exceeded the norms established by law for assemblies and manifestations. Calls of a violent nature were voiced by the rally organizers. The organizers damaged the barriers of the Presidential Palace building on Atoneli and tried to break into the building. Facts of violence were recorded. As a result of the unlawful actions carried out by the protest participants, including being hit by various objects thrown by violent groups at law enforcement officers, according to currently available data, 14 employees of the Ministry of Internal Affairs are injured. The injured police officers have various types of health damage, one of whom is in serious condition as a result of the injuries received. We will provide information about them to the public periodically. For the purpose of restoring public order on the spot, the Ministry of Internal Affairs used special means provided for by legislation. We emphasize that necessary procedural and investigative actions will be conducted by law enforcement officers to identify and detain every person who committed an unlawful act. Once again, we strictly urge all participants of the rally to obey the lawful instructions of the police and not allow the artificial escalation of the situation; otherwise, law enforcement officers will use all appropriate measures provided for by law!“

Despite numerous calls made by law enforcement, the rally organizers called on the participants, stating that they would periodically introduce them to the next stages of the violent assembly plan.¹⁸

¹⁶ <https://pog.gov.ge/news/prokuraturam-zhurnalistebistvis-profesiul-saqmianobashi-khelis-sheshlis-faqtebze-gamodzieba-daitsko-5102>

¹⁷ <https://police.ge/news/aleksandre-darakhvelidzis-bripingi-shinagan-sakmeta-saministroshi/9983>

¹⁸ <https://1tv.ge/news/paata-burchuladze-yvelaferi-aris-normalurad-sheidzleba-yofiliyo-uketasad-magram-argamovida/>

The rally continued at the Parliament; participants addressed the law enforcement officers stationed near the Parliament with insulting shouts.

At 21:45, the Public Defender of Georgia responded to the events developed in the streets of Tbilisi in the recent hours with a statement.¹⁹ The Public Defender's statement notes that while peaceful assembly is protected by international and national standards, it is inadmissible during the organization and holding of an assembly or manifestation to call for the overthrow or violent change of the constitutional order of Georgia; accordingly, it is important that assembly participants do not exceed the limits protected by law when expressing protest. According to the Public Defender, a special responsibility lies with the rally organizers, who are required to conduct the assembly peacefully and not call on participants for unlawful violent actions; meanwhile, in case of the use of force, the police must act in compliance with a strict test of necessity and proportionality. The Public Defender also clarifies in the statement that media representatives must be able to carry out their activities without hindrance. The Public Defender reminds everyone that criminal liability is established for unlawful interference with a journalist's professional activities.

Despite the repeated calls by the Ministry of Internal Affairs of Georgia, the rally participants gathered on the Atoneli territory continued to use pyrotechnics. Additionally, another statement was released by a member of the „United National Movement,“ Murtaz Zodelava:

„Friends, a revolutionary process has begun in the country today; a great revolution began today. A revolution does not exist in two or three hours; it is a process that needs several days of struggle, clash, and the revolution will win. The main thing that happened today is the beginning of this process, the start, which needs standing tomorrow and the day after. More of us must come out, we must stand, and we will win. Let us not give up. A revolutionary process has begun in the country, and it must be followed to the end. I personally am ready to even sit - personally, I am ready to sit in prison, but this process must be brought to the end; the revolution must win. Today, October 4, a great revolution began, which needs clashing, standing, mutual reinforcement, and we will win. We must stand for as long as possible; tomorrow more of us must come out; there is no other recipe; it will not work any other way. This is a long struggle.“

During the same period, rally participants started another fire on Tabukashvili Street and began erecting additional barricades; also, a confrontation occurred between rally participants. Additionally, the movement „Unity“ (Ertoba) released a statement saying that part of the rally participants were to spend the night on Rustaveli, to be replaced by another part at 08:00 in the morning.

On October 5, at 02:29, the Deputy Minister of Internal Affairs spoke at a briefing about the detained persons:²⁰

„Employees of the Ministry of Internal Affairs have detained Paata Burchuladze, Murtaz Zodelava, Irakli Nadiradze, Paata Manjgaladze, and Lasha Beridze. They are charged with calling for the violent change of the constitutional order of Georgia or the overthrow of state power, as well as organizing, leading, and participating in group violence. The crimes provide for imprisonment for a term of up to 9 years. Based on the evidence obtained by law enforcement, as well as as a result of the study of video materials spread by various media

¹⁹ <https://www.ombudsman.ge/geo/akhali-ambebi/sakartvelos-sakhalkho-damtsveli-tbilisis-kuchebshi-bolo-saatebshi-ganvitarebul-movlenebs-ekhmianeba>

²⁰ <https://police.ge/news/bripingi-shinagan-sakmeta-saministroshi-3/9984>

outlets, it is established that during the rally ongoing at Freedom Square, calls of a violent nature were voiced by the organizers. Such calls were also being voiced before October 4 of the current year. The Ministry of Internal Affairs issued numerous calls to the rally participants that the assembly-manifestation should be peaceful and not exceed the limits established by law; however, following the violent calls voiced at the protest rally, several rally participants and organizers broke down the barriers of the Presidential Palace located on Atoneli and tried to occupy the Presidential Palace. The investigation is ongoing under Articles 317, 222, 225, and 187 of the Criminal Code. We will provide information to the public step by step regarding the results of the investigation and new details.”

On October 5, Ruslan Shamakhiya, a member of the „Akhali“ party, was also detained, in connection with whom an investigation is ongoing under Article 236 of the Criminal Code of Georgia (unlawful purchase, storage, carrying, manufacture, transportation, sending, or sale of a firearm (other than a smooth-bore hunting firearm (shotgun)), ammunition, explosive substance, or explosive device).

Tbilisi City Hall released a statement and photo-video material regarding the infrastructure damaged as a result of the October 4, 2025, protest rallies. According to City Hall, damage was caused to the facades of cultural heritage monuments, parts of shutters, and decorative artistic lighting. On Orbeliani and Tabukashvili streets and Rustaveli Avenue, pedestrian sidewalks, stone paving, outdoor lighting pole lamps, and cables are damaged. On Orbeliani Street, decorative lights are torn down and broken, while on Tabukashvili Street, garbage containers are burned. Outdoor furniture, which private companies and cafe owners had placed on rented territory, is damaged. The fence of the courtyard of the Presidential Administration is broken, while on the opposite side, the pedestals are damaged and the bollards that protect the pedestrian zone from the vehicle zone are bent. Various infrastructure - swings, plants, pots, green flowerbeds, and decorative elements that were on the rehabilitated street and adjacent to cafes - are largely damaged. A part of these is subject to restoration, while a part was completely destroyed. Additionally, in the surrounding area, road signs, a barrier that was installed near the underground parking, a sign board, and a decorative stage that was set up on the side of Orbeliani Street above the parking are broken. Also, one of Tbilisi’s landmarks, the „Konka,“ which is particularly loved by Tbilisians and city visitors, has several decorative elements damaged.²¹

On October 5, 2025, at 14:50, the Ministry of Internal Affairs of Georgia published the following warning statement:²²

„As is known to the public, a gathering was held yesterday, the declared goal of which was the overthrow of the government. The gathering soon took on an unlawful character, after which the Ministry of Internal Affairs of Georgia took proportional measures in accordance with the highest legal standards to ensure the protection of the law.

The Ministry of Internal Affairs of Georgia will take appropriate measures today and during the following days to identify lawbreakers and to execute the law against them.

Furthermore, based on the events developed yesterday, we have grounds to believe that any gathering held today and during the following days is a continuation of yesterday’s attempt, and we will take appropriate measures so that public order and safety are not endangered.

²¹ <https://1tv.ge/news/gushindeli-saprotesto-aqciebis-shedegad-dazianebuli-infrastruqturis-shesakheb-tbilisis-meria-ganckhadebas-da-foto-videomasalas-avrcelebs/>

²² <https://police.ge/news/sakartvelos-shinagan-sakmeta-saministros-gantskhadeba/9986>

We call upon everyone to take this circumstance into account and refrain from any action that may become a basis for taking legal measures against them.“

As a result of the events developed on October 4, 2025, 35 police officers received physical injuries. Out of these:

- 2 police officers were severely injured; one has a fracture of the temporal bone;
- Head, leg, spinal, and jaw traumas are recorded; several have open head wounds;
- A portion remains in the medical facility.

Also, in paragraph 121, we read that: „During the protest rallies, some persons threw stones, fireworks, and other objects at the law enforcement forces. Also, there were cases of impairing their vision through lasers. Despite this, according to reports, the absolute majority of protesters were peaceful.“

The Ministry of Internal Affairs of Georgia, as the agency responsible for the protection of rule of law, ensures the protection of the right to hold peaceful gatherings and manifestations guaranteed by the Constitution of Georgia to citizens. In Georgia, the right to peaceful - and not violent - assembly is fully guaranteed both by legislation and in practice.

A gathering protected by law must be peaceful, which implies that it should not be held in a violent context. Furthermore, the gathering must satisfy the component of legality, which implies that it should not restrict the rights of others and the participants of the gathering must not carry out actions prohibited by the legislation of Georgia. In the event that participants of the gathering-manifestation violate Georgian legislation, the police have the right to use proportional measures provided by law, including special means. Before using special means, participants of the gathering are warned and given a reasonable timeframe to fulfill the lawful demand of the police.

Protest rallies have been actively ongoing since November 28, 2024. As the participants of the rally themselves state, they have been in a protest regime for more than 400 days. The fact that for more than 400 days any person can gather at the main legislative body of the state and express protest on any issue clearly indicates that the right to peaceful assembly is fully protected in Georgia. When the gathering and expression of protest occur in a peaceful format, the rally participants have the full opportunity to exercise the right to peaceful assembly.

The events developed in Georgia at the end of November and the beginning of December 2024 represented not a peaceful, but a well-organized, violent protest, which from the very beginning aimed at a state coup and the overthrow of the government in Georgia. The Ministry of Internal Affairs of Georgia acted as the law enforcement body of any sovereign country acts to ensure order and security in the state.

Through a joint investigation conducted by the Prosecutor's Office of Georgia, the State Security Service, and the Ministry of Internal Affairs, criminal prosecution was initiated against 8 persons on facts of crimes committed against the state, including calls for the violent change of the constitutional order of Georgia and the overthrow of state power. The conducted investigation confirms that in October 2024, after the defeat of opposition parties in the parliamentary elections, under the pretext of alleged election fraud, these individuals began active actions for the radicalization of the process in the streets, publicly making calls for revolution, overthrowing the government, collapse of the government, picketing of state buildings, and physical confrontation against law enforcers. In addition to this, for the purpose of overthrowing the lawful government, and for the purpose of mobilizing a

mass of aggressively minded citizens, gathering them, and involving them in violent actions, they called on supporters toward unlawful and violent actions, stating that struggle and aggressive resistance were necessary. In statements, they also called on supporters to occupy government buildings and for the „collapse of the regime.“

As the European Court of Human Rights noted in the case of *Kudrevičius and Others v. Lithuania*, the right to peaceful assembly does not extend to demonstrations where the organizers and participants: a) have violent intentions; b) incite violence; or c) reject the foundations of a democratic society. Within the framework of the protest ongoing in Georgia at the end of November and the beginning of December 2024, all three criteria established by the Strasbourg Court for violent protest were met.

The fact that the goal of a portion of the persons attending the rally was the implementation of violent actions from the start is confirmed by the circumstance that, upon arriving at the gathering, they carried illegal items, so-called Molotov cocktails, pyrotechnics, iron and wooden batons, brass knuckles, so-called slingshots, stones, iron structures, and others. As soon as a sufficient number of people gathered at the rally, violent processes began, which escalated into an attack against the Parliament building and violence against police officers.

The burning legislative body was broadcast by live television transmissions; as a result of the attacks carried out on the Parliament building, dozens of workrooms, office equipment, etc., were damaged in the Parliament. There were repeated instances of deliberate and organized confrontation with the police force, throwing so-called „Molotov cocktails,“ easily flammable, and incendiary substances toward law enforcement officers. Rally participants attacked police and threw stones, glass bottles, pyrotechnics, explosives, various iron objects, eggs, and paints, inflicted physical and verbal abuse, and engaged in vandalism and property damage.

The destructive actions of the rally participants endangered the health and lives of both the protest participants and the employees of the MIA.

As a result of violent actions by rally participants, 171 employees of the MIA were injured, which, despite the dissemination of information by the MIA, remained beyond the attention of civil society, media, and organizations working on human rights protection. During the rallies, as a result of attacks carried out by violent groups, almost all injured police officers required emergency medical assistance, and a large portion of them even required surgical intervention. Among them, one police officer lost vision, one police officer lost hearing, and one police officer lost reproductive capacity. Most of the police employees have various types of burns, fractures, and traumas in the head and face area.

However, in the case of Georgia, the violent protest was not exhausted by the burning of the Parliament building and attacks on police officers - parallel to the violent actions ongoing on Rustaveli Avenue and its surrounding territory, numerous criminal acts were recorded:

- As a result of violence by rally participants, infrastructure and property owned by both the state and private persons were damaged.
- Numerous facts of attacks and insults against citizens by violent groups were recorded.
- Rally participants deliberately destroyed both private and state-owned video surveillance cameras located on Rustaveli Avenue to subsequently hinder a swift and effective investigation of the crime by the police. This caused damage to both private individuals and the state.

- A robbery attack was carried out on the „Swarovski“ store located on Rustaveli Avenue, from where expensive items were stolen by a masked person dressed in black and armed with a knife.
- Up to 60 facts of theft were recorded. Rally participants artificially started a fire in one of the buildings on Rustaveli Avenue, destroyed the infrastructure of cafe-bars, store windows on Rustaveli Avenue were vandalized, and stores were raided and robbed.
- The damage caused to private persons and the state through criminal means exceeds hundreds of thousands of GEL.

All the above-mentioned is confirmed by relevant evidence, photos, and video material.

These violent actions stand very far from the peaceful expression of protest and cannot in any way fall within the scope of freedom of expression or assembly by any international standard.

The international community does not remember an instance where the burning of the main legislative body of the state, the Parliament building, was justified by the right to peaceful protest. Such an interpretation of the freedom of assembly represents a very dangerous precedent for the functioning of the modern international legal order and the sovereignty of any state.

It is alarming that rally participants used items prohibited by legislation during a peaceful gathering:

- The legislation of every country, including the legislation of Georgia, defines in detail what types of items participants of gatherings and manifestations may not have.
- The fact that the goal of a portion of the persons attending the rally was the implementation of violent actions from the start is confirmed by the circumstance that they carried illegal items - so-called Molotov cocktails, pyrotechnics, iron and wooden batons, brass knuckles, so-called slingshots, stones, iron structures, etc. - immediately upon arriving at the gathering.
- There were repeated instances of deliberate and organized confrontation with the police force, throwing so-called „Molotov cocktails“, easily flammable, and incendiary substances toward law enforcement officers.

For such actions, the criminal legislation of European states provides for a range of prison sentences. In no country in the world can an attack on a police officer and a public official be justified by the right of assembly. Criminal responsibility for attacks and violence against a police officer and public official is established by the absolute majority of European states.

After analyzing the above, an objective observer should no longer have any questions that the ongoing rallies bore a violent character.

Report (paragraphs 124-125, pages 44-46) passages state –

124. According to some of the testimonies received under this mandate, the use of chemicals resulted in poisoning, skin burns, coughing, gagging and other long-term symptoms.¹²⁹ In response to the allegations of illegal use of chemical substances to disperse the protesters, former Interior Minister Vakhtang Gomelauri, who was overseeing the dispersal of protests admitted that ‘[t]hese substances they are talking about were indeed purchased by the Ministry of Internal Affairs and used, but only until 2012. If I’m not mistaken, the last purchase was made in 2009 or 2010. Since then, the Ministry of Internal Affairs has neither purchased nor used them.’¹³⁰ The Prime Minister Irakli Kobakhidze admitted that chemical additives were used in

water cannons and acknowledged the purchase of agents classified as UN 3439, though he adamantly denied that camite was among them.

125. The Rapporteur learnt from interviewed persons that after the use of the chemicals, parts of the city center gave off a foul smell to such an extent that many of those who inhabited the area refrained from opening the windows.¹³² Interviewed persons stressed that the use of chemicals took place over several days from 28 November 2024.¹³³ During the meeting with the Public Defender on 17 February 2026, the Rapporteur learnt that the Ombudsman did not receive any complaints concerning chemicals in November or December 2024. There were no complaints about poisoning submitted to the Ombudsman. Nevertheless, the Rapporteur received numerous written and oral statements from people affected by the use of some chemicals.¹³⁴ The Minister of Internal Affairs, Mr. Gela Geladze, did not deny that chemical substances were mixed with water in water cannons, but he assured that the substances were not 'life-threatening' and they are widely used also by other States. According to the Minister of Internal Affairs, the use of various methods of dispersal (including gas, water cannons etc.) was necessary for the sake of public safety and security. In the written information provided by the Georgian MFA on 20 February 2026, it was stated:

'The State Security Service (SSG) conducted a thorough investigation under the Criminal Code. More than 160 investigative actions were carried out, 93 witnesses were interviewed, including current and former employees of the MIA, doctors, experts, respondents to the BBC's story, and representatives of NGOs. The investigation seized 25 samples from the MIA's Special Tasks Department. The chemical examination was conducted at the Levan Samkharauli National Forensic Bureau. The investigation concluded that: MIA has never purchased the substance „bromobenzyl cyanide“, known as „Camite“; During the interrogation, absolutely all respondents of the BBC documentary denied that their information or conclusions concerned the toxic chemical substance „Camite“. MIA has used the substances „chlorobenzylidene malononitrile“ and „propylene glycol“ to control crowds during protests - none of them belong to the prohibited substances.'

Within the framework of the meeting, it was explained to the experts that the Ministry of Internal Affairs of Georgia does not possess and has never used prohibited chemical substances. The agent used by the agency - „**Chlorobenzylidene malononitrile**“ - is approved by the police forces of many countries, including European states. According to the MIA's explanation, during the course of the rallies, the police used only special means permitted by law. Information from the State Security Service also confirms that the substance used was „**Chlorobenzylidene malononitrile**“ which is widely used in international practice.

The Ministry emphasized that it has not purchased and does not possess prohibited means of mass control. Furthermore, information was provided by the MIA to the experts that in November-December 2024, January 2025, and the subsequent period, not a single report regarding injury or poisoning caused by a chemical substance entered medical institutions or the emergency service. Speculations on this issue began only a year later, after the publication of a story prepared by the BBC.

During the meeting, it was explained to the experts that the accusations voiced toward the MIA regarding the use of the so-called „**Camite**“ are only speculation. The Ministry has never purchased this substance and, consequently, could not have used it as a means of mass control. MIA representatives noted that the false accusations related to „**Camite**“ were fully refuted by the investigation conducted by the State Security Service, and its results are already known to the public.

Report (paragraph 132, page 48) passage states - The Rapporteur wishes to emphasize that in numerous reports and communications received under this mandate there were descriptions of severe forms of ill-treatment which might have passed the threshold of torture

In international law, specifically within the framework of the United Nations Convention Against Torture (CAT), the threshold for torture is extremely high and requires the fulfillment of specific elements. In order for an act to be classified as torture, it must satisfy a four-component cumulative test:

- Severe pain or suffering (physical or mental).
- Intent (it cannot be accidental or an incidental result of lawful sanctions).
- Specific purpose (obtaining a confession, punishment, intimidation, or coercion).
- State involvement (instigated or committed by a public official, or with their consent/acquiescence).

Without clear evidence of specific intent and deliberate coercion, referring to these acts as „crossing the threshold of torture“ is a legal error that ignores the strict criteria established by the UN Convention.

Furthermore, it is mentioned by the rapporteur that their conclusion regarding the qualification of „torture“ is based on „reports.“ It is noteworthy that reports are often based on the testimonies of the victim themselves or third parties. Without forensic medical evidence (for example, the standards of the Istanbul Protocol), descriptions of cruelty remain subjective.

The rapporteur uses the phrase „might“ which indicates a lack of certainty. In legal discourse, a severe allegation such as torture should not be based on assumptions or numerous, yet unverified, information.

Report (paragraph 146, page 53) passage states - The Rapporteur received a significant number of written and oral testimonies which confirmed that protesters were fined or detained for 'blocking the road', even if they were standing on the sidewalks or for covering their faces.

Punishability of Road Blocking

For more than 400 days, **protest participants** have been given full freedom to assemble; however, there is an abuse of the right to assembly, including the **artificial blocking of roads**, which is punishable by legislation.

The punishability of road blocking has been regulated since 2009. The act has been punishable for 16 years, and there have been no negative assessments regarding the punishability of this act from international organizations thus far.

Taking into account **legitimate goals**, the law provides for certain restrictions regarding the holding of an assembly. Specifically: it is impermissible to artificially block the driving surface of the road if the number of participants in the assembly or manifestation does not require it. It is also impermissible to block the driving surface with vehicles, various constructions, and/or objects.

Considering the **public interest**, in the event of partial or full blocking of the driving surface by assembly participants, the municipal body is authorized to make a decision regarding the restoration of traffic if the number of participants in the assembly or manifestation is small. If the executive body of the municipality does not/cannot exercise said authority, the Government of Georgia is authorized to make a decision regarding the restoration of transport traffic.

The Plenum of the **Constitutional Court of Georgia**, in its decision of April 18, 2011, explained that:

„31. The Constitution of Georgia does not protect per se the possibility of blocking a street or its obstruction.

34. In the case of purposeful, intentional blocking of a street while expressing an opinion, it turns the interests of persons who do not participate in the rally into an instrument for achieving the goals of the participants and organizers of the assembly. Accordingly, guaranteeing the possibility of blocking a street at any time and place would lead to unjustifiably frequent restrictions of the rights of others. It is incorrect to claim that Article 25 of the Constitution grants participants of an assembly (manifestation) the right to purposefully restrict the rights of others to achieve their own goals, when the restriction of others' rights represents the ultimate goal of the assembly (manifestation) or when, for the purpose of protecting a reasonable balance between rights, the government becomes authorized to interfere in the process of implementing the assembly and manifestation.”

Challenges existing from the perspective of **public safety** require an adequate response from the state. In response to such challenges, the sanction established for the relevant action must primarily perform a deterrent function against the violation, especially when it concerns the obstruction of the normal functioning of the activities of persons responsible for ensuring public safety. Because specific individuals are **instrumentalizing the right to assembly** and committing a gross violation of Georgian legislation, the fine was increased several times - first to 500, and then to 5,000 GEL. The tightening of legislation by means of increasing fines did not have a deterrent effect, which is why the norm of **detention** was introduced.

Corresponding sanctions for artificial road blocking are established by a number of countries; furthermore, the **ECtHR** has also established that artificial road blocking does not fall within the scope of the rights to expression and assembly. Notable is the Court's reasoning in the case **Makarashvili and Others v. Georgia**, within which the court established the compliance of the administrative detention practice operating in Georgia with international standards. According to the court's explanation, the forms of protest chosen by the demonstrators - blocking the entrances of the Parliament building, sitting in the middle of the road leading to the Parliament, and obstructing the police in the process of clearing the driving surface - for any intent and purpose, unequivocally represent a violation of public order that exceeds the limits of minor disorder. The European Court indicated that the state has a **wide margin of appreciation** to suppress such actions, including the authority to establish punishments of a criminal nature.

The consideration of the fact of a violation in court takes place at an **open court session**, attended by the detainee and the defender of their choice. Furthermore, the burden of proof for the commission of the violation rests with the police officer. They are obliged to provide the court with all evidence necessary to decide the case.

The police present witness testimonies to the court (including neutral witness testimony), as well as video recordings obtained through media outlets, street video surveillance systems, body cams, or

other technical means. Accordingly, the court makes a decision based on the **totality and mutual corroboration of evidence**.

For the purpose of a thorough examination of the circumstances of the administrative violation case, a party has the right to file a motion, obtain, request through the court, present, and examine all relevant evidence. Additionally, the court itself can, on its own initiative, make a decision regarding the presentation of additional information or evidence.

Regarding the **evaluation and sufficiency of evidence**, Georgian legislation establishes that no evidence has pre-established force. The body (official) reviewing the case evaluates the evidence according to its inner conviction, based on a comprehensive, full, and objective examination of all circumstances of the case. The Code also defines the principle of the **presumption of innocence**.

Importantly, it is possible to appeal and review the decision of the court of first instance through the **appellate procedure**.

Furthermore, a person detained under administrative procedure has the right to demand compensation for damages caused by unlawful detention. Based on Article 1005, Paragraph 3 of the **Civil Code of Georgia**, damage is subject to compensation regardless of the fault of the person causing the damage, and it is sufficient for its satisfaction to establish the existence of damage, the illegality of the action, and the rehabilitating circumstances of the person. On May 27, 2021, a decision of **precedential importance** was made by the Supreme Court, where it was established that administrative detention is subject to compensation for moral damage if a justifying decision (acquittal) is issued toward the person after the review of the case. According to the practice of the Supreme Court of Georgia, for the compensation of damage defined by Article 1005 of the Civil Code, the adoption of a resolution on the termination of administrative violation proceedings is unconditionally considered a rehabilitating circumstance, since such an act confirms that the justified person did not commit a violation, which conditions the restoration of their rights - their rehabilitation.

According to the practice of the **European Court of Human Rights**, including in the case **Galstyan v. Armenia**, the existence of administrative imprisonment, taken alone, does not violate the rights provided by the Convention for the Protection of Human Rights and Fundamental Freedoms. For the Court, the problem is not imprisonment as a type of administrative penalty, but the legal status and procedural guarantees of the detained person when imprisonment may be used against the person after the case review.

Preventive Detention

It is noteworthy that **preventive detention** for the purpose of protecting public order is known to several European countries, including Germany and Denmark. In the 2018 decision of the Grand Chamber of the European Court, **S., V. and A. v. Denmark** it is indicated that preventive detention complies with Article 5 of the European Convention, as there was no other less radical measure by which public peace could be maintained.

Regarding Masks

The **prohibition of face covering** represents a proportional measure to achieve a legitimate goal - wearing a mask at a protest or covering up with a mask has the sole purpose of a person avoiding responsibility.

If a person expresses protest in compliance with legislation, their right to assembly and expression is fully protected. However, if a person uses a mask for the purpose of hiding their personality or identity, in such a case, they will be held **accountable as provided by legislation**.

By the amendment implemented on December 13, 2024, in the Law of Georgia „On Assemblies and Manifestations,“ participants of an assembly or manifestation were prohibited from covering their faces with a mask or any other means.

A factor encouraging and conditioning this violence by rally participants could have been a **sense of impunity**, which was created for persons committing violent acts precisely by covering their faces and the impossibility of identification. This may unequivocally be related to the preliminary preparation and training that rally participants underwent. The basis for this conclusion is also provided by the practice of previous years, when it was impossible to punish violent groups under criminal law due to the impossibility of identifying masked violent groups.

Violent excesses would begin as soon as a sufficient number of people gathered at the rally, which escalated into **vandalism against the Parliament building** and violence against police officers.

Georgian legislation reflects the European standard. The prohibition of covering the face with a mask or any other means is provided for by the legislation of many developed countries, and the changes in Georgian legislation were implemented precisely based on the **best experience of developed countries**. The amendments introduced into Georgian legislation are in full alignment with its German analogue - a direct transfer of legislative norms took place.

According to the **German Federal Law on Assemblies and Processions**, during an open-air assembly, procession, or other public event, it is prohibited to wear clothing intended to prevent identification (§17a). Criminal liability is also provided (§27, imprisonment for up to one year or a fine).

Furthermore, if a person has a **special medical need** for which they wear a mask, they can provide this information to law enforcement agencies and the court, after which a corresponding decision will be made.

Report (paragraphs 174 – 178, pages 61-63) passage states

174. As regards other conduct that might fall within the ambit of prohibition of torture and other cruel, inhuman or degrading treatment or punishment (though not necessarily amounting to torture as defined in Article 2 CAT), the Rapporteur now turns the attention to the conduct of security forces during public demonstrations. The Rapporteur recalls that she received numerous testimonies, including from people directly affected, of particularly harsh measures taken by the Georgian security forces during such gatherings, including, but not limited to those that erupted in late 2024 in response to the suspension of negotiations on Georgia’s EU membership and those opposing the adoption of ‘foreign agents’ legislation. These measures used against demonstrators include the use of pepper spray, tear gas and other chemical irritants, water cannons, rubber bullets (sometimes aimed at protesters’ faces at close range) and beatings. The use of these measures is also confirmed by the publicly available sources. According to some of the testimonies received under this mandate, their use led to serious injuries.

175. The Rapporteur accepts, in principle, that the use of some coercive measures may have been legitimate vis-a-vis some of the protesters who exhibited violent behaviour, particularly those who, as per the available reports, threw stones, bottles or fireworks at the police.

Examples of violence on the part of the protesters were shared with the Rapporteur during the meeting at the Ministry of Internal Affairs on 17 February 2026.

176. The above notwithstanding, the Rapporteur wishes to draw the attention to credible and authoritative accounts according to which the vast majority of protesters at demonstrations during which such violent behaviour was exhibited, remained peaceful. Accordingly, the Rapporteur echoes the ECtHR which holds that '[a]n individual does not cease to enjoy the right to peaceful assembly as a result of sporadic violence or other punishable acts committed by others in the course of the demonstration.' These peaceful demonstrators participating in gatherings where some other participants displayed disruptive or violent behaviour, were nevertheless subjected to indiscriminate use of force. This has arguably borne the hallmarks of collective punishment of people who legitimately demonstrated to express their opposition to the government's policies. The indiscriminate nature of the authorities' deployment of force, makes this deployment, by definition, disproportionate and thus contrary to safeguards stemming from Article 3 ECHR and Article 7 ICCPR. The Rapporteur thus considers claims by the Minister of Internal Affairs, according to which the conduct of authorities during those demonstrations was fully humanitarian and exemplary, as highly unconvincing.

177. The Rapporteur recalls the arguments raised by the Prime Minister and the Minister of Internal Affairs that some of the protests during which such particularly harsh measures were taken in fact amounted to organized coup d'état attempts. Notwithstanding the fact that some of the protesters reportedly attempted to forcibly enter government buildings during those demonstrations, the Rapporteur finds the justification of measures taken on this basis as unconvincing. The vast majority of protesters were not armed (although some of them threw stones, bottles or fireworks at the police; the Minister of Internal Affairs also claimed that some of the protesters used so-called Molotov cocktails) and the protests in question, to the best of the Rapporteur's knowledge, did not bear the hallmarks of organized attempts of overthrowing the government. The mere fact that some (indeed, a small minority) of the individuals taking part in these protests exhibited violent behaviour and, in isolated incidents, attempted to forcibly enter government buildings, does not warrant a conclusion that the entire gatherings (which had been organized on a daily basis) constituted some form of coordinated insurrections, much less justified an indiscriminate use of force by the authorities against peaceful protesters.

178. As regards the conduct of authorities vis-a-vis persons who did exhibit violent behaviour, the Rapporteur underscores that even in such situations the use of force must be limited to what is necessary under particular circumstances. The assessment of necessity should therefore be conducted on a case-by-case basis, which the Rapporteur lacks the necessary materials, time, and resources to do and thus refrains from any conclusive judgement in this respect. The Rapporteur accepts, however, that there might have been situations in which the use of force was legitimate and proportionate, in particular in relation to individuals who threw objects at security forces or tried to forcibly enter government buildings. At the same time, this is not to suggest that the treatment of violent individuals was at all times compliant with the requirements of international law.

As the European Court of Human Rights noted in the case of *Kudrevičius and Others v. Lithuania*, the right to peaceful assembly does not extend to demonstrations whose organizers and participants: a) have violent motives; b) incite violence; or c) reject the foundations of a democratic society (§92).

Within the framework of the protests ongoing in Georgia over the past year, all three criteria established by the Strasbourg Court for a violent protest have, unfortunately, been met.

In accordance with paragraph 19 of General Comment No. 37 of the UN Human Rights Committee, „the conduct of specific participants in an assembly may be considered violent if the authorities can present credible evidence that, before or during the event, these participants incite others to violence and such actions may lead to violence; that participants have violent intentions and plan to act on them; or that violence on their part is imminent.“ An identical view is voiced in paragraph 29 (f) of the Rabat Plan of Action adopted by the UN Human Rights Council (Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence). Also, identical reasoning is developed in a number of decisions adopted by the European Court of Human Rights, including the case of *Bodson and Others v. Belgium* (§91). The restrictive nature of the right to assembly is also highlighted in the practice of the European Union's judicial bodies, including the decision of June 12, 2003, in the case of *Schmidberger v. Austria* (Case C-112/00, §§79, 80), as well as the cases of *Commission v. Germany* (1992 decision, Case C-62/90, §23) and *P v. Commission* (1994 decision, Case C-404/92, §18).

The state holds positive obligation to protect the constitutional order and the functioning of state institutions. When an assembly goes beyond the scope of a „peaceful“ nature (attempting to break into government buildings, attacking police with Molotov cocktails and pyrotechnics), the state is obliged to use adequate force to prevent escalation. Violent actions (storming of buildings) change the legal nature of the assembly. At such times, the use of force is directed not toward restricting freedom of expression, but toward preventing a violent coup.

The report relies on the principle that an individual does not lose the right to peaceful assembly due to the violence of others. However, it should be noted that the assembly as a whole loses its peaceful character when violent actions become systemic and are aimed at paralyzing state institutions. When a portion of the demonstrators uses Molotov cocktails or attempts to break into the Parliament building, the assembly ceases to meet the „peacefulness“ criterion within the meaning of Article 11 of the European Convention on Human Rights. At such times, the use of special means is aimed at the dispersion of the mass, which is a necessary measure to prevent further grave crimes (seizure of a building, fire). The European Court of Human Rights recognizes that national authorities are in the best position to assess security risks in their own country. When there is operational information or visible signs of an organized rebellion, the state has the right to use stricter measures.

The claim that the use of force was „disproportionate by definition“ is legally unsubstantiated. Proportionality is assessed not only by the result but also by the degree of danger faced by law enforcement officers.

The report attempts to equate police actions with „inhuman treatment“. Legally, for an action to be considered a violation of Article 3 of the Convention Against Torture, it must reach a minimum threshold of ill-treatment. An injury inflicted through the rule of legitimate coercion during the performance of official duties does not constitute a violation of Article 3 if it is caused by the unlawful behavior of the person/protester themselves.

Thus, the state acted with a legitimate aim - to protect public safety and state institutions. The concealment of violent groups behind peaceful protesters does not exempt the police from the obligation to suppress criminal acts (breaking into buildings, setting fires).

The Rapporteur's claim that the use of force is automatically disproportionate due to its „indiscriminate“ nature is legally controversial. Pepper spray, tear gas, and water cannons are

internationally recognized non-lethal means. Their use does not in itself constitute a violation of Article 3 (torture/inhuman treatment). A violation is present only if the force is used for the purpose of punishment and not to restore order. Injuries sustained by peaceful individuals during the dispersal of a violent rally are often the result of the actions of those who provoked the police. The state is responsible not for the outcome (injury), but for whether the use of force was unavoidable. Furthermore, as noted above, police officers received extremely severe injuries as a result of the actions of the violent protest participants.

Thus, the action of the law enforcement officers was reactive and not proactive. Force was used only after a portion of the demonstrators crossed the line of peaceful protest and threatened state institutions. Under these conditions, the use of special means represented less severe harm than the expected chaos and collapse of state structures.

*Report (paragraph 228, page 78) passage states - The conduct of security forces towards demonstrators was already covered as part of the assessment of compliance with the prohibition of torture and other cruel, inhumane or degrading treatment. Under this section, therefore, the Rapporteur will limit herself to only a few remarks. **Nevertheless, it is clear to the Rapporteur that disproportionate use of force during the dispersal of demonstrations also contravenes the rights to assembly and to freedom of expression.***

In paragraphs 230 and 231, the rapporteur notes that they did not have sufficient time and resources to investigate the proportionality of the police measures used during the manifestations. Meanwhile, in paragraph 228, a conclusion is made without any evidence that an disproportionate use of force occurred during the dispersal of the demonstrations.

In the event that the sentence provided in paragraph 228 represents the rapporteur's general assessment - that in general, the disproportionate use of force during the dispersal of demonstrations violates the rights to freedom of assembly and expression - then it would be better if this generalization were clearly reflected. Otherwise, the given sentence reads as being tailored to the Georgian context.

Report (paragraph 230-231, page 79) passage states –

230. The Rapporteur does not have the means nor the resources to analyse every circumstance when allegedly disproportionate force was used against the protesters. However, being confronted with sometimes drastic descriptions and images of beatings, firing of rubber bullets at protesters' faces at close range, extensive use of water cannons (possibly with chemicals added to the water) and similar measures against largely peaceful protesters, the Rapporteur concludes that such measures have been, on many occasions, disproportionate and therefore contrary to the freedoms of assembly and expression.

231. As regards the use of such measures against individuals who displayed violent behaviour, the Rapporteur underscores that even in such circumstances the force deployed must be proportionate. Lacking the resources and the means to assess these issues on a case-by-case basis, the Rapporteur accepts that such force might have been justified on some occasions but this is not to suggest that the treatment of violent individuals was at all times compliant with the requirements of international law.

The international community agrees that the police must take effective measures in response to violence. The European Parliament resolution of February 14, 2019, „**on the right to peaceful protest and the proportionate use of force,**“ states that: „The European Parliament takes into account that the police work in difficult conditions, especially due to the brutality shown by individual protesters, and there are casualties among them. The European Parliament condemns all violence by protesters who come only for violent purposes and damage the legitimacy of peaceful protests. The European Parliament emphasizes the importance of guaranteeing the safety of law enforcement officers, police officers, and soldiers involved in security operations during public protests.“ (§§ 8, 10)

In the case of **Christian Democratic People's Party v. Moldova (2010)** and the case of **Ouranio Toxo and Others v. Greece (2005)**, the European Court of Human Rights directly indicated that when a protest goes beyond peaceful forms and turns into violence, the police not only have the right but are obliged to take appropriate measures.

The **Venice Commission Guidelines** unequivocally state that: „Dissolution of an assembly may be necessary, depending on its size, location, and the circumstances of the assembly, when it arises from the interests of protecting public order and public health; third parties (journalists, observers, photographers) may be required to disperse if they interfere with the maintenance of order by the police.“

The MIA, for the purpose of de-escalating the situation, carried out consistent measures granted by law. The police acted within the framework of the **Constitution of Georgia**, the **Law on Police**, and the **Instruction on the Conduct of Employees of the Ministry of Internal Affairs of Georgia during Assemblies and Manifestations** approved by the order of the Minister of Internal Affairs, which is in full compliance with the OSCE/ODIHR guidelines.

The goal of the police actions was to stop the violence and not to disperse the protest. Before using special means, the MIA, each time and repeatedly, warned the protesters in advance, both through official statements and on-site using special voice equipment, to stop the violence, but to no avail—through live broadcasts of various television stations, it was clearly seen that despite these warnings, the protesters continued their illegal actions.

We are also well acquainted with the practice of developed states and understand that law enforcement agencies of other countries often face challenges similar to ours when they have to take appropriate measures to stop violent protests. The detailed factual circumstances cited above, supported by numerous pieces of evidence, leave no room for manipulation or a distorted presentation of the ongoing processes in Georgia.

Report (paragraph 294, pages 95-96) passage states –

289. Among other reported violations of the right to fair trial, legal representatives of persons facing criminal charges stressed:

- a. the violation of the presumption of innocence — it is, according to the interviewees, quite common that high public officials make statements concerning the alleged guilt of the accused. Moreover, some of the accused apparently had to appear in the courtroom in glass cages, surrounded by prison guards as if they were dangerous criminals.

- b. disproportionate application of the harshest possible preventive measures (pre-trial arrest) and punishments (imprisonment) even in cases of persons with serious health issues.
- c. forcing detained persons to sign false statements which were then used against them in the criminal proceedings.
- d. reclassification of charges by the court without giving the chance to the defence to dispute the new charges before the conclusion of the proceedings.

Administrative Detention

The **Administrative Offences Code of Georgia** recognizes administrative detention as one of the measures for ensuring the proceedings of administrative offense cases. Within the framework of the ongoing rallies since November 28, 2024, relevant **legal guarantees** were ensured for persons detained on the basis of the Administrative Offences Code of Georgia. During administrative detention, the detainees were explained immediately upon detention in an **intelligible form**:

- The administrative offense committed by them and the grounds for detention;
- The right to have a lawyer;
- The right, upon their request, to notify a relative named by them, as well as the administration of their place of work or study, regarding the fact of their detention and their whereabouts.

It is noteworthy that the police resorted to administrative detention in **extreme cases**, when there was a gross violation of public order, disobedience to a police officer, or an insulting action toward them. Detention served the purpose of maintaining public order at the assembly and removing the person committing a violent act from the territory.

During administrative detention, detained persons were presented to the court at the **first opportunity**, but no later than 24 hours. For the purpose of obtaining evidence, this period was extended once for no more than 24 hours if necessary (in total, no more than 48 hours).

It is noteworthy to mention the deliberation of the **European Court of Human Rights** regarding detentions based on the Administrative Offences Code in the case *Makarashvili and Others v. Georgia*, in which the court established the compliance of the administrative detention practice operating in Georgia with international standards. Based on the circumstances, the court established that the right to a fair trial was not violated during the administrative proceedings.

Detention under Criminal Procedure

According to the **Criminal Procedure Code**, the detention of a person is permissible if there is a **reasonable suspicion** that the person has committed a crime for which imprisonment is provided as a punishment; moreover, the person may abscond or fail to appear in court, destroy information significant to the case, or commit a new crime. In connection with the ongoing protest rallies since November 28 of this year, the detention of offenders by the MIA was carried out upon the existence of grounds provided by the criminal procedural legislation.

Upon detention, each person was explained in an **intelligible form**:

- The grounds for detention and the crime of which they were accused;
- That everything they said could be used against them in court;

- The right to have a lawyer;
- The right to remain silent and to refrain from answering questions;
- The right not to incriminate oneself.

According to the Criminal Procedure Code, the maximum term of detention is **72 hours**. Furthermore, no later than 48 hours from detention, the detainees were presented to a judge, to whom the decree on the charges was handed. The judge, within a 24-hour period, made a decision regarding the application of a **preventive measure**.

Access to a Fair Trial is Ensured for Persons Deprived of Liberty

Detained persons have the opportunity to exercise the right to a fair trial. There are a range of fair trial guarantees that are fully applied. These guarantees include the **equality of parties**, the use of the right to defense, and the right to present evidence.

At the court hearing stage, persons brought to justice have complete and timely access to case materials, the opportunity to present evidence to the court, the possibility to appeal evidence presented by a state institution, and the opportunity to present their own arguments/opinions.

The review of the fact of the offense in court takes place in an **open court session**, attended by the detainee and their chosen defense counsel.

The court makes a decision based on the **totality and mutual comparison of evidence**. It is important to note that the decision of the court of first instance can be appealed and reviewed through the appellate procedure. Furthermore, administrative detention is subject to **compensation for moral damage** if, after the review of the case, an acquittal is issued toward the person or the detention is recognized as illegal.

Moreover, the European Court of Human Rights has established in several decisions that the situation existing in Georgia, as well as Georgian legislation, is in full compliance with **Article 6 of the Convention**.

Persons Placed in Temporary Detention Isolators Have Dignified Conditions

In accordance with Georgian legislation, for the purpose of executing the decision of an authorized body, the placement of detained and/or administratively imprisoned persons takes place in the **Temporary Detention Isolators** of the MIA Temporary Detention Provision Department.

The protection of the rights of detained persons in MIA temporary detention isolators is carried out in accordance with **international standards**. The MIA constantly strives to implement the recommendations of international organizations/monitoring institutions, for example, the recommendations of the **UN Subcommittee on Prevention of Torture** and the **Council of Europe Committee for the Prevention of Torture**, as well as recommendations from the **Public Defender of Georgia**. It should be noted that in recent years, several significant reforms were carried out aimed specifically at implementing the aforementioned recommendations.

Medical services for detained persons are ensured in all temporary detention isolators in accordance with the „Instruction for Conducting Medical Examination of Persons to be Placed/Placed in the Temporary Detention Isolators of the MIA Temporary Detention Provision Department of Georgia,“ approved by Order N1/81 of the Minister of Internal Affairs. This document serves as a manual for medical workers employed in isolators so that they can ensure, with maximum accuracy, the receipt of full information from the detained person regarding their state of health and existing complaints,

the **detailed documentation of injuries** on the body in accordance with the **Istanbul Protocol**, as well as the detection of possible facts of violence committed against the detainee.

During the examination of detainees in the isolator, a special form is filled out regarding every person, in which the person's state of health is described in detail, including minor scratches and scars, as well as signs of possible ill-treatment. According to the rule operating in the MIA temporary detention isolator, in cases where the doctor has a suspicion regarding ill-treatment carried out against the detainee, a notification regarding this is sent **immediately by the doctor personally** to the General Prosecutor's Office. The sending of the notification is not dependent on the person's statement of violence—it is sent even in cases where the detainee does not indicate violence, but the doctor develops a **reasonable suspicion**.

It is important to note that **video surveillance cameras** are installed in all temporary detention isolators. The monitoring service carries out video surveillance of the activities of the isolators from a specially designated central video surveillance control room. In the event of detecting a fact of ill-treatment, the monitoring service is obliged to notify the relevant investigative agency. It is noteworthy that in 2022-2023, for the purpose of protecting the safety of persons in temporary detention isolators, all medical and investigative rooms of the isolator were equipped with video surveillance systems. In addition, the number of persons employed in monitoring services, who constantly carry out monitoring on a 24-hour basis, has increased.

It is noteworthy that persons placed in temporary detention isolators have the opportunity to record a complaint on any issue, including illegal detention, as well as physical and verbal abuse by police officers.

Furthermore, for the purpose of fully eliminating torture, inhuman, cruel, or degrading treatment or punishment carried out by representatives of law enforcement agencies against a foreigner, as of July 26, 2023, the form of the **initial medical examination** conducted upon placement of a foreigner in the MIA Temporary Placement Center was redesigned, and the scope of the doctor's obligations regarding the recording of and responding to violent acts was increased. Additionally, rules for photography and the storage of photographs were defined.

The medical worker was assigned the obligation to notify the **General Prosecutor's Office of Georgia** immediately by telephone, and in written form at the first opportunity, as well as to provide information to the Director of the Migration Department of the Ministry, and notify the **General Inspection of the MIA** in written form:

- If they have a suspicion of torture, ill-treatment, or other violent acts against the foreigner;
- If the foreigner states that torture, threat of torture, degrading/inhuman treatment, or other violent acts took place against them by a representative of a law enforcement agency, an official, or an equivalent person.

In other cases of rights violations (e.g., verbal abuse, complaint regarding illegal detention), the doctor is obliged to notify the General Prosecutor's Office of Georgia, provide information to the Director of the Migration Department, and notify the General Inspection of the Ministry of Internal Affairs in written form.

Additionally, since March 5, 2021, a system has been put into operation within which a foreigner placed in the Temporary Placement Center is provided with **24-hour medical services** by an authorized person of the center (medical personnel of the center).

Comments by the Ministry of Education, Science and Youth of Georgia

F. Reform of the System of Higher and General Education (page 41)

*Report (paragraph 117, page 42) passage states – “In February 2026 the Georgian government scrapped the plan for the merger, but not the plan of **centrally controlled assignment of faculties** to specific locations.”*

Following the announcement regarding the proposed merger of the two state higher education institutions, a series of working meetings were held with the Deputy Minister of Education, Science and Youth of Georgia, the Minister of Education, Science and Youth of Georgia and the Prime Minister of Georgia. After extensive discussions, an exchange of views and the presentation of arguments supporting the continued separate existence of the two institutions, following an intensive dialogue process, a decision was taken to withdraw the merger plan while maintaining the centrally coordinated assignment of educational programmes. In this context, we suggest using the following wording: **“In February 2026 the Georgian government decided not to proceed with the merger plan. Based on the Higher Education Reform Concept, the Georgian government coordinated allocation of faculties to specific locations.”**

*Report (paragraph 118, page 42) passage states - Law on Grants which **bans** some forms of foreign financial support (used to organize e.g. moot court competitions or summer courses).*

Article 5 of the Law actually sets out the procedure for the provision of foreign grants, requiring prior approval from the Government of Georgia, or a duly authorized body, before a foreign donor may award a grant to an eligible recipient, with the prior consent and communication with the government of Georgia. Therefore, we suggest replacing the word **'ban'** with wording that more accurately reflects the regulatory nature of the provision, such as **'introduces prior authorization requirements for certain forms of foreign financial support.'**

*Report (paragraph 118, page 42) passage states – “the mentioned change in the system of financing of the higher education institutions might **destabilize** the financial situation of the private sector of higher education”*

As the Minister highlighted during the meeting, a big majority of students who received 100% state grant funding continue their studies to State Universities. On the other hand, private HEIs mostly received students with 50-70% of state grant funding and did not fully rely on state funding. In this context, we suggest the following wording: **“Based on the new model, private HEIs will continue their operation without state funding and they will be expected to shape alternative funding mechanisms.”, instead of this phrase of the given paragraph (instead of “the mentioned change in the system of financing of the higher education institutions might **destabilize** the financial situation of the private sector of higher education”).**

“Based on the new model, private HEIs will continue their operation without state funding and they will be expected to shape alternative funding mechanisms. The ongoing higher education reform allows public universities to admit international students up to 5% of their annual student intake and aims to enhance the quality and international visibility of higher education institutions,

including their presence in international rankings.” (instead of “the mentioned change in the system of financing of the higher education institutions might destabilize the financial situation of the private sector of higher education”).

The report (paragraph 119, page 42) states: “As a result of the reform, according to the Minister, the State will fully cover the cost of studies for 21,000 Georgian students and the cost of vocational education for another 10,000 persons (for comparison, according to the Minister, at the moment the government covers 100% of costs for 8,000 students and 50-70% for 6,000 students).”

According to the document - 'On Amendments to the **Resolution of the Government of Georgia No. 55 of 12 February 2026** on the Approval of the Number of Students to be Admitted for the 2026–2027 Academic Year to State-Established Higher Education Institutions' the number of students at Bachelor's level is **21,574** and on MA level is **3,335**.

in the abovementioned wording, with regard to the vocational education, it would be more accurate to include the following: ***“In 2026, apart from Bachelor degree programs, additionally 10,000 places in vocational education programs will be offered to applicants.”***

Comments by the Administration of the Government of Georgia

The executive summary and the recommendations presented in the report do not correspond to the information provided during the mission's visit to Georgia and are not logically consistent with the narrative of the report. In particular, the expert's summary focuses on concerns regarding alleged democratic backsliding, the functioning of democratic institutions, and the broader political environment in Georgia, without citing the specific sources or texts from which these conclusions are drawn. These assessments are largely based on selected cases and interpretations of recent legislative and political developments, which the report presents as evidence of systemic challenges.

In response to unsubstantiated demands to withdraw the Law on Transparency of Foreign Influence, FARA, and the amendments to the Law of Georgia on Grants and other related legislation, the Government of Georgia stated that it does not support the unconditional repeal of domestic legislation, emphasizing that the adoption or repeal of laws falls within the authority of legitimately elected institutions of a sovereign state. At the same time, the government has reaffirmed its full readiness to engage in open and constructive dialogue with international partners. Georgian authorities have consistently communicated that the purpose of the legislation is to enhance transparency, accountability, and principles of good governance, rather than to restrict the freedoms of civil society, political parties or media.

In response to the recommendations concerning the repeal of the recently introduced legislation, please find the following:

Foreign Agents Registration Act (FARA)

In April 2025, the Parliament of Georgia adopted the Foreign Agents Registration Act, aimed at strengthening transparency regarding the activities and financial support of foreign principals operating in Georgia. The legislation is designed to ensure that the public and relevant institutions are informed about foreign funding, the interests behind certain activities and the actors representing foreign principals in the country. The law largely mirrors the content, structure and enforcement mechanisms of the United States Foreign Agents Registration Act.

For the implementation of the law, the Anti – Corruption Bureau was initially designated as the competent oversight authority. In line with GRECO's reasoning and the Venice Commission's concerns regarding the independence of the Anti-Corruption Bureau, particularly the appointment of its head by the executive, recent legislative amendments, since 2 March 2026, transferred all preventive anti-corruption functions to the State Audit Office (SAO), a constitutionally independent body accountable to Parliament. This institutional arrangement is intended to strengthen oversight safeguards and respond to recommendations regarding institutional independence.

According to available data, to date, no individual or organization has been fined or otherwise sanctioned under the law, and no materials have been forwarded to investigative bodies for the initiation of criminal proceedings.

Amendments to the Law of Georgia on Grants

In parallel with the adoption of the Foreign Agents Registration Act, Georgia introduced amendments to the Law of Georgia on Grants aimed at strengthening transparency, accountability and oversight regarding foreign funds entering the country. The reform seeks to ensure greater clarity regarding the sources, purposes and use of foreign grants, while reinforcing the coordinated and accountable management of international assistance.

Georgia has long maintained a legal framework requiring prior governmental consent for foreign grants awarded to budgetary entities, ensuring transparency and national ownership in aid coordination. However, grants provided to non-budgetary organizations have previously remained outside this supervisory mechanism, creating an oversight gap. The recent amendments address this deficiency by bringing non-budgetary organizations under the same review, approval and reporting procedures that already apply to budgetary entities.

Regarding the protection of confidential information of grant beneficiaries, please note that the Law of Georgia on Grants explicitly defines the legally recognized grantees (Article 4). Accordingly, while reviewing the documentation, it is necessary to identify them. However, when the grantee is an organization rather than an individual, it is generally sufficient to indicate the organization along with its identification code. The primary focus of the review remains on the assessment of the purpose of the grant and its alignment with state priorities/national interests rather than on the personal details of the grantee.

Furthermore, Government Ordinances on grant issuance, which are publicly accessible, mention only the titles of the grantor, grantee and project. All accompanying materials, including draft grant agreements, budget components, and related documents, are intended for internal use and are managed in accordance with strict confidentiality standards.

Legislative Package on Family Values and Protection of Minors/Hate Speech

The purpose of the Law of Georgia on Family Values and the Protection of Minors is to protect family values based on the relationship between a woman and a man and to strengthen mechanisms for the protection of minors. To this end, the Law prohibits the registration of a union between persons of the same biological sex as a marriage. Furthermore, the Law introduces restrictions in areas such as education, dissemination of information, assemblies, demonstrations, particularly when information provided minors relates to self-identification with a sex different from their biological sex, the promotion of incest, and similar matters. The restriction also applies to the alteration of biological sex in official documents. The Law prohibits sex reassignment.

The Law was not intended to promote violence, criminalize identity, or legitimize discrimination. The legislation does not authorize harassment, violence, or arbitrary interference with private life, nor does it absolve perpetrators of hate-motivated crimes from criminal responsibility.

The Law on the Elimination of All Forms of Discrimination remains in force and prohibits unequal treatment, supported by institutional mechanisms such as the Public Defender of Georgia and judicial review. Violence, including hate-motivated violence, is criminalized under the Georgian law regardless of the identity of victims or perpetrators.

Georgia rejects claims that discriminatory rhetoric and hate speech is prevalent in the public discourse. Georgian legal and institutional framework allows protection mechanisms against hate speech. Various codes of conduct include provisions on prohibition of hate speech in civil service and media. Allegations of hate speech must be assessed on an individual basis, in line with freedom of expression standards.

On Eliminating the Term “Gender” from the legislation

Contrary to the negative assessments, April 2025 legislative amendments are explicitly described as clarifying the meaning of gender equality in national law, not weakening it. For the purposes of Georgian legislation, gender equality has always meant equality between women and men, as reflected in Article 11 of the Constitution and the 2022 Concept on Gender Equality, which defines

gender equality as equal rights, duties, responsibilities and equal participation of women and men in all spheres of personal and public life. The amendments replace the term “gender” in 16 legal acts with formulations and these changes do not alter the substantive regulation and still serve to strengthen equality between women and men, while promoting a uniform interpretation at national level.

In response to the recommendations related to the restriction of the activities of civil society and the freedom of expression, please, find the following:

Civil Society and Freedom of Expression

The government recognizes the important role the civil society plays in strengthening democratic governance and protecting fundamental rights. The government has further noted that although criticism regarding the potential effects of the new laws emerged in 2024, no evidence-based assessments or formal evaluations demonstrating negative impacts on the operational activities of non-governmental organizations have been presented to date.

Since the entry into force of the Law on Transparency of Foreign Influence, 385 entities registered in the Register of Organizations Representing the Interests of Foreign Powers maintained by the Public Registry of the Ministry of Justice of Georgia.

Importantly, civil society organizations have not been restricted from receiving grants, and official data indicates that they continue to access both domestic and international funding without obstruction. Since the enactment of the new legal framework governing grant approvals, nearly 99 percent of all decided grant applications - predominantly submitted by non-governmental organizations - have been approved by the Government of Georgia.

Georgia operates a dedicated State Grants Management Agency, through which civic initiatives implemented by public organizations are actively supported and funded. This institutional mechanism demonstrates the government’s commitment to partnership and cooperation with civil society rather than restriction. Moreover, Government actively elaborates national-level policy documents with the involvement of non-governmental organizations and the civil society.

The Government of Georgia fully recognizes the right to peaceful assembly and expression. Public demonstrations have taken place across the country over extended periods, confirming that this right remains protected. Law-enforcement actions are guided by the principles of legality, necessity and proportionality, with the objective of preventing violence and protecting public safety. Claims that peaceful protesters, journalists or opposition politicians are systematically subjected to arbitrary detention are not supported by evidence.

Anti-EU Rhetoric

Georgia rejects claims that it has adopted an anti-EU policy or abandoned its European aspirations. Georgia’s commitment to European and Euro-Atlantic integration is constitutionally enshrined. This obligation remains binding and unchanged.

Georgia remains committed to its foreign policy goal of EU membership, which is underpinned by the relevant Constitutional provision. To this effect, the GoG continues implementing complex reform aimed at achieving higher institutional, policy and legal convergence with the EU norms and standards, in line with the AA/DCFTA commitments.

On August 12, 2025, National Action Plan for 2025 on EU integration has been adopted. Currently, the preparation of the report on implementation of the National Action Plan of 2025 and development of the 2026 National Action Plan are well in progress.

With regard to public debate and political rhetoric, the Government stresses the importance of distinguishing between political discourses and binding state policy. Political rhetoric, even when polarized, does not override constitutional obligations, international agreements or official foreign policy positions.

In response to the recommendation related to the support of the Public Defender's Office in order to enable it to perform all its tasks, please, find the following:

On Supporting the Public Defender's Office

The Government of Georgia continues to provide strong and consistent support to the Public Defender's Office (PDO), as the country's principal national human rights institution. Regular engagement with the Office is maintained through institutionalized mechanisms, including interagency platforms and thematic working groups. The PDO contributes to the monitoring and evaluation of national level policy documents (such as the Human Rights Action Plan) and provides independent assessments on their implementation. Its reports and findings are systematically reviewed by relevant ministries, with follow-up measures discussed in inter-agency formats. Ongoing cooperation also includes information exchange, joint awareness-raising initiatives, and participation in consultations on draft legislation affecting human rights and equality.

The budget allocated to the Public Defender's Office has demonstrated an overall upward trend over recent years. It has increased from 7,000,000 GEL in 2020 to 11,150,000 GEL in 2026. Since 2020, the number of regional offices of the PDO have increased from 9²³ to 11²⁴.

On 29 April 2025, amendments to the Organic Law on the Public Defender of Georgia strengthened the social security guarantees of the Public Defender and staff. These changes enhance the overall health, safety, and social security conditions within the Public Defender's Office.

In response to the narrative concerning the restriction of the rights of public servants, please find the following:

Guarantees for Civil Servants and SOEs reform

In 2025, Georgia introduced amendments to the Law of Public Service aimed at enhancing the civil service framework. In addition, the amendments introduced several institutional developments. Namely, a new legal category of a person equated to a civil servant was introduced, extending rights of certain public legal entities who previously operated outside that system, thereby strengthening legal certainty. Upon the reorganization of the Public Service Bureau, its remaining core functions, including management of the centralized civil servant registry, were transferred to the Government Administration, eliminating duplication of functions, rationalizing governance and ensuring cost optimization.

²³ As of January 1, 2020, 9 regional offices were operating in the Public Defender's Office - Zemo Svaneti, Gori, Akhalkalaki, Ozurgeti, Zugdidi, Marneuli, Telavi, Batumi, Kutaisi.

²⁴ As of January 1, 2026, 11 regional offices are operating in the Public Defender's Office - Regional office in Dusheti opened in October 2025, while the office in Ambrolauri opened in July 2025.

Notably, reorganization of public institutions is a standard administrative tool defined by Georgian law and does not imply automatic termination of employment. They are undertaken to streamline state administration and eliminate duplication of functions. In addition, reorganizations are subject to transparent procedures based on a competitive process. Civil servants who do not succeed in the competition are placed in the reserve. The result of the competition may be appealed.

In 2025, a reorganization process was launched at both the central and municipal levels, resulting in the dismissal of a number of employees. These dismissals were part of a broader institutional restructuring and were not directed at specific individuals.

In addition to public institutions, reorganization was also carried out in large state enterprises and state-owned companies. The comprehensive reform of state-owned enterprises was also accompanied by workforce optimization. This reform has enabled the state to save tens of millions of GEL annually and to reduce potential risks of corruption and nepotism. These savings will contribute to strengthening the governance system and supporting the ongoing reform process in state-owned enterprises.

The 2025-2028 Government Program envisages reforms in the civil service sector. A civil service development strategy will be developed to establish a unified vision for the implementation of modern standards of civil service management.

Comments by the Cabinet of the Chairman of the Parliament of Georgia

With regard to the Subchapters B, C, D, E, H, I of Chapter II; Subchapters B, C, D, E, F of Chapter III

The Report is based on the hearsays. The Rapporteur is not aware of Georgian legislation and she does not rely on facts or evidences. Thus, the whole Report is highly biased and politicized, and it lacks professional approach and analysis.

This document addresses those deficiencies of the Report and provides the arguments on the points. At the same time, this document is focused only on particularly serious issues, due to the format.

This document provides analysis only of the issues raised in the Report's subchapters B, C, D, E, H and I of Chapter II and subchapters B, C, D, E and F of Chapter III. Issues raised in other chapters of the Report are analyzed in the further documents of responses to the Rapporteur's positions.

I. Response to Rapporteur's Position on the Link between Freedom of Assembly and Association and Freedom of Expression

The Rapporteur seeks to manipulatively make a link between the freedom of assembly and association and the freedom of expression, in order to lump the issues together and drop them into the scope of both freedoms. This is methodology manipulation, as each issue has its legitimate aim and most of them do not fall into the scope of freedom of expression.

Thus, the methodology selected by the Rapporteur is speculative and manipulative, thereby undermining the Report's credibility and reliability.

II. Response to Assessments on the Law on Transparency of Foreign Influence

The Report includes assessments concerning the Law of Georgia on Transparency of Foreign Influence (hereinafter – TFI) set out, *inter alia*, in §§191-211, 256-267 of the Report. Those assessments are unsubstantiated, biased and politicized, and are devoid of coherent legal reasoning. In particular:

- (a) The Report states that “[TFI] attach to the [legal] persons stigmatizing labels of ‘an organization representing the interests of a foreign power’ (under TFI) [...]” (see §191). The same approach of the Rapporteur emerges from other paragraphs of the Report as well (see §§204, 205).
- (b) The Report, in the context of “prescribed by law” principle, refers to a lack of precision and foreseeability of TFI (see §§192-198, 202).
- (c) The Report states that TFI imposes excessive administrative burden on legal entities (see §191, 205, 208).
- (d) The Report states that, under TFI, it is unclear what data must be included within the financial declaration to be submitted to the National Agency of Public Registry and which of those data shall be made public. Furthermore, according to the Report, the obligation under TFI to disclose documentation may result in the disclosure of sensitive information concerning the relevant persons. (see §§256-267).

Before addressing point-by-point those issues above, first and foremost, it shall be taken into account that for today 385 organizations have registered and submitted their annual financial declarations to

the National Agency of Public Registry.²⁵ To the contrary, 120 non-commercial organizations, 16 media outlets and 4 individuals have lodged a joint application to the ECHR.²⁶ This proportion (approximately 75% vs 25%) clearly shows the overall stance and attitude towards TFI. Furthermore, till today there is no evidence which would point to any hindrance of organizations' operations from the state, stigmatizing label, lack of foreseeability of the law, excessive administrative burden or private life violation, because of registration of those 385 organizations. On the contrary, the chair of one of the registered organizations stated in public debate that after registering her organization a problem occurred not from the state but from the donor.²⁷ These circumstances, taken jointly or separately, clearly show that the Rapporteur made the assessments on TFI based on purely perceptual hypotheses, not considering almost 2-year accumulated practice which is highly important to review the law-related issues. Moreover, it is assumed that the Rapporteur has not even met and first-hand received information from those registered organizations, otherwise the Report would have provided the clear notice on this point.

A) Reference to “stigmatizing labels”:

The reference to “stigmatizing labels” in the Report is a false statement, as TFI does not use the term “agent”, “foreign agent” or a similar term. The only term used in TFI is “an organization pursuing the interests of a foreign principal”, but this term does not have *per se* negative connotation: an organization may pursue a noble purpose and genuine interest on behalf of a foreign principal or pursue an adverse interest on behalf of a foreign principal; in both cases it falls under the same statutory term. Hence, the reference to “stigmatizing labels” is false and overstated. A similar issue has been considered by the ECHR, which assessed the term “foreign agent” in conjunction with other circumstances,²⁸ however, that term or any similar term is not included in TFI.

For today 385 organizations have registered and submitted their annual financial declarations to the National Agency of Public Registry, however, till now there is no evidence which would point to any stigmatizing label.

B) Reference to a lack of precision and foreseeability of the law:

TFI does not have any statutory deficiency in terms of precision or foreseeability. For today 385 organizations have registered and submitted their annual financial declarations to the National Agency of Public Registry, however, till now there is no evidence which would point to lack of precision or foreseeability of the law.

Besides, it shall be borne in mind that statutory terms are also clarified through implementing regulations and judicial interpretation. According to the ECHR well-established case-law, “As a consequence of the principle that laws must be of general application, the wording of statutes is not always precise. That means that many laws are inevitably couched in terms which, to a greater or lesser extent are vague, and their interpretation and application depend on practice. Consequently, in any system of law, however clearly drafted a legal provision, including a criminal law provision, may be, there is an inevitable element of judicial interpretation. There will always be a need for elucidation

²⁵ See <https://fitreg.napr.gov.ge/fitr/fitr-pub>

²⁶ See <https://hudoc.echr.coe.int/?i=001-242877>
https://www.echr.coe.int/documents/d/echr/cp_georgia_eng

²⁷ See <https://rustavi2.ge/ka/news/338773>

²⁸ See *Ecodefence and Others v. Russia*, Applications nos. 9988/13 and 60 others, §186:
<https://hudoc.echr.coe.int/?i=001-217751>

*of doubtful points and for adaptation to changing circumstances. Whilst certainty is highly desirable, it may bring in its train excessive rigidity and the law must be able to keep pace with changing circumstances. A law may still satisfy the requirement of “foreseeability” where the person concerned has to take appropriate legal advice to assess, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.”*²⁹ (This approach of statutory precision and foreseeability is relevant and applies to all similar assessments of any issue in the Report).

Therefore, it follows that reference to lack of precision and foreseeability of TFI has no factual, legal or logical foundation.

C) Reference to excessive administrative burden:

Assessments in the Report show that the Rapporteur is unfamiliar with Georgian legislation and is unaware that TFI issues are regulated not only by TFI but also by the Minister’s Order. In particular, the Minister of Justice of Georgia has approved the special forms to be filled out by the TFI registrants. Those forms are approved by the Order N1019 of 1 August 2024 of the Minister. Accordingly, TFI registrants can readily download those forms and fill out. For today 385 organizations have registered and submitted their annual financial declarations to the National Agency of Public Registry, however, till now there is no evidence which would point to any excessive administrative burden.

Therefore, it follows that reference to excessive administrative burden in the Report is a false statement.

D) Reference to private life violation:

Statements on private life violation of the Rapporteur show that she is not aware of relevant Georgian legislation. In particular, the list of documents to be submitted to the NAPR, the information to be included therein and the data to be disclosed publicly is strictly defined by Order N1019 of 1 August 2024 of the Minister of Justice of Georgia. Moreover, pursuant to the annex to the same Order, the relevant information to be included in the documentation must be formulated in such a way to avoid reflecting special category of personal data of an individual who receives funds. Accordingly, the Rapporteur’s opinion concerning the alleged ambiguity of the information to be included and disclosed in the submitted documentation, as well as the disclosure of sensitive information, is entirely baseless.

For today 385 organizations have registered and submitted their annual financial declarations to the National Agency of Public Registry, however, till now there is no evidence which would point to a private life violation.

Therefore, in light of all the foregoing, it follows that TFI-related assessments in the Report are speculative and manipulative, thereby undermining the Report’s credibility and reliability. Moreover, TFI is in full compliance with the standards established by the ECHR and CJEU.

II. Response to Assessments on Foreign Agents Registration Act

The Report includes assessments concerning the Foreign Agents Registration Act of Georgia (hereinafter – Georgian FARA) set out, *inter alia*, in §§191-211, 248-250, 256-267 of the Report. Those assessments are unsubstantiated, biased and politicized, and are devoid of coherent legal reasoning.

²⁹ See *Ashlarba v. Georgia*, Application no. 45554/08, §34:

<https://hudoc.echr.coe.int/?i=001-145572>

Foreign Agents Registration Act of Georgia (hereinafter – Georgian FARA) is literal translation of the United States’ Foreign Agents Registration Act (The Georgian translation differs from the text of the U. S. FARA only in the names of the state institutions responsible for implementation of the law which are specific in Georgia and in the United States).³⁰ There has been no claims against the U.S. FARA since its enactment (1938). This emerges that because of one and the same legislation one participating state of the OSCE is not criticized and another is. Hence, it is evident that the claims against Georgian FARA, which is literal translation of the U.S. FARA, are biased, speculative, manipulative and politicized.

The Report, *inter alia*, states that the penalty of up to 5-year imprisonment for violating Georgian FARA requirements, is disproportionate. This opinion expressed in the Report is also baseless. It appears that the Rapporteur is not properly familiar with Georgian legislation.

In particular, pursuant to Article 355² of the Criminal Code of Georgia, imprisonment of up to 5 years is established as an alternative sanction, and a fine may also be imposed on a person for violating Georgian FARA. Besides, Georgian legislation provides a person with sufficient procedural guarantees to prevent him from being subjected to a disproportionate sentence. In particular, under Georgian legislation imposition of a sentence in each criminal case is carried out on the basis of an individual assessment of all circumstances and the court is obliged to substantiate the type and proportionality of the sentence imposed on a person. Imprisonment is imposed as a punishment only in the presence of aggravating circumstances. In addition, the proportionality of the imposed sentence may be appealed by the relevant person before the Court of Appeal and the Supreme Court of Georgia.

Based on the foregoing, it is completely ambiguous as to which circumstances the Rapporteur relied when stating that the penalty of up to 5-year imprisonment for violating Georgian FARA requirements, is disproportionate. The Report does not provide an argument substantiating the conclusion set out in it. It should also be emphasized that similar penalties are established in USA for violating the FARA law. Accordingly, it is completely unclear why the Rapporteur states that a similar penalty in case of Georgia is disproportionate.

It is also noteworthy that imprisonment penalty established for violating Georgian FARA requirements, has never been applied since enactment of this law.

Therefore, in light of all the foregoing, it follows that FARA-related assessments in the Report are speculative and manipulative, thereby undermining the Report’s credibility and reliability.

III. Response to Assessments on Grant-related Legislation

The Report includes assessments concerning the grant-related legislation set out, *inter alia*, in §§199, 200, 208, 239, 241, 301 of the Report. Those assessments are unsubstantiated, biased and politicized, and are devoid of coherent legal reasoning.

The grant-related legislation requires the Government’s consent prior to award a foreign grant. This is in full compliance with Paris Declaration on Aid Effectiveness (2005), which clearly declares that all grants shall be awarded in accordance with a host country’s priorities.³¹ In some cases this is *per se* an existing practice. Thus, the Governmental pre-approval procedure is in full conformity with the relevant international standards.

³⁰ See <https://www.justice.gov/nsd-fara/fara-index-and-act>

³¹ See https://www.oecd.org/en/publications/2005/03/paris-declaration-on-aid-effectiveness_g1g12949.html

Those legislation is intended to prevent the foreign interference and to protect Georgia's state sovereignty, which implies that foreign finances shall be spent in compliance with Georgia's priorities.

Moreover, the need of Governmental pre-approval procedure also emerges from the practice and facts. In particular, in recent years, Georgian authorities often *post factum* discovered that a donor had financed radical groups and radical activities in Georgia.

Therefore, in light of all the foregoing, it follows that grant-related assessments in the Report are speculative and manipulative, thereby undermining the Report's credibility and reliability.

IV. Response to Assessments on Media Issues

The Report includes assessments concerning the Media issues set out, *inter alia*, in §§238-244 of the Report. Those assessments are unsubstantiated, biased and politicized, and are devoid of coherent legal reasoning.

It is unclear as to why the Rapporteur criticizes the Georgian media standard which has already been established more than 15 years. The regulations which are criticized in the Report are not new in Georgian legislation. In particular, the recent amendments to the Law on Broadcasting have changed only procedural issues and not the broadcasting requirements. Specifically, the recent legislative amendments deal with only the appeal proceeding in case of breach of media requirements, but the media requirements themselves remained the same, operating via different laws for more than 15 years in Georgia's legal jurisdiction. This shows that the Rapporteur is not aware of the relevant regulations and their time of origin, that is unduly reflected in the Report. In other words, the amendments enabled complaints against broadcasters to be lodged with the Georgian National Communications Commission, subject to judicial review, whereas previously only a broadcaster's self-regulatory mechanism could be used in cases of breaches of media requirements which was not subject to judicial review. Apparently, the Rapporteur criticizes the new appeal proceedings which is subject to judicial review.

Therefore, in light of the foregoing, it follows that media-related assessments in the Report are speculative and manipulative, thereby undermining the Report's credibility and reliability.

V. Response to Assessments on the Law on Family Values and Protection of Minors

The Report includes assessments concerning the Law on Family Values and Protection of Minors set out, *inter alia*, in §§212-223, 268-278 of the Report.

That Law and the flowing legislative amendments are based on the genuine principle of legal recognition of only two genders (sexes) – male and female, and recognizes marriage only between a woman and a man (simultaneously, this principle is based on primarily by Article 30 of the Constitution of Georgia). That Law reflects the reaction aiming at strengthening the constitutional order and tendency.

That Law is also the reaction to the global tendencies which aim to foist the ideology against common sense; that ideology implies the existence of more than 2 genders and possibility of changing of sex. Those tendencies are particularly alarming when they deal with minors.

The Law on Family Values and Protection of Minors is intended to protect Georgia's citizenry, especially minors, from improper gender propaganda and the related ideology widely embraced in different countries. Such propaganda and ideology is a real threat and its actual existence is proved and verified by various evidences, for example:

- In October 2025, the European Commission published LGBTIQ+ equality strategy 2026-2030 which says: “The Commission will facilitate exchanges of best practices among Member States to support the development of legal gender recognition procedures based on self-determination that are free from age restrictions.”³²
- In November 2025, the Court of Justice of the European Union delivered the judgment which lays down the obligation to the EU Member States to recognize a marriage between two EU citizens of the same sex that has been lawfully concluded in another Member State where they have exercised their freedom to move and reside.³³

Even the assessments in the Report concerning that issue are the examples of the aforesaid evidences.

At the same time, it shall be taken into account that the Law on Family Values and Protection of Minors is neither serving nor intended for discriminatory purposes; Georgia has plenty of laws (among others, the Law on Elimination of All Forms of Discrimination) which prohibit discrimination and protects a human from discriminatory treatment.

Law on Family Values and Protection of Minors is highly supported by Georgian population, that is proven and confirmed by the process of large-scale public discussions which were held on the constitutional bill of the same nature,³⁴ and by the results of parliamentary elections 2024 where the majority of Georgia’s citizens voted for the political party (“Georgian Dream”) which in its pre-election campaign actively advocated the adoption of that legislation.

Case of false citation of the words of the Speaker of the Parliament of Georgia:

In §219 of the Report there is an incorrect proposition regarding the position of the Speaker of the Parliament of Georgia. Accordingly, that part of the Report should be corrected. A detailed account of this matter will be provided in separate correspondence.

VI. Response to Assessment on Defamation Issue

The Report includes assessment concerning the defamation issue set out, *inter alia*, in §224 of the Report. That assessment is unsubstantiated, biased and politicized, and is devoid of coherent legal reasoning.

Besides, that assessment contradicts the ECHR case law.

Under the previous version of the Law of Georgia on Freedom of Speech and Expression, the burden of proof between an author of a statement and a victim was distributed improperly. In particular, the author could accuse the addressee, and the burden of prove of the statement’s inaccuracy rested on the addressee; the author was not obliged to substantiate the factual basis of the defamatory claim. The improper nature of such distribution of the burden of proof was also confirmed by the ECHR in its

³² See https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2026-2030_en

³³ See *Jakub Cupriak-Trojan and Mateusz Trojan v Wojewoda Mazowiecki*, Case C-713/23:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0713>

<https://curia.europa.eu/site/upload/docs/application/pdf/2025-11/cp250147en.pdf>

³⁴ See <https://info.parliament.ge/#law-drafting/28352>

judgment of 3 February 2026, *Ramishvili v. Georgia*, when, due to such allocation of the burden of proof, the ECHR found a violation of Article 8 of the Convention with respect to the applicant.³⁵

The amendment to the Law of Freedom of Speech and Expression changed exactly that rule on the allocation of the burden of proof between the author and the victim. In particular, it has been established that the burden of prove of the relevant factual ground rests on the author. The author shall demonstrate that such ground existed at the time the statement was made. Accordingly, the addressee of the statement does not have to automatically enter the self-justification mode.

Therefore, in light of the foregoing, it follows that defamation-related assessment in the Report is speculative and manipulative, thereby undermining the Report's credibility and reliability.

VII. Response to Assessment on Diplomats-related Issue

The Report includes assessment concerning the issue related to verbal treatment of diplomats in Georgia, set out, *inter alia*, in §236, 237 of the Report. That assessment is unsubstantiated, biased and politicized, and is devoid of coherent legal reasoning.

According to Article 41 of the Vienna Convention on Diplomatic Relations, diplomats have the duty to respect the laws and regulations of the receiving state and not to interfere in the internal affairs of that state.³⁶ Accordingly, when a diplomat enters a political debate on issues of internal affairs, he/she violates the Vienna Convention; thus, he/she accepts to be treated as a political actor which means that he/she should tolerate style and form of political debate, including political language of the receiving state. Article 41 of the Vienna Convention is not only restrictive clause, but also protects a diplomat from voluntarily exposing himself to a harsh political language.

Therefore, in light of the foregoing, it follows that Diplomats-related assessment in the Report is speculative and manipulative, thereby undermining the Report's credibility and reliability.

VIII. Response to Assessments on Assembly-related issues

The Report includes assessments concerning the issues related to assembly and manifestation, set out, *inter alia*, in §§225-235 of the Report. Those assessments are unsubstantiated, biased and politicized, and are devoid of coherent legal reasoning.

All the legislative measures dealing with the assembly and manifestation regulations have been taken by the Parliament of Georgia in response to the pressing challenges existing in the country and are intended to improve the effectiveness of the response to offences, prevent instances of law violations, and protect public security and public order. The legislation before the recent amendments could not properly react to the violations of assembly laws, when, *inter alia*, an offender concealed his/her face and appearance, disruptive road blockings had a constant and repeated character, etc. Thus, all those legislative changes serve the proper legitimate aim and is necessary in the democratic society in Georgia. At the same time, it shall be taken into account that cases against protesters are investigated by evidences, prosecutions target illegal conduct, not dissent, and courts provide after-the-fact safeguards.

It is unclear as to why the Rapporteur criticizes the restrictions of pyrotechnics or concealment in assemblies and manifestations, whereas counties adopt the similar laws to protect the public order.

³⁵ See *Ramishvili v. Georgia*, Application no. 4100/24: <https://hudoc.echr.coe.int/?i=001-248200>

³⁶ See https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf

Besides, the Report mentions the BBC items where the BBC accused Georgian authorities, without evidential basis, of using the World War One-era chemical weapon (Camite) against protesters. Accordingly, because of that false accusation, the ruling political party of Georgia “Georgian Dream” carries out the relevant legal proceedings against the BBC. Thus, while the legal proceedings are ongoing, the Rapporteur’s statement “possibly with chemicals added to the water” in the Report (§230) is not to be justified. In this regard, it is also noteworthy that none of the respondents in the BBC documentary confirm that Camite was used against protesters, moreover, some respondents have confirmed that they had never stated that Camite was used against protesters.

Therefore, in light of all the foregoing, it follows that Assembly-related assessments in the Report are speculative and manipulative, thereby undermining the Report’s credibility and reliability.

IX. Response to Assessments on Detention of Protesters and Opposition Figures (§§251-253)

The Rapporteur, relying unilaterally only on information provided by one side, concludes that law enforcement officers may arbitrarily detain participants of assemblies. The Rapporteur also concludes, again based solely on information provided by one side, that according to recent legislative amendments to Georgian legislation, participants in assemblies are being detained for simply standing on the sidewalk. This assessment does not rely on objective circumstances and is therefore biased.

In reality, according to the recent legislative amendments to the Law of Georgia on Assemblies and Demonstrations, if due to the number of persons it is inevitable that the sidewalk will be fully occupied, individuals have the full right to occupy the sidewalk and will not incur any liability for doing so. Liability arises only where, given the small number of participants, there is no necessity to fully occupy the sidewalk, yet participants deliberately position themselves in such a way as to cause blockage of the sidewalk. In such a case, pedestrians who are not participating in the assembly are forced to move onto the roadway, thereby endangering their life and health. Accordingly, imposing liability for deliberately and unnecessarily blocking the sidewalk is justified. The law does not state that individuals participating in assembly should be detained for simply standing on the sidewalk.

Furthermore, the Rapporteur states that opposition politicians were subjected to criminal liability for failing to appear before a Temporary Investigative Commission of the Parliament of Georgia. On this issue, the report refers to the words of an opposition politician and notes that, according to these politicians, they should have incurred administrative rather than criminal liability. Once again, it is evident that the Rapporteur is not properly familiar with Georgian legislation. Specifically, pursuant to Article 349 of the Criminal Code of Georgia, which criminalizes failure to appear before a Temporary Investigative Commission of the Parliament of Georgia, and taking into account Article 10 of the Code of Administrative Offences of Georgia, according to which administrative liability arises only if the act does not entail criminal liability, the statements of opposition politicians mentioned in the report that they should have been subject to administrative liability are entirely unfounded.

The Rapporteur also refers to the initiation of criminal prosecutions against various opposition politicians under different articles of the Criminal Code of Georgia. It should be noted that Georgian legislation recognizes and protects the principle of the rule of law. According to this principle, the law must be enforced equally against everyone, and opposition politicians cannot be an exception. As clarified by the European Court of Human Rights in the case of *Melia v. Georgia*, the status of an opposition politician does not exempt a person from liability if they violate the law. Accordingly, the initiation of criminal proceedings against the relevant politicians is related to the alleged commission of crimes by them and the enforcement of the principle of the rule of law. Therefore, the report’s references to the initiation of criminal prosecutions against opposition politicians are biased.

X. Response to Assessments Set Out in §§279-283

The Rapporteur also states that officials of the Georgian authorities use harsh, derogatory, and stigmatizing language towards opposition politicians and representatives of non-governmental organizations. First and foremost, it must be clearly stated that the assessment of the Rapporteur is extremely biased. She focuses only on statements made by officials of the Georgian authorities and says nothing about the words used by opposition politicians and NGO representatives towards government officials. For years, opposition politicians and NGO representatives have systematically been using, *inter alia*, Fascist terms such as “slave,” “infection,” “creature” and others. The Rapporteur did not mention these facts, even though we provided them with information and evidence about the existence of such facts.

Despite the use of, *inter alia*, Fascist terms by opposition politicians and NGO representatives towards government officials, the words used by government officials fall within the rhetoric permissible in the framework of political debate.

It should also be noted that the Rapporteur is not properly familiar with the Georgian language and Georgian context. Naturally, certain terms may be acceptable in the Georgian language while not acceptable in another country, and vice versa. In addition, it is highly questionable whether the Rapporteur generally has the special knowledge to competently assess the stigmatizing nature of respective words at all.

In light of all the above, the concerns expressed by the Rapporteur regarding the alleged use of harsh, derogatory and stigmatizing terms by Georgian government officials towards opposition politicians and NGO representatives are extremely biased and unfounded.

XI. Response to Assessments on High Council of Justice and Independence of Common Courts (§§288–290)

The Rapporteur expresses concern that the relevant legislative amendments adopted in 2025 have harmed the transparency of the activities of the High Council of Justice of Georgia and the common courts. This assessment is entirely without basis. Specifically, Rapporteur does not identify which particular legislative amendment of 2025 she is criticizing, nor on which specific arguments she relies in concluding that such amendments harmed the transparency of the judiciary. In the absence of such information, it is completely impossible to assess the reasonableness of this evaluation.

XII. Response to Assessments Set Out in §§291–295

The Rapporteur expresses concern that during court proceedings against participants of assemblies and opposition politicians, their procedural rights are being violated.

In making this assessment, the Rapporteur relies unilaterally on information provided by only one side. She bases her evaluation on information provided by persons found to have committed offences and by their lawyers, who naturally cannot be considered objective and impartial. The report does not cite even a single case whose objective examination would form the basis of the Rapporteur assessment. Accordingly, this evaluation is biased and unfounded.

XIII. Response to Assessments on the Right to Free Elections and Political Pluralism (§§296-301)

The Rapporteur expresses the opinion that “Georgian Dream” controls all branches of state authority. This assessment is extremely biased and unfounded.

For the information of the Rapporteur, pursuant to Article 3(2) of the Constitution of Georgia, the source of state authority is the people. In the 2024 parliamentary elections, “Georgian Dream” obtained as many parliamentary mandates as were granted to it by the population of Georgia. The fact that “Georgian Dream” holds a majority in Parliament derives from the will of the Georgian people. That which derives from the will of the people cannot contradict democratic values.

It must also be emphasized that pursuant to Article 4(3) of the Constitution of Georgia, state authority is exercised based on the principle of separation of powers. In order to strengthen the constitutional balance among branches of state authority, constitutional amendments authored by “Georgian Dream” granted constitutional body’s status to the Prosecutor’s Office and provided judges with appropriate guarantees of independence. These constitutional amendments further strengthened the independence and impartiality of the judiciary, as confirmed by several judgments of the European Court of Human Rights in cases such as *Saakashvili v. Georgia*, *Melia v. Georgia*, *Akhalaia v. Georgia*, and others.

The Rapporteur also expresses an assessment regarding the persecution of opposition parties and the elimination of political pluralism in Georgia. This assessment is particularly absurd given that in the 2024 parliamentary elections it was the opposition political parties that refused to accept the 49 parliamentary mandates they won. Currently, the Parliament of Georgia consists of 101 active members of parliament. Of these 101 members, 78 are united in the parliamentary majority, and 23 are representatives of opposition political parties.

In light of all the above, the aforementioned assessments of the Rapporteur are extremely biased, absurd, and unfounded.

Case of false citation of the words of the Speaker of the Parliament Shalva Papuashvili

The conversation between the Speaker of the Parliament Shalva Papuashvili, along with other MPs and cabinet advisers, with the fact-finding mission of experts of the Moscow mechanism of OSCE was recorded, with the permission of the experts. This recording reveals that in the point 219 on Page 76 of the Report on Developments in Georgia in Respect of Human Rights and Fundamental Freedoms

since Spring 2024 prepared by Professor Patrycja Grzebyk there is an incorrect proposition regarding the position of the Speaker. More specifically, the point 219 posits the following (bold font is added):

219. “Turning now to the argument, **raised by the Speaker of the Parliament, that Georgian society is generally against LGBT+ expression, the Rapporteur echoes the ECtHR which held that the mere alleged fact of public opinion being against the exercise of a human right, does not, of itself, constitute a sufficient ground for restricting this right. In fact, if it is indeed the case that the majority of Georgians do not accept non-heteronormativity, it is the role of the government which took upon itself to abide by the internationally recognized human rights, to strive to create the conditions of public respect to those very human rights.** Furthermore, it must not be overlooked that the predominantly negative attitudes of the Georgian public towards the LGBT+ individuals may well, at least partly, be driven by the homophobic and transphobic rhetoric employed by the government authorities themselves. In any case, the Rapporteur echoes the well-established ECtHR case-law in stating that prevailing social attitudes cannot be held as sufficient to justify policies underpinned by stereotypes and biases against sexual minorities. Therefore, the Rapporteur does not consider the ground of public morals as providing a legitimate justification for restriction of freedoms of assembly and association and freedom of expression by the law in question.”

From the audio record of the meeting between the OSCE experts and the Speaker of the Parliament of Georgia, recorded in agreement with the experts, the Speaker of the Parliament says the following:

“Georgia’s Constitution says that a marriage is only a marriage between a woman and a man. This is what the law says. One may argue that it is questioned now by the EU and other institutions. If you look at the decision of the Court of Justice of the European Union, it says that if same-sex marriage is registered in one European country then the other countries should recognize it as well. It means that the Court of Justice says that it should be allowed and we are not comfortable. This contradicts our Constitutions which says that marriage should be between different sexes. And the [newly adopted] law was to say that we are not following that [European Court of Justice] idea. It’s in our Constitution. We adopted this law in September 2024, just before the elections in October 2024 (which was declared as a referendum by all sides) and we got not just political support but also electoral support behind this Law. It means that Georgian people and society supported our, i.e. Georgian Dream views. It means they are behind these laws, and the legal acts we adopted. We can say, this is approved at a referendum by the people. If we agree on the thesis that there are only two sexes, then there is no problem with this law. If there is a disagreement about this assumption, then one can say it [the law] is problematic. So, it is about the worldview, beyond our rational argumentation... Decisions [of ECHR] on the other countries are not obligatory for Georgia. Assessments by the Venice Commission, etc. are only opinions but here we are talking about the law, which can be checked by the court and it should be aligned with the Constitution and Georgia’s international obligations, and our understanding is it [the law] complies with both of these. There could be some judgement on Russia but judgements can change as they are part of judicial deliberations.”

From this citation, it is obvious the interpretation of the Speaker’s words by the experts that “Georgian society is generally against LGBT+ expression” is an incorrect inference. Nowhere did the Speaker say or imply that Georgian society in any way supports anti-LGBT+ sentiments. The popular support for the Law on Family Values cannot be interpreted as support for violation of the minority rights. All these rights are duly protected by Georgian legislation as well as by law enforcement.

Given this grave misrepresentation, we insist that this false statement be removed from the Report.

Comments by the High Council of Justice of Georgia

The High Council of Justice would like to express its position with regard to those parts of the report prepared in February 2026 by the expert appointed under the OSCE's Human Dimension "Moscow Mechanism," that concern the system of common courts of Georgia. In our view, the **assessments and conclusions formulated therein are, in most instances, unsubstantiated and contradictory.**

At the outset, before responding in a structured manner to the report's "Executive Summary" and "Recommendations," we consider it necessary to draw attention to one important circumstance. The author states in paragraph 295 of the report that she ***"was not provided access to the files of particular cases and did not have the opportunity to attend the court proceedings"***. This statement is entirely unclear. The expert had not at any stage whatsoever submitted any request for such access or for attendance at court hearings. Therefore, the statement concerned (see para.295 of the report) is **not true**. It deprives the assessments made by the expert in the same paragraph of their basis and renders them **unfounded**. We believe that the issues falling within the expert's mandate do not deserve such a **superficial approach**; their comprehensive consideration and assessment require considerably more time and diligence. This constitutes our primary argument as to why the **report cannot be regarded as a reliable document.**

It is equally important to refer to one of the expert's concluding observations set out in paragraph 295: ***"The Rapporteur, therefore, is not in a position to conclusively determine that those allegations heard during the course of the present mandate were true."*** Yet approximately **70%** of the report appears to be based precisely on such "allegations heard." This inevitably gives rise to a fundamental question: what kind of document are we dealing with? Is it merely a compilation of assumptions, or the result of an objective expert assessment conducted after hearing all relevant parties? The expert's own statement strongly suggests that **the first interpretation** is closer to reality.

Nevertheless, notwithstanding the above, we hereby present our position, structured in accordance with the report's own framework. In particular, the views and recommendations reflected in the "Executive Summary" and "Recommendations" sections are addressed alongside the corresponding assessments contained in the analytical part of the report.

1. Comments on the "Executive Summary" of the report

1.1. The freedoms of the opposition politicians, protesters and journalists were unduly limited by execution of administrative measures like high fines and administrative detention

In formulating this conclusion, the author of the report appears to rely on the information reflected in **paragraph 136**, according to which „some journalists (covering protests) as well as protesters were reportedly fined (5,000 GEL, about 1,560 EUR) for 'blocking the road' (Article 174¹ of the Code of Administrative Offenses). Even the Finnish foreign minister was fined (5,000 GEL) for blocking the road.“

First and foremost, the author of the report should agree that a **law is binding upon everyone**. If such a law is violated, any individual, irrespective of citizenship or official or functional status, must be prepared to bear the corresponding responsibility.

It is entirely unclear why the expert characterizes the conduct of administrative proceedings for the administrative offence as an "attack." Equally unclear is the reference in this part of the report to the Finnish foreign minister, who was not acting in the capacity of a journalist. The legal qualification of

her conduct and the imposition of liability were carried out in full compliance with the law, as she did, in fact, participate in the blocking of a roadway.

Furthermore, the author of the report discusses the allegedly excessive fines and administrative detention applied by the courts. However, the author subsequently refers to statistical data clearly demonstrating that, following a detailed assessment of the circumstances of each case, the courts actively apply more lenient sanctions or, in some instances, terminate administrative proceedings.

Accordingly, this clearly illustrates the lack of substantiation of the conclusions drawn and the inconsistency between the factual data presented and the subsequent assessments made by the expert.

1.2. „There are, furthermore, certain concerns related to the right to fair trial of those facing criminalization on account of their engagement in some form of dissent.”

Before proceeding to analyse the cases reflected in the report as the basis for the above conclusion, it is important to draw attention to the expert’s own observation reflected in **paragraph 289**, namely that **“the ECtHR has not, at the time of writing, identified a systemic deficiency in the Georgian judicial system, including in the case of former President of Georgia Mikheil Saakashvili.”** In all so-called high-profile cases, (including, for example, the case concerning Broadcasting Company “Rustavi 2”, etc.) during the adjudication of which Georgian courts were frequently subjected to attacks and defamatory allegations by biased and politicized media outlets, representatives of the non-governmental sector, and certain political actors alleging violations of the right to a fair trial, freedom of expression, freedom of assembly, and other fundamental rights, the **European Court of Human Rights**, upon examining applications lodged by the same parties, **found no violations** whatsoever.

As regards the substantiation of the expert’s above-mentioned conclusion, it appears that it is based on the information set out in **paragraphs 291–294** of the report, specifically:

- a) **Paragraph 291** refers to concerns expressed by lawyers representing both politicians and ordinary participants of protests noting *“that they were afraid that their involvement in defence of their clients or raising certain issues in the discussion with the Rapporteur could result in charges based on the same provisions as their clients.”* Notably, the expert herself states: **„Although at the moment, to the best of the Rapporteur’s knowledge, there are no prosecutions of this kind.”** This is followed, however, by an entirely illogical conclusion: **„The mentioned concerns serve as a good illustration of the unpredictability of the authorities’ application of the law.”** In our view, no further comment is necessary.
- b) **Paragraph 293** states that, in many instances, courts do not admit evidence favorable to the defense; this conclusion is also based on interviews with lawyers.

In this case as well, the conclusion is unfounded and unreliable, since the report does not examine the reasoning of the adjudicating courts as to why particular evidence was not admitted in the course of specific cases. In the administration of justice, it is often the case that a party requests the admission of evidence; however, such evidence may have been obtained in violation of legally established procedures, or submitted at an improper stage of the proceedings (i.e., after the procedural stage for the presentation and admission of evidence has been completed), or may have no relevance whatsoever to the case.

- c) **Subparagraph (a) of paragraph 294** alleges the violation of the presumption of innocence. According to the paragraph, „it is quite common that high public officials make statements concerning the alleged guilt of the accused. Moreover, some of the accused apparently had

to appear in the courtroom in glass cages, surrounded by prison guards as if they were dangerous criminals.“ The sources cited are again interviews with lawyers and a study conducted by one of the organizations concerning the case of Mzia Amaghlobeli.

The presumption of innocence constitutes an integral component of the right to a fair trial and has been frequently examined by the European Court of Human Rights. However, in this particular context, the report does not refer to any decision of the ECtHR establishing a violation of this right in respect of any specific accused person. Moreover, to illustrate such a violation, the report fails to reference the content of any public statement made by an official concerning a specific accused; accordingly, this conclusion remains unsubstantiated and unfounded.

As regards the so-called glass cages, courtrooms in Georgia adapted for criminal proceedings are generally equipped with such infrastructure not for the purpose of undermining the dignity of any accused person, but rather to ensure minimum security when placing a detained or imprisoned defendant/a person subject to administrative detention, in the courtroom during hearings.

- d) Subparagraph (b) of paragraph 294** alleges disproportionate application of the harshest possible preventive measures (pre-trial arrest) and punishments (imprisonment) even in cases of persons with serious health issues.

In this case as well, the conclusion is not supported by specific facts, in particular: the nature and gravity of the alleged offense, the characteristics of the accused, their conduct during the proceedings, and so forth. Accordingly, we are deprived of the opportunity to respond to this part of the report in a reasoned and substantiated manner.

- e) Subparagraph (c) of paragraph 294** alleges that detained persons were forced to sign false statements which were then used against them in the criminal proceedings. Again, this assertion is not supported by concrete factual details.

- f) Subparagraph (d) of paragraph 294** states that the court reclassified the charges without giving the chance to the defence to dispute the new charges before the conclusion of the proceedings. In this case as well, the conclusion is not supported by specific factual circumstances.

2. Comments on the relevant parts of the „Recommendations to the Republic of Georgia“

2.1. „About the right to liberty and security“

- a) „Immediately and unconditionally release all prisoners held for political reasons, in particular members of the opposition. Refrain from detaining them for political reasons in the future.“**

It is unclear on what basis the author of the report concludes that there are individuals in Georgia who have been arrested for political motives. If this refers to the politicians mentioned in paragraph 252 of the report, who were detained for failing to appear before the Parliamentary Commission, then such a statement is entirely misplaced. Under Article 349 of the Criminal Code of Georgia, since the entry into force of this provision in 1999, failure to comply with a lawful request of a temporary investigative commission of the Parliament (including non-appearance at its sessions) constitutes a crime, punishable, among other sanctions, by up to one year of imprisonment. Accordingly, for those

politicians who deliberately failed to appear before the sessions of the Parliamentary Temporary Investigative Commission, the legal consequences of their inaction, including potential criminal liability, should have been entirely foreseeable.

On our part, we note that Georgian courts render decisions in any case solely on the basis of a thorough, comprehensive, and objective examination and assessment of reliable evidence contained in the case file, in strict observance of the principles of equality of arms and adversarial proceedings, irrespective of the political or other status of the parties involved.

b) „Immediately release journalists and other participants of public debate held for exercising their freedom of expression. Refrain from detention in similar circumstances in the future.“

It is unclear on what basis the author of the report concludes that there are journalists and other participants of public debate who have been detained for exercising freedom of expression in Georgia. The freedom of expression is protected under the Constitution of Georgia and the European Convention on Human Rights, which constitutes an integral part of Georgian legislation, and any restriction thereof is applied only through measures that are necessary and proportionate for achieving the legitimate aims defined by these legal instruments.

c) „Respect the principles of legality, proportionality and due process when it comes to deprivation of liberty.“

We agree that the protection of these principles is of vital importance for the existence of a lawful state, and that these principles are respected in the activities of the courts of Georgia. The author of the report is likewise unable to indicate, in a reasoned manner, any specific case in which these principles were disregarded.

2.2. About the right to fair trial:

a) „Ensure that the standards of fair trial are respected, including presumption of innocence, equality of arms, and the speedy access to legal assistance in criminal proceedings.“

Our response to this recommendation is provided above, in subparagraph (c) of paragraph 1.2 and the subsequent subparagraphs.

b) „Guarantee and respect judicial independence, including, in particular, through the appropriate reform of the High Council of Justice.“

In Georgia, the independence of the judiciary is recognized and protected as never before. In this context, the High Council of Justice of Georgia plays a decisive role, with its primary constitutional mandate being the protection of judicial independence.

The recommendation to reform the High Council of Justice appears to be based on the information and conclusions reflected in **paragraphs 104–112** and **289–290** of the report. Our response follows accordingly:

b.a) The author of the report notes that concerns related to the independence of the Georgian judiciary predate the period covered by this mandate. Those concerns are reflected in, among others, successive opinions of the Venice Commission (**paragraph 104**); allegedly, the crux of the problems is the High Council of Justice (HCoJ), which is said to possess “sweeping powers over individual judges, relating, among others, to their appointment (including Supreme Court Justices), promotion, secondment and disciplinary proceedings.” To support her assessment, the author cites a portion of the Venice Commission’s Opinion No. 1077/2002 of 20 June 2022 (**see paragraph 105**), specifically paragraph 61, which the report’s author interprets as reflecting the Venice Commission’s “concerns” about the HCoJ’s activities.

First and foremost, any „concerns“ expressed by any actor, regardless of their authority, regarding the independence of a sovereign state’s judiciary must be well-argued and substantiated by concrete facts. For years, such “concerns” have been voiced, however regrettably, for the most part, they have formed part of a systemic defamatory campaign/instrument, detached from lawful, reasoned process, and serving a political agenda contrary to the national interests of Georgia (see **paragraph 108**, referencing unfounded claims by the so-called civil society and certain political actors).

The fact that the author of the report distorts facts and seeks to present a favorable reality is confirmed, for instance, by the characterization of the reasoning in paragraph 61 of the aforementioned Venice Commission opinion as an expression of “concern” regarding the activities of the High Council of Justice of Georgia. A careful examination of this reasoning and its context makes the author’s bias clear: the Venice Commission merely refers to general standards of the functioning of the judicial council; it does not negatively evaluate the activities of the High Council of Justice of any particular state (in this case, Georgia). On the contrary, in paragraph 60 of the same opinion, the Venice Commission explicitly states: “The Venice Commission is not in a position to verify the accuracy of these concerns.” We consider further comment unnecessary.

It should also be noted that the author of the report, on the one hand, refers to the HCoJ’s sweeping powers in relation to appointments, secondment, disciplinary proceedings as potential risks to judicial independence, and also discusses instances of the use of disciplinary proceedings as a mechanism allegedly producing a “chilling effect” on judges. However, at the same time, the author is compelled to indicate the available statistical data, according to which - during the period under her mandate - there were no cases of a judge being seconded without consent or of disciplinary sanctions being imposed on judges.

Accordingly, despite the clear and unambiguous factual situation, the author of the report nevertheless bases her concluding assessment on vague and unsubstantiated assumptions.

b.b) Paragraph 107 of the report contains another factual inaccuracy: the IPSOS France survey conducted in July–August 2024 was not commissioned by the HCoJ; the Ministry of Justice ensured that the survey was conducted.

The author of the report cannot disregard the fact that the above-mentioned survey data are positive in terms of assessing judicial independence in Georgia and the level of public trust in the judiciary; however, the author effectively refuses to take them into account on the grounds that this survey was conducted prior to the start of mass protests.

From our perspective, disregarding the results of such a reputable research organization as IPSOS France is unsubstantiated. Moreover, if the author’s logic is followed, she would also need to

reference subsequent authoritative surveys confirming any deterioration of the results presented in the IPSOS France survey; no such surveys are cited in the report.

We would also like to draw the author's attention to other authoritative studies on the Georgian judicial system published in 2025, which, as an international expert, should have already been known to her from other sources, specifically:

b.b.a) In August 2025, the European Commission published the Judicial Independence Index as part of the European Research Centre for Anti-Corruption and State-Building 2024 Report, according to which, Georgia received 6.63 on the 10-point assessment system, ranked 36th globally, and secured a spot in top 20 countries in Europe. In terms of judicial independence, Georgia surpasses EU candidate countries and 16 member states of the European Union and NATO: Portugal, Italy, Greece, Latvia, Slovenia, Malta, Spain, Slovakia, Albania, Bulgaria, Romania, Hungary, Poland, Croatia, Türkiye, and North Macedonia.

b.b.b) Furthermore, also in August 2025, the European Commission published the Judicial Effectiveness Index as part of the Heritage Foundation's 2025 Report. According to the annual assessment, Georgia improved its score by 0.5 points, reaching 55.3% on a 100-percent scale. In terms of judicial effectiveness, Georgia surpasses all neighboring countries and ranks fourth in the post-Soviet space after the Baltic States. In judicial effectiveness, Georgia surpasses 4 member states of the European Union and NATO.

b.c) Paragraphs 109 and 289 note that the 2025 amendments to the Law on Common Courts introduced the secret ballot for judicial appointments by the High Council of Justice, which allegedly "further obfuscates transparency of the HCoJ." The report also states that access to the Council's premises or to obtain public information from it is practically impossible, and that amendments adopted in 2025 in fact steer in the opposite direction to the one recommended by the Venice Commission; these amendments, in fact, further undermine the transparency of works of the HCoJ and the common courts by limiting their public accessibility and thus may be seen as further undermining public trust in the independence of the judiciary.

We do not agree with these assessments for the following reasons:

b.c.a) The author of the report would probably agree that a secret ballot ensures the maximum independence of the decision-maker from any potential influence. Under the conditions of a secret ballot, a member of the HCoJ is fully free to make a decision regarding a candidate based on a thorough and objective assessment of the submitted documentation and the results of **public** interviews with candidates. To ensure transparency to the public, the law maintains the obligation to publish necessary information about the competition (including lists of candidates at each stage, etc.).

It is noteworthy that this system of conducting a competition for judicial positions has long existed in Georgia (the open ballot system was formalized in the Law on Common Courts through the legislative amendments of 13 June 2023). To challenge the constitutionality of this system, in 2016, Georgian citizens Mtvarisa Kevlishvili, Nazi Dotiashvili, and Marina Gloveli filed a constitutional claim against the Parliament. By decision *No. 3/2/717 of 7 April 2017*, the Constitutional Court dismissed the claim, confirming the constitutionality of the system and its compliance with international standards. Accordingly, with the 2025 legislative amendments the Parliament restored the prior system while maintaining elements necessary for transparency.

b.c.b) It is entirely unclear why it has been concluded in the report, solely on the basis of a statement from a single, biased, and tendentious non-governmental organization, that access to the Council's premises is impossible, or that the Council does not disclose public information. As we also explained to the expert during the meeting on 17 February (see paragraph 110 of the report), we note in this document as well that the High Council of Justice operates transparently: any person may enter its premises in accordance with the legally established procedure, and information is provided without obstruction, insofar as it falls within the category of open public information under the law.

b.c.c) The author of the report claims that due to the 2025 restrictions on photo and video documentation of court proceedings "similar transparency issues seem to pertain to the common courts" (see **paragraph 111**). It is a fact that, in the past, media presence in courtrooms was often used to disrupt proceedings. If the media presence in courtrooms is solely intended to inform the public, this objective is fully met by the court's audio and video recording of each hearing (except in cases that are heard *in camera*, e.g., proceedings related to juveniles), with the recording provided to the parties upon request, who are entitled to freely disseminate this recording, including by sharing it with the media. The 2025 amendments thus correctly establish a balance between freedom of expression and the orderly conduct of judicial proceedings, in accordance with Article 10(2) of the European Convention on Human Rights.

b.c.d) The author of the report, seemingly in a neutral context, refers to the abolition of the position of the independent inspector and their office (see paragraph 112). We would nonetheless note that this change has not resulted in any deterioration in proceedings related to judges' disciplinary accountability in terms of compliance with international standards. On the contrary, the functions of the independent inspector were fully transferred to a colleague of the judges themselves, elected by them — the Secretary of the High Council of Justice. Accordingly, the authority to conduct preliminary inquiries into potential disciplinary misconducts by judges and to submit conclusions to the High Council of Justice has been delegated to an official with greater legitimacy than under the legislative framework in place prior to the amendment.

Accordingly, the author's concluding statement (**paragraph 289**) that the 2025 amendments have a negative impact on judicial independence and undermine public trust in the judiciary is unfounded and cannot be shared.

c) „Cease to place the accused, if there are no compelling security concerns, in any kinds of cages during judicial proceedings.”

Our response to this recommendation is provided above, in subparagraph (c) of paragraph 1.2.

d) “Ensure that legal representatives have access to relevant information, files and documents in sufficient time to provide effective legal support.”

Our response to this recommendation is provided above, in subparagraphs (b) and (e) of paragraph 1.2.

e) “Ensure the adequate transparency of judicial proceedings.”

Our response to this recommendation is provided above, in subparagraph b.c.c of paragraph 2.2.

f) ***“Reform administrative offence procedures to ensure that detention cannot be based solely on uncorroborated police testimony.”***

Our response to this recommendation is provided above, in subparagraph (b) of paragraph 1.2.

Additionally, it should be noted that every court decision is based on a set of mutually corroborating evidence. Where objectively possible, courts request and obtain video evidence from law enforcement authorities depicting the conduct of the accused person. Where such recordings objectively do not exist, the court is obliged to rely on the statements of more than one law enforcement officer who directly witnessed the conduct and who consistently, precisely, and uniformly describe the details of the conduct in question. There is nothing unusual, and certainly nothing contrary to international standards, in such judicial practice. The legitimate interest in the proper administration of justice requires that no person who has committed a criminal or administrative offense go unpunished.

2.3. „About freedoms of assembly, association and expression“:

“Refrain from arbitrary sanctioning of natural persons and organizations critical of government policies and actions.”

The factual basis for this recommendation is unclear, as the report does not refer to any judicial decisions in this regard.

2.4. About accountability:

a) ***“Provide full redress and compensation to all victims of ill-treatment at the hands of State authorities”***

The basis for this recommendation is unclear, as the report does not examine even a single specific case in which full restitution and compensation were not ensured for victims of ill-treatment.

b) ***“Take appropriate disciplinary measures against officials credibly implicated in serious abuses”***

The basis for this recommendation is unclear, as the report does not examine even a single specific case in which an official was properly found to have been involved in serious violations but was not held accountable appropriately.

3. Other Comments

In this section, we provide responses to certain conclusions reflected in Part II of the report (Key developments in the period covered by the mandate) which, due to their content, we could not clearly link to any of the sections of “Executive Summary” and “Recommendations.” Specifically:

- a) The conclusion reflected in **paragraph 44** is unsubstantiated and unfounded, as it is not explained or supported by relevant facts and evidence why the post-election complaints were allegedly examined in an “insufficient” manner;

- b) In **paragraph 45**, the author of the report refers to complaints submitted by the Georgian Young Lawyers' Association requesting the annulment of election results due to alleged mass violations of vote secrecy. According to the complainants, when voters placed ballots into scanners, their selections became visible on the surface of the ballot papers.

First and foremost, we note that these complaints, together with complaints submitted by other observer organizations and electoral subjects, were examined by Georgian common courts in full compliance with applicable legislation and in conditions ensuring the principles of adversarial proceedings and equality of arms. The final decision on this matter was rendered by the Tbilisi Court of Appeals on 7 November 2024, which rejected the plaintiffs' claims as unsubstantiated and unfounded. This decision remains in force; therefore, any argument contradicting its findings is legally unjustified.

Furthermore, it is equally important that the plaintiffs did not file a complaint with the European Court of Human Rights, presumably because they themselves did not believe in the prospects of success of their claims. This fact also confirms the correctness of the Tbilisi Court of Appeals' decision of 7 November 2024.

- c) Paragraph **141** of the report presumably refers to the case of Zurab-Girchi Japaridze. It should be emphasized that the deprivation of the right to carry a weapon did not occur because he allegedly "fired warning shots to protect himself" (this fact is currently under investigation), but because he was carrying a firearm while participating in a public assembly. Such conduct constitutes an administrative offence under Article 21(1) of the Constitution of Georgia ("Everyone ... has the right to assemble publicly and **unarmed**, without prior permission"), Article 11(2)(a) of the Law of Georgia on Assemblies and Demonstrations ("Participants of an assembly or demonstration shall be prohibited to carry fire arms"), and Article 174¹(9) of the Code of Administrative Offences of Georgia. Pursuant to paragraph 1 of the Note to the same Article, a person found guilty of such an offence may be deprived of the right to carry firearms for up to three years.
- d) Paragraph **144** of the report describes the circumstances of the case of Mzia Amaghlobeli, although the context remains unclear. The author of the report is presumably aware of the charge and the "reported information" that Mzia Amaghlobeli slapped a police officer. We hope that the author of the report would agree that in lawful state, slapping a police officer in the face would necessarily entail criminal liability, and Georgia cannot be an exception in this regard.

In conclusion, it may be stated that the report does not meet the objective standards of an expert opinion, as it appears to rely largely on tendentious and unsubstantiated interpretations advanced by critics of the judiciary. Moreover, the conclusions contained therein are unfounded, contradictory and would not withstand even basic scrutiny.

Comments by the Prosecution Service of Georgia

“Conduct independent and impartial investigation into all allegations concerning election irregularities.” – P.6

Investigation Department of the Office of the Prosecutor General of Georgia is investigating a criminal case opened into alleged electoral fraud of the 2024 Parliamentary Elections – the offense punishable under Article 164³ of the Criminal Code of Georgia.

Up to 800 investigative and procedural actions have been carried out as part of the investigation. Among these, multiple investigative experiments with the participation of foreign experts have taken place and relevant forensic examinations have been commissioned. Everyone who alleged about electoral fraud were given the opportunity to provide the investigating authority with the information and evidence they possessed. At this point, up to 400 individuals have been interviewed in relation to the criminal case.

At the very beginning of the investigation, voter verification machines placed in the vaults of the Central Election Commission of Georgia were sealed off. Foreign experts possessing the relevant qualifications, namely the representatives of Smartmatic – a company licensed in the U.S. – were involved in the process of retrieving information from the voter verification machines. Based on a court order, memory cards containing information about the voters having arrived at election precincts in order to vote have been extracted from up to 2 300 voter verification machines with the direct involvement of Smartmatic experts. Moreover, information significant to the investigation has also been retrieved from the verification machines.

Several investigative experiments were planned and carried out with the involvement of international experts. Within the scope of the experiments, the participants created election precincts identical to the real ones.

The investigating authority has commissioned a complex forensic computer examination in order for forensic tests to establish whether there was a possibility of the verification of voters for two or more times. The forensic examination will also study whether there was any tampering with the information stored in the verification machines from the moment the elections finished until the investigating authority submitted the information for forensic examination.

Furthermore, investigative actions have also been conducted to ascertain the viability of the marking liquid used during the Parliamentary Elections and its conformity with international standards. In particular, LEPL Levan Samkharauli National Forensics Bureau has ordered a forensic chemical examination. The samples of the liquid the Central Election Commission used on the day of the elections (both used and unused) and special lamps required for detecting marking were submitted to the Forensics Bureau for the relevant examination. The forensic examination has established that the marking liquids submitted were viable and corresponding with the specifications set out in the relevant documents. At this stage, a final procedural decision has not been made in the case and the investigation continues.

“Para 46. The European Parliament (whose members were among the observers of the 2024 elections) adopted on 28 November 2024 the resolution C/2025/1808 in which it strongly condemned: ‘the numerous and serious electoral violations, including documented cases of intimidation, vote manipulation, ballot-stuffing, interference with election observers and the

media, reported manipulation involving electronic voting machines that allowed multiple votes per identity document, significant imbalances in financial resources, the advantages of incumbency and a failure to investigate severe procedural irregularities. . . ’ The Parliament also stressed that: ‘the reported extensive electoral fraud undermines the integrity of the election process, the legitimacy of the results and the public’s trust in any new government, and that the results do not serve as a reliable representation of the will of the Georgian people.’ – p.21

Criminal prosecution has been initiated against **5 individuals** in relation to criminal cases under the jurisdiction of the Ministry of Internal Affairs, concerning offenses committed during the **pre-election period and on the day of the elections**. **13 persons** and **one legal entity** have been recognized as victims.

Among them, criminal prosecution was initiated against 2 individuals in connection with the falsification of the parliamentary elections of Georgia in Marneuli Municipality on October 26, 2024. Specifically, the Deputy Chairman of the Marneuli Municipal Council, together with another individual, placed fraudulent ballots into the ballot box at a polling station in the village of Sadakhlo, Marneuli Municipality, with the intent to falsify the elections. This act resulted in the suspension of the voting process and the invalidation of the election results.

The Deputy Chairman of the Marneuli Municipal Council and another individual have been charged with electoral fraud, under Article 164³ of the Criminal Code of Georgia. The conviction has been issued by the Bolnisi District Court. The decision of the first-instance court has been upheld without change by the Tbilisi Court of Appeals.

“Withdraw arbitrarily brought charges against leaders of political opposition (in particular based on Article 225, Article 318 and 319 of the Criminal Code)” – p.6

Brief Description of the Criminal Acts Committed by the Defendants

Note: Article 225. Organization of, leadership of or participation in group violence entails organization or leadership of a group action accompanied by violence, raid, damage or destruction of another person’s property, use of weapons, resisting against and/or attacking the representatives of the government by using weapons.

On October 4, 2025, during the process of local self-government elections, certain individuals decided to organize group action accompanied by violence, raids, and damage and destruction of property and to resist against and attack the representatives of the government by using various items as weapons, which these individuals were supposed to lead themselves.

As specific organizers of the criminal acts urged, the participants of group violence were to jointly move towards the Presidential Palace, which they would take by force. Moreover, the group members were instructed to disobey the law enforcement officers hindering them from committing the criminal acts.

The organizers and others taking part in the group violence moved from the Freedom Square to the Presidential Palace. In the vicinity of the announced location – in the streets adjacent to Orbeliani Square, Tbilisi, the participants of the group violence intentionally damaged and destroyed the municipal and private property on the premises by using stones, iron parts, other heavy objects,

flammable items and arson. They used some of the property to set up barricades on the road to resist against the law enforcement and prevent order from being restored.

After a part of the organizers and group members arrived near the Presidential Palace, located at 25 Atoneli Street, Tbilisi, which, based on Decree №40 of the Government of Georgia dated February 20, 2025, falls within the category of an object of strategic and special significance, they damaged sections of the iron fence, tiles of the fence made of stone, and iron posts in order to take the building and block it. This caused considerable pecuniary loss of GEL 9 300.

After damaging the protective fence of the strategic object, the organizers, leaders and numerous participants of the group violence broke into the yard, at which time, they verbally and physically abused the law enforcement officers deployed on spot to keep order. They attacked them by using stones and other heavy items as weapons, by which they threatened the life and limb of the representatives of the government and others being in the same territory.

As a result of the actions described above, the protective fence of the strategic object was considerably damaged. The infrastructure and the municipal and private property in the vicinity was also damaged and destroyed.

7 individuals have been charged with organization and leadership of group violence. 57 individuals have been charged with participation in group violence.

Assistance to a Foreign State, Foreign Organization or Organization Under Foreign Control in Hostile Activities (Article 319 of the Criminal Code of Georgia)

In connection with this case, Elene Khoshtaria, Zurab Girchi Japaridze and Giorgi Vashadze were charged under Article 319(1) of the Criminal Code of Georgia.

The defendants, in cooperation with a foreign state, actively acted with the aim of artificially creating grounds for the imposition of international sanctions to the detriment of the state interests of Georgia. For this purpose, following the outbreak of the war between Ukraine and Russia, the aforementioned individuals secretly supplied representatives of the foreign state with information and documentary materials concerning the situation in Georgia's military sphere, as well as information regarding the import of petroleum products into Georgia.

In accordance with directives received from a foreign state, the named individuals publicly made statements about fabricated facts, alleging that Georgia was failing to comply with the sanctions regime and was smuggling cargo to the Russian Federation.

Furthermore, the defendants periodically supplied representatives of foreign states with information and documentary materials, including lists of persons employed in the public service, to the detriment of Georgia's state interests.

Sabotage (Article 318 of the Criminal Code of Georgia)

Elene Khoshtaria, Zurab Girchi Japaridze, Giorgi Vashadze, Nikanor Melia, Nika Gvaramia, Mamuka Khazaradze and Badri Japaridze were charged with sabotage, an offence prescribed by Article 318 (1) of the Criminal Code of Georgia.

The evidence obtained in the case establishes that, in October 2024, following the parliamentary elections, the above-mentioned individuals began actively engaging in actions aimed at radicalizing developments in the streets. Beginning on 28 November 2024 and continuing uninterrupted for six consecutive days, together with their supporters, they occupied the streets adjacent to the Parliament

building in order to obstruct the normal functioning of the state institution - the Parliament - and to provoke violent clashes between demonstrators and law enforcement officers.

In order to artificially escalate the developments, the aforementioned political leaders publicly called upon the population to engage in revolution, to overthrow and dismantle the government, to engage in disobedience, to picket state institutions, and to confront law enforcement officers. They also addressed their supporters by stating that there was no longer any possibility of retreat.

The escalation of the situation between the police and citizens was preceded by the defendants calls and in certain instances they were physically present at the epicenter of the confrontation.

On numerous occasions, deliberate and organized confrontations with the police took place, including the throwing of pyrotechnic devices, so-called “Molotov cocktails,” as well as flammable and incendiary substances at law enforcement officers.

Items and substances were seized in large quantities specifically from the party offices of the accused persons, from which demonstrators were supplied with unlawful items during the violent protests.

The throwing of pyrotechnic devices and other violent acts by participants in the protest were coordinated with the aforementioned politicians.

“Immediately and unconditionally release all prisoners held for political reasons, in particular members of the opposition. Refrain from detaining them for political reasons in the future.” – P.7

Para 147. “The Rapporteur learnt about five foundations (Human Rights House Tbilisi; Shame Movement, Nanuka’s Fund, Prosperity Georgia and Fund for Each) whose accounts were frozen on 27 March 2025; and about seven NGOs which had their accounts frozen on 27 August 2025 (e.g. Institute for Development of Freedom of Information (IDFI); Civil Society Foundation (CSF); International Society for Fair Elections and Democracy (ISFED); the Institute for Development of Freedom of Information (IDFI) Sapari; Social Justice Center (SJC); Georgian Democracy Initiative (GDI); Democracy Defenders).

Those organizations were particularly active in the area of human rights and the rule of law. They were accused of being involved in ‘sabotage, attempted sabotage under aggravating circumstances, assistance to foreign organizations and organizations under foreign control in hostile activities, and mobilization of financing for activities directed against Georgia’s constitutional order and foundations of national security’. Some of them were targeted - as they explained - because of ‘financial support for individuals fined for exercising their right to peaceful assembly and expression’. As explained by one representative of those organizations, ‘[w]e facilitated these payments using legally obtained grants, strictly within our organizational mandate, to assist those whose fundamental freedoms were violated through unjust judicial fines. Furthermore, we have only purchased a few dozen protective items (gas masks, face masks, waterproof clothing) for our staff members who were monitoring the demonstrations.” – p.53

Parliamentary elections in Georgia that took place on October 26, 2024, were followed by violent protests. The investigation carried out by the PSG established that the radicalisation of the protest was carried out by artificial intervention from individuals and non-governmental organizations. The heads of specific non-governmental organisations systematically called on the population to

overthrow the Georgian government and oppose the police through mass media/social networks and promised legal and financial assistance.

As a result, the participants of the protest used so-called "Molotov cocktails", easily flammable and incendiary substances, so-called respirators, special gas masks, helmets, pepper spray and other means against the police and the administrative building of the Parliament. Violent groups injured 158 employees of the law enforcement agency, set fire to the rooms of the parliament building, special equipment (cars) of the police and destroyed the real estate and other items belonging to state and private sector.

The investigation established that specific non-governmental organisations were funding anti-governmental activities along with violent acts, collecting material resources in a coordinated manner and supplied violent groups with them. They ensured the payment of fines in favor of violent offenders and financial support for their family members. In addition, with the financing of non-governmental organisations, so-called respirators, special gas masks, helmets, rain coats, communication devices (handheld transceivers), large quantity of pepper spray and other items were bought during violent protests, items that violent groups actively used during confrontations with the police.

The investigation established that non-governmental organisations that publicly supported the participants of the protest who were in confrontation with the police and financially supported the perpetrators of violent acts, were funded by European funds and the international organization - EAST WEST MANAGEMENT INSTITUTE INC and its representative office in Georgia „EAST WEST MANAGEMENT INSTITUTE“.

Georgian branch of East West Management Institute Inc. distributed funds received from USAID locally to non-governmental organisations registered in Georgia. A significant part of the funds received from USAID was used by non-governmental organisations for improper purposes, damaging the state interests of Georgia.

Since the activities of the above-mentioned non-governmental organisations exceeded the goals defined by their own statutes and they used a significant part of funding to finance illegal activities, upon the Court ruling, in 2025, the bank accounts of specific non-governmental organisations were frozen, thereby limiting the further inappropriate disposal of money. In particular, bank accounts of 7 NGOs and 5 foundations were frozen.

Based on the evidence obtained and the results of the investigation conducted in relation to the criminal case concerning the events that developed at the end of 2024, Mikheil Saakashvili was charged in 2025 with incitement to change the constitutional order of Georgia through violence or to overthrow state power, under Article 317 of the Criminal Code of Georgia.

Zurab (Girchi) Japaridze and Giorgi Vashadze were charged with sabotage and assistance to a foreign country, foreign organisation or an organisation controlled by a foreign state in hostile activities, under Articles 318 §1 and 319 of the Criminal Code of Georgia.

Elene Khoshtaria was charged with sabotage, financing activities directed against the constitutional order and national security principles of Georgia or providing other material support to such activities and assistance to a foreign country, foreign organisation or an organisation controlled by a foreign state in hostile activities, under Articles 318 §1, 319 and 321¹ of the Criminal Code of Georgia.

Nika Gvaramia, Nikanor Melia, Mamuka Khazaradze and Badri Japaridze were charged with sabotage under Article 318 §1 of the Criminal Code of Georgia.

Within the framework of the criminal case, hundreds of investigative and procedural actions have been conducted, dozens of witnesses have been interviewed, 40 persons were granted a victim status. A thematic audit was carried out within the framework of the criminal case; the expenses incurred by non-governmental organisations to finance the protests were requested from banking institutions and studied, relevant forensic examinations have been conducted. Currently, the criminal case is being heard on merits by Tbilisi City Court.

Para 161. "There are also examples of specific criminal proceedings against other politicians, also allegedly politically motivated, like the case of one of the former prime ministers based on Article 333, para. 2 (Abuse of official powers by a State-political officeholder) and Article 25-117, para. 3, subpara. m (Organization of intentional grievous bodily harm against two or more persons) — both charges were brought soon after his party decided to take part in municipal elections." — p.57

With regard to paragraph 161, which refers to criminal proceedings against a former prime minister and raises concerns regarding possible political motivation, including by reference to timing, the Prosecution Service of Georgia provides the following clarification:

Concerning Case N1

1) What the proceedings concern

The proceedings relate to allegations arising from the use of police force during demonstrations. The force is alleged to have been **indiscriminate and disproportionate** and to have resulted in **grievous bodily injuries**. While certain individuals may have engaged in acts of violence prompting dispersal measures, the available material indicates that a substantial number of those affected were **peaceful demonstrators and journalists**, and that the methods employed and the manner of execution led to severe injuries.

2) Gravity and documented consequences

The seriousness of the allegations is demonstrated by the thoroughly documented consequences, including:

- **Severity of harm:** permanent loss of eyesight and other long-term or serious deterioration of health, including injuries requiring surgical intervention;
- **Number and profile of victims:** injuries documented to 33 peaceful demonstrators, including 15 journalists, 8 individuals sustained grievous bodily injuries, among them 2 journalists;
- **Impact on journalists:** journalists readily identifiable by microphones and other visible indicia were nevertheless among those injured.

3) Not a matter of routine political or administrative procedure

The matter does not concern routine administrative or political processes. It concerns allegations that binding legal limits on police use of force during demonstrations were disregarded. These are **not technical rules** but **substantive safeguards** protecting individuals from ill-treatment and ensuring freedom of expression and peaceful assembly, compliance with which is required under international human rights law. Accordingly, the allegations concern the overstepping of essential safeguards against the use of excessive police force, which foreseeably resulted in the infliction of severe injuries.

4) Status of the person concerned

While the high governmental office held by the person concerned is a relevant factor, it should not be accorded disproportionate weight in comparison with other applicable factors, including the seriousness of the offence.

5) Context of demonstrations and the allegation of “political motivation”

The matter does not entail political motivation linked to unrest, whether by prosecuting dissent expressed in the course of a protest or demonstration, nor by retaliation by newly installed authorities for prior repression. Rather, it concerns allegations against an individual who ordered the violent dispersal of peaceful demonstrators while serving as a senior member of the political administration that remains in office to this day. Accordingly, the relevant dispute arising from the demonstration was between the government of which he was a senior member and the protesters who opposed its actions and exercised their fundamental right to peaceful assembly.

Ordering unnecessary and disproportionate force against peaceful demonstrators and journalists cannot reasonably be characterised as conduct undertaken in furtherance of a legitimate political objective, nor can it be regarded as proportionate to any such objective. Any surrounding political context cannot be said to predominate over the ordinary-law character and gravity of the alleged offences.

6) ECtHR Ruling

The Grand Chamber of the European Court of Human Rights examined in detail the alleged conduct, including the personal role of the person concerned, in **Tsaava and Others v. Georgia**, and characterised the conduct as violations of the prohibition of torture and inhuman or degrading treatment, as well as of the rights to freedom of expression and peaceful assembly. Furthermore, in its earlier Chamber judgment, the Court criticised the Georgian authorities for failing to consider potential superior responsibility, despite recommendations by the National Ombudsman, thereby indicating the possible role of the person concerned. The present proceedings are intended to remedy those shortcomings. A legally binding judgment of such an authoritative international judicial body underscores the serious nature of the underlying offences and carries considerable weight.

Concerning Case N2

1) What the proceedings concern

The proceedings concern alleged reckless conduct, leading to significant property loss and risk of further serious consequences.

The person concerned is not being prosecuted as a representative of an opposing party, nor do the proceedings serve the political interests of one side against another. The charges therefore concern ordinary criminal conduct.

2) Nature of the offence and underlying facts

According to the case materials, the alleged reckless conduct reportedly provoked the opposing party to the conflict, which subsequently expanded the occupied areas.

This escalation resulted in:

- The unlawful and permanent displacement of four civilian families from two Georgian villages;

- Loss of access by local communities to approximately 100 hectares of forest land;
- Significant effects on the livelihoods of affected residents.

Accordingly, the consequences of the conduct attributed to the person sought were not confined to abstract public interests, but extended to substantial and concrete private harm, thereby reinforcing the predominantly criminal rather than political nature of the case.

In light of the above, suggestion that the proceedings were “allegedly politically motivated,” including by reference to timing, does not reflect the nature and gravity of the allegations and the applicable context described above.

“Conduct immediate, independent and impartial investigations into allegations of torture and ill-treatment.” – p.7

“Promptly investigate all allegations of torture and ill-treatment by police/security forces and unidentified, masked persons.” – p.9

(Also relevant to §§ 2, 53, 122–123, 126–132, 134–135, 137, 140–141, 143–144, 151, 172–174, 179–180, 182, 184–185, 187–188, 242, 253, 263, 280 and 304.)

The Investigation Units of the Prosecution Service of Georgia are investigating criminal cases concerning the facts of exceeding official powers committed by individual employees of the Ministry of Internal Affairs of Georgia using violence against the participants of the protest and unlawful interference with the journalist’s professional activities, under Articles 333 §3 (b), 342 §1 and 154 §1, 2 of Criminal Code of Georgia.

Since 1 July 2025, following amendments to the law, these criminal cases were transferred from the abolished Special Investigation Service to the PSG, and different units of the PSG have carried out intensive investigative activities, including:

More than 1 000 witnesses were interviewed, including potential victims of violence, employees of the Ministry of Internal Affairs and other persons linked to the criminal cases. More than 360 persons were subjected to forensic medical examination at LEPL Levan Samkharauli National Forensics Bureau, a number of examination reports have been received and attached to the criminal cases, while other examinations are being carried out and have not yet been completed.

Complex forensic trace and biological examinations have also been ordered at LEPL Levan Samkharauli National Forensics Bureau. A number of forensic examination reports have not yet been received.

Based on the court ruling, relevant video recordings from surveillance cameras have been requested from public and private entities. Moreover, more than 2 700 hours of video recordings relevant to the criminal cases have been obtained from media outlets, social networks, the Internet and individual persons.

In addition, upon a court ruling, the detention protocols drawn up for the detained persons, as well as medical and other types of documentation produced for them, were seized/requested from the Temporary Detention Department of the Ministry of Internal Affairs. Moreover, upon a court ruling, medical documentation produced for those persons who received medical assistance due to injuries received at the protest rallies was seized from LEPL Emergency Management Service and different medical clinics. Written materials and minutes of the court sessions of the administrative cases were also seized/requested from the court.

Within the framework of the criminal cases, **167 persons have been granted victim status so far.**

The Investigation Unit of the Tbilisi Prosecutor's Office is investigating allegations of threat of violence against women protesters as well. The Investigative Unit of the Tbilisi Prosecutor's Office and the Ministry of Internal Affairs of Georgia are investigating allegations of violence committed by unidentified individuals against the participants of the protests. Within the framework of the aforementioned criminal case, allegations concerning the unlawful seizure of civilians' personal belongings are being investigated.

To ensure a thorough, impartial and comprehensive investigation, intensive investigative and procedural measures are being carried out in all related criminal cases.

"Immediately release journalists and other participants of public debate held for exercising their freedom of expression. Refrain from detention in similar circumstances in the future." – p.7

Para 144. "One of the best known criminal cases concerning a protester is the one against a well-known journalist who was detained on 12 January 2025 in Batumi for placing sticker reading 'Georgia is on Strike' on the facade of a police station and for insulting the law enforcement officers by calling them 'Slaves of Russia, dogs and pigs'; after being released, she joined other protesters and was involved in an incident with Batumi police chief Irakli Dgebuadze (she reportedly slapped him). On 6 August 2025 she was sentenced to 2 years of imprisonment as being found guilty of 'resisting, threatening, or using violence against a protector of public order'. The same policeman — Dgebuadze — was reported to have harassed other protesters. The media has also published a video on which Dgebuadze could be heard verbally threatening journalist. . . " - pp.51-52

Mzia Amaglobeli case (attacking police officer)

On January 12, 2025, the Ministry of Internal Affairs of Georgia launched investigation into facts of attacking police officer under Article 353¹ of the Criminal Code of Georgia. On January 11, 2025, before the investigation was launched, Mzia Amaglobeli was arrested near the administrative building of the Police Department of the Autonomous Republic of Adjara under Article 173 of the Administrative Offenses Code of Georgia (non-compliance with a lawful order or demand of a law-enforcement officer). Despite numerous calls from the police officers, Mzia Amaglobeli did not cease her illegal behavior. The protocol of administrative detention is signed by Mzia Amaglobeli herself and she was released from administrative detention based on her own written statement.

In couple of minutes after Mzia Amaglobeli was released, on January 12, 2025, Irakli Dgebuadze, the chief of the Police Department of the Autonomous Republic of Adjara, was near the building located at 11a Tbel Abuseridze Street (administrative building of the Police Department of the Autonomous Republic of Adjara), to maintain public safety and public order and he was explaining to the citizens gathered at the scene why the participant of the protest rally were previously arrested. Mzia Amaglobeli, irritated by Irakli Dgebuadze's official activities, attacked him out of revenge - she pulled him hard by the jacket, turned him towards her and slapped him in the face.

Within the framework of the criminal case, a video recording of the attack was requested from the Adjara TV and Radio Public Broadcaster. Upon reviewing the video recording, it was determined that Irakli Dgebuadze, who was standing near the administrative building of the Police Department of the Autonomous Republic of Adjara, was explaining the grounds for the detention of a specific person. Irakli Dgebuadze turned toward the camera, thereby turning his back to Mzia Amaglobeli, and was

about to leave when Mzia Amaglobeli grabbed him by the jacket with her left hand, pulled him back toward herself, and slapped him in the face.

The witness testimonies and video recordings do not confirm the fact that Irakli Dgebuadze verbally or physically abused or ill-treated Mzia Amaglobeli before the attack. Mzia Amaglobeli herself has never raised this issue either during the investigation stage or during the court hearings. By the judgment of the Kutaisi Court of Appeals, the verdict of the Batumi City Court was upheld and a sentence of two years of imprisonment was imposed.

Mzia Amaglobeli case (exceeding official powers)

An investigation under Article 333 §3 (b) of Criminal Code of Georgia is ongoing at the Investigative Unit of the Prosecutor's Office of Autonomous Republic of Adjara into the facts of exceeding official powers committed by employees of the Ministry of Internal Affairs of Georgia using violence against the participants of the protest (which took place on January 11-12) who were detained, including Mzia Amaglobeli.

The investigation into the aforementioned criminal case examines alleged instances of exceeding official powers through the use of violence committed against Mzia Amaglobeli as well as against four other participants in the protest.

The following investigative and procedural actions have been carried out thus far: witnesses have been interviewed, including police officers and representative of the Public Defender's Office, upon the court ruling, video recordings have been requested from four broadcasting companies and viewed, in addition video recordings have also been downloaded from the Facebook page of "Batumelebi" newspaper. Overall, the obtained video data is approximately 23 hours long.

Upon the court ruling, relevant video recordings from surveillance cameras located outside and inside the building of the Adjara Police Department of the Ministry of Internal Affairs and Batumi City Court have been obtained and examined. However, the aforementioned video recordings do not show Mzia Amaglobeli's movements.

Clothes worn by Mzia Amaglobeli were seized and complex forensic trace and biological examination were ordered at Levan Samkharauli National Forensics Bureau. At this stage of the investigation, the forensic examination report has not yet been received.

Mzia Amaglobeli's medical documentation and personal files have been seized from the Batumi temporary detention centre and Women's Penitentiary Institution N5. Forensic medical examination has been ordered using Mzia Amaglobeli's medical documentation. At this stage, the forensic examination report has not yet been received.

Mzia Amaglobeli's attorneys have reviewed case files several times. They requested that victim status to be granted to Mzia Amaglobeli, but their request was denied. The decision was appealed to the Batumi City Court, which upheld the refusal to recognise Mzia Amaglobeli as a victim. The investigation is ongoing.

Para 293. "One of the basic guarantees of the fair criminal trial is the equality of arms, meaning that, according to the ECtHR, 'each party must be afforded a reasonable opportunity to present his case in conditions that do not place him at a disadvantage vis-à-vis his opponent.' According to the interviewed persons (the protesters and political figures charged with criminal offences and their lawyers), the motions on evidence submitted by the defence are often rejected, even if they are crucial to prove innocence. One example provided to the Rapporteur was the motion

to include as evidence a video footage from the location and time when the alleged crime was committed or to summon crucial witnesses. Legal representatives complained that often the only witnesses listened to by the court are police officers. According to interviewed lawyers, often they have to deal with manipulation of evidence and their attempts to question that evidence are in vain as they cannot present potentially contradicting evidence. As an example presented to the Rapporteur, when the evidence was video recording, the Prosecution Service submitted only small excerpts and the court declined to display longer parts of the video which could clarify the context. In one of the well described case, many pieces of evidence were reportedly rejected by the court.” - p.95

In the criminal case involving Mzia Amaghlobeli, the defence submitted video recordings depicting protest rallies. The first-instance court found these video recordings inadmissible during the preliminary hearing. However, the Court of Appeals admitted those recordings as admissible evidence, as well as the testimony of certain witnesses who were present at the protest rally and witnessed the events, including the attack on the police officer.

The defence was given a full opportunity to present its case, and all evidence submitted by the defence - including video recordings and witness statements - was examined during the court hearings.

Moreover, the Court of Appeals found admissible the video recordings which the defence considered crucial to its position, even though they were not directly related to the criminal case and the crime committed. In the video recordings, certain individuals stated that the police officer, Irakli Dgebuadze, who was recognised as the victim, had been violent towards them inside the administrative building of the Police.

Para 134. “Justice for Journalists reported 298 attacks and threats against media workers at both traditional and online outlets in 2024, compared with 73 in 2023. RSF documented between October 2024 and October 2025 600 violations of freedom of press (these include, but are not limited to, assaults, arbitrary fines, arrests, threats, and suspensions of accreditation). Within this number, 127 incidents involved the use of excessive force against journalists. RSF calls it ‘deliberate strategy of intimidation, harassment, and criminalisation of independent journalism’. Some of those attacks are documented in publicly available videos. As RSF further reports, within the first three weeks since the beginning of protests on 28 November 2024, 70 journalists were attacked, some multiple times. The attacks included beatings, blasts from water cannons with chemicals, tear gas, arrests, insults, purposeful destruction or confiscation of their equipment.” – pp.48-49

László Róbert Mézes

The Investigation Unit of Tbilisi Prosecutor's Office is investigating a case of unlawful interference with the journalist's professional activities, a crime prescribed under Article 154 §2 of the Criminal Code of Georgia.

In the course of the investigation, witnesses were interviewed, the crime scene was examined, and surveillance camera recordings relevant to the investigation were requested from various public and private facilities. Audio-visual recordings were requested from journalists and TV companies and the requested materials were examined. Social networks were also examined, and electronic information relevant to the investigation was obtained. Medical documentation and other relevant information were attached to the case file.

A forensic medical examination was ordered for László Róbert Mézes at the LEPL National Forensics Bureau. The examination report has not yet been received. **4 individuals were granted victim status, including László Róbert Mézes and Giorgi Tarkhnishvili.** The investigation is ongoing.

Maka Chikhladze Case

The investigation under Articles 154 §2, 118 §2 and 178 §3 (a) of the Criminal Code of Georgia is ongoing at the Investigation Unit of the Tbilisi Prosecutor's Office regarding unlawful interference with the professional activities of TV Pirveli journalist Maka Chikhladze, cameraman Giorgi Shetsiruli and journalist Maka Janashia, infliction of harm to their health and robbery, which took place on December 7, 2024.

Evidence is still being collected in the criminal case. In particular, dozens of witnesses have been identified and interviewed. Audio-visual recordings and mobile phone mast data relevant to the case have been obtained. Forensic facial examinations have been ordered. Necessary investigative actions (searches, seizures, requests for information and inspections) are being carried out in order to identify the perpetrators of the crimes. Forensic computer examinations of electronic data carriers have been ordered. The victims have undergone forensic medical examinations. Complex biological-genetic, trace and chemical examinations have been commissioned in order to obtain evidence material to the investigation.

All three journalists - Maka Chikhladze, Giorgi Shetsiruli and Maka Janashia - have been recognised as victims. The investigation is ongoing. Maka Chikshladze and Giorgi Shetsiruli were provided with all evidence of the criminal case concerning the crimes committed against them.

Comments by the Central Election Commission of Georgia

A. Elections of 2024 and 2025

Para 49. “During the meeting with the Central Election Commission on 18 February 2026, the Rapporteur confronted members of the Commission with the above issues. The Chairman Mr. Giorgi Kalandarishvili stressed that ballot-stuffing took place only in one case and immediately elections in the affected polling station were suspended. He also indicated that the first allegations concerning secrecy of votes were raised by GYLA only three days after the election and, in his opinion, even if some marks could be seen on the other side of the ballot paper, those signs did not allow to identify for whom the vote was cast.”

It is noteworthy that there is no connection between the ballot paper and the voter.

Para 49. “According to the information provided at the meeting, only 7 electoral complaints raised the problem of secrecy, and none of them referred to the machines used to count the votes.”

During three day - October 26, 27 and 28, **only 5 complaints out of other complaints submitted** to the DEC concerned a case where the author of the complaint indicated the presence of a corresponding mark on the other side of the ballot after coloring. **This confirmed that the issue in question was not identified as a problem on the election day.**

Para 50. “Additionally, an information campaign was run to properly inform those living abroad on how they could cast their vote.”

Information campaign was conducted regarding the procedures and rules on participating in the elections. **Information campaign also covered other important electoral issues and continued throughout the year. Accordingly, no complaints related to the voter lists were filed with the Central Election Commission on the election day.**

Para 56. “The elections in all districts were won by the Georgian Dream with an overwhelming majority with voter turnout at 41.08%. According to the Chairman of the Central Election Commission, the turnout was comparable to other regional elections.”

The results were more or less consistent, except for the different political context and agreement during the 2021 elections, and considering the boycott of 11 parties in the 2025 elections. In terms of dynamics, the mentioned data overall present a largely consistent picture, which is important for the accuracy of the assessment.

Comments by the Communications Commission of Georgia

The Communications Commission has taken note of the OSCE fact-finding mission on Georgia (2026) under paragraph 12 of the Moscow Mechanism Document and Report on Developments in Georgia in Respect of Human Rights and Fundamental Freedoms since Spring 2024 and appreciates the opportunity to provide its position regarding the findings and recommendations of the report.

Our observations relate specifically to the sections addressing the Law on Broadcasting and matters concerning the activities of the Communications Commission. We believe these sections do not fully reflect the legal context and rationale underlying the respective legal amendments. Thus, the assessment appears limited in scope and would benefit from a more comprehensive and substantiated consideration.

Factual inaccuracies

(a) Paragraph 86, which reviews the amendments introduced in April 2025 to the Law of Georgia on Broadcasting, states that Article 66¹ of the Law prohibits the receipt of funding from foreign sources, except for “commercial advertising.” This constitutes a factual inaccuracy and an incomplete enumeration of the exceptions, since the said provision, in fact, allows exceptions not only for commercial advertising, but also for teleshopping, sponsorship, and product placement within programs.

(b) In paragraph 88, which refers to the prohibition of the manipulative use of live call-in contributions, it is stated that the respective regulation obliges the broadcaster to present differing political views on an equal basis. Apart from the fact that the provision has been substantively misconstrued, placing emphasis solely on the political context constitutes a factual inaccuracy, as Article 54(10), which specifically concerns live call-in contributions as well as the relevant impartiality provisions of Article 54 as a whole, apply not only to political views but to any views relating to matters of public interest in respect of which differing opinions exist within society (so-called controversial issues).

Assessments

The document (paragraph 201) states that Article 54 of the Law of Georgia on Broadcasting imposes strict obligations on broadcasters, on the grounds that the terminology employed is substantively overly broad (e.g. “clear distinction between fact and opinion”; “it shall be impermissible for a broadcaster, in news and socio-political programs, to express a position in support of or in opposition to any political party, public or religious association, or other interest group”), and that such allegedly “vague” formulations may give rise to arbitrary interpretation and the sanctioning of undesirable broadcasters for political purposes. In relation to the same issue, it is further asserted (paragraph 210) that Article 54 of the Law of Broadcasting is incompatible with Article 10 of the Convention.

In our view, this **assessment does not sufficiently consider the broader regulatory framework governing the implementation of Article 54**. In particular, the **Communications Commission has published detailed [Guidelines on the content requirements for broadcasting](#), developed in consultation with broadcasters, which provide comprehensive clarification of the meaning, scope, and practical application of each paragraph of Article 54**. These Guidelines are intended to ensure legal certainty and the consistent and transparent interpretation of the respective provisions.

The Guidelines clearly underline the **importance of impartiality**, noting that: “Impartiality is one of the most important principles of broadcasting and of the media in general. The principle of impartiality requires that a broadcaster covers matters of public importance with due objectivity and ensures that

no side of a public debate is afforded undue advantage. Compliance with the principle of impartiality may be achieved using appropriate editorial techniques. The specific requirements of this principle are set out in the relevant provisions of the Law of Georgia on Broadcasting,”

The Guidelines further specify the **principles that the Communications Commission will take into account when enforcing these provisions**: “In identifying the standards and requirements of impartiality, the Commission shall, in each individual case, take into account the need to safeguard the freedom of expression of both the broadcaster and the audience, ensuring that the broadcaster has a legitimate opportunity to fulfil its function as a public watchdog and to provide rigorous and critical coverage of events or opinions of public significance. At the same time, due consideration shall also be given to the important public interest in ensuring that broadcast media uphold impartiality and contribute to informed democratic debate.”

The Guidelines also specify the **purpose of restricting the expression of a broadcaster’s position**, namely, according to the document, “restriction on the expression of a broadcaster’s position serves to safeguard both the broadcaster and the socio-political discourse, in order to prevent undue influence on public opinion through the broadcaster by powerful financial or influential groups pursuing narrow partisan interests. Furthermore, the purpose of this provision is to prevent the broadcaster’s owner from interfering with its editorial independence and from using the broadcaster as a vehicle for disseminating opinions favorable to a particular interest group on matters of significant public importance, which would ultimately exert improper influence on political discourse and democratic debate.”

With regard to Article 54(5) of the Law of Georgia on Broadcasting, which concerns the **obligation to refrain from expressing positions in support of particular groups** and which is cited illustratively by the Rapporteurs, the Guidelines provide following clarification: “The restriction on expressing a position in support of or in opposition to any political party, public or religious association, or other interest group applies to news and socio-political programs (with the exception of authorial programs). In authorial programs, the presenter of the program may express his or her own opinion; however, the requirements of the Law of Georgia on Broadcasting concerning authorial programs must be observed. In each specific case, the Commission shall assess the expression of a broadcaster’s position through an analysis of the individual circumstances.

The Guidelines further clarify that **the purpose of requiring balance** in broadcasting is to ensure that all significant viewpoints relating to matters of public interest are presented to the audience in a fair and balanced manner. This requirement serves to enable members of society to participate in democratic processes, including public debate and elections in an informed manner. Every member of society has the right to participate in democratic governance and must therefore have access to the range of significant viewpoints that allow them to form an informed position. Within the broadcasting space of each broadcaster, the audience must have access to all meaningful contrasting perspectives in order to engage fully in democratic processes.

Importantly, the **principle of impartiality and the requirement of balance do not prevent a broadcaster from covering a particular viewpoint. Rather, they require that alternative views be reflected accurately and adequately.** The requirement of balance applies specifically to the coverage of political or other disputes in news and socio-political programmes and extends to any issue in respect of which politicians, industry representatives, or members of the public engage in public discussion.

The Law does not prescribe a specific method through which balance must be achieved. Instead, the responsibility for ensuring balance stays with the broadcaster and forms part of its editorial policy. Broadcasters retain full discretion in selecting the journalistic and editorial methods through which balance is ensured, provided that all significant viewpoints are ultimately presented in an impartial and balanced manner within the programme.

The Guidelines clarify that the requirement of ensuring balance does not imply an obligation to present every argument relating to a particular issue. Moreover, the principle of impartiality does not restrict the broadcaster's ability to cover critical opinions concerning the policies or actions of public authorities. On the contrary, it is essential that broadcasters are able to investigate and present such critical perspectives within news and socio-political programmes.

Although the Rapporteurs perceive the provisions as vague, the **Guidelines explicitly address potential practical challenges in order to avoid ambiguity**. For instance, when broadcasters cover controversial issues and alternative viewpoints are not readily accessible (for example, when a political actor refuses to participate in an interview or programme), broadcasters may rely on several editorial techniques to ensure impartiality. These include:

- analysing and presenting public statements made by relevant individuals or institutions;
- allowing the interviewer to critically examine views expressed during the programme;
- incorporating alternative viewpoints into the questions posed by the presenter;
- summarising and contextualising alternative perspectives during the programme;
- inviting additional participants representing differing viewpoints.

The Law of Georgia on Broadcasting also establishes the obligation to clearly **distinguish between fact and opinion in news programmes**. Pursuant to Article 54(2), broadcasters must ensure a clear separation between factual information and opinion in news programming. It should be **emphasized that this obligation applies exclusively to news programmes**.

Members of the public have the right to receive verified and objective information through news broadcasts. Given the high level of trust placed in news programmes, it is essential that factual information, descriptions of events, and the opinions or assessments of commentators are clearly distinguished. It is therefore impermissible to present opinion as verified fact in a misleading or obscured manner. Ensuring a clear distinction between fact and opinion enhances the accuracy of public awareness by enabling audiences to understand which information constitutes verified fact and which represents subjective interpretation or commentary.

The document (paragraph 201) further refers to **the obligation placed on broadcasters to ensure fairness in relation to live call-in contributions** and raises concerns that the content of incoming calls is beyond the control of broadcasters, thereby making compliance with this obligation impossible. We believe that conclusion appears to overlook the clarifications provided in the Guidelines. **The Guidelines explicitly address this matter** and clarify that: "It is essential to prevent manipulation of public opinion through incoming calls. Pursuant to Article 54(10) of the Law of Georgia on Broadcasting, live calls must be selected in accordance with the principle of fairness, and it is impermissible to present only a single viewpoint, in order to avoid manipulation of public opinion through such calls. The Law requires fair treatment and prohibits manipulation of public opinion. Broadcasters are not obligated to seek out and artificially present calls supporting any particular viewpoint."

In conclusion, it should be underlined that the amendments to the Law of Georgia on Broadcasting adopted in April 2025 were developed with reference to the UK regulatory framework and practically replicate its provisions. Furthermore, the same content-related provisions are widely reflected in the legislation of the majority of EU Member States.