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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.**

## Visit to Georgia

### Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor\* \*\*

#### *Summary*

In the present report on her visit to Georgia, from 30 October to 7 November 2023, the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, assesses the situation of human rights defenders in the country. She highlights some positive action taken by the Government to improve the environment for promoting and protecting human rights, as well as several areas of serious concern, and makes recommendations to the State as to how the situation could be improved.

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\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

\*\* The present report was submitted to the conference services for processing after the deadline for technical reasons beyond the control of the submitting office.



## Annex

# Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, on her visit to Georgia

## I. Introduction

1. Pursuant to Human Rights Council resolution 52/4, the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, conducted an official visit to Georgia from 30 October to 7 November 2023. The purpose of the visit was to assess the situation of human rights defenders in the country in the context of the State's obligations under international human rights law.

2. Over the course of the visit, the Special Rapporteur had the chance to talk in detail with a diverse range of actors. She and her team met with Government officials, including the Deputy Foreign Minister, as well as the adviser to the Prime Minister on human rights issues and representatives of the Ministry of Internal Affairs and the Ministry of Education, Science and Youth. She also met with representatives of the State Security Service of Georgia, the Special Investigation Service, the Prosecutor's Office, the Chairperson of the Human Rights and Civil Integration Committee of Parliament, the Youth Agency, the Communications Commission and the Legal Aid Service.

3. While in Georgia, the Special Rapporteur met with over 50 human rights defenders, including many who travelled to share their experiences with her. She thanks all of those who took the time to engage with her, as well as those who provided information in advance of her visit. She regrets not being able to access Abkhazia or South Ossetia to assess the situation of human rights defenders there.

## II. Relevant international and regional legal and institutional framework

4. Georgia is party to almost all major international human rights instruments, with some important exceptions.<sup>1</sup> It is also a party to 8 of the 10 fundamental conventions of the International Labour Organization (ILO).<sup>2</sup>

5. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms affirms that while the core human rights treaties place the primary duty to protect and fulfil human rights on States, this duty includes an obligation to guarantee the right of everyone, individually and in association with others, to strive for the protection and realization of human rights and to ensure that they may count on the protection of the State while doing so.<sup>3</sup>

6. In 2022, Georgia was elected as a member of the Human Rights Council, undertaking a duty to uphold the highest standards in the promotion and protection of human rights.<sup>4</sup> In proposing its candidature, the State pledged to work closely with all non-governmental organizations, in particular grassroots civil society organizations, and cited its commitment to paying utmost attention to the implementation of the recommendations of human rights monitoring bodies.<sup>5</sup> Georgia is also a consistent supporter of the annual resolution on human rights defenders proposed at the Human Rights Council.

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<sup>1</sup> See <https://indicators.ohchr.org>.

<sup>2</sup> See

[https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:102639](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102639).

<sup>3</sup> General Assembly resolution 53/144, annex, arts. 1, 2, 9 and 12.

<sup>4</sup> General Assembly resolution 60/251, para. 9.

<sup>5</sup> A/77/71, para. 3.

7. Since 2010, the State has extended a standing invitation to special procedure mandate holders, several of whom have made visits to the country. It has participated in three cycles of the universal periodic review and supported nine recommendations related to human rights defenders in its most recent examination, in January 2021. The recommendations focused on effective investigations for attacks against human rights defenders, guarantees of the right to peaceful protest, combating defamation against human rights defenders, including through public statements of support, and the situation of LGBTQI rights defenders and defenders from minorities more broadly; all of the above areas are addressed in the present report.

8. Georgia is a member of the Council of Europe. It has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and is subject to the jurisdiction of the European Court of Human Rights, which has issued several judgments pertinent to the situation of human rights defenders in the country, most notably on LGBTQI rights defenders.<sup>6</sup> In March 2022, the State applied for membership in the European Union. The European Commission recommended that Georgia be granted candidate status on 8 November 2023, one day after the conclusion of the visit of the Special Rapporteur, on the understanding that certain reforms, including reforms relevant to the situation of human rights defenders, are to be implemented. On 16 December 2023, the Council of the European Union granted candidate status to the country, reemphasizing the need for those reforms.

### III. Situation of human rights defenders in Georgia

#### A. National legal and policy framework

9. As the Special Rapporteur stated in her preliminary findings following the visit, Georgia has an extremely strong, determined and diverse civil society, which has grown over time and which should be considered a pride of the country, including by the State. The development of the vital work of human rights defenders in the country has been supported by an overall positive legal framework for promoting human rights, beginning with the Constitution of 1995, which guarantees many of the key rights of human rights defenders.

10. Protective and supportive frameworks have been developed around many of the relevant rights in the Constitution, providing a strong on-paper basis for people to promote human rights in Georgia. Examples include the Law of Georgia on Freedom of Speech and Expression, the Law on Political Associations of Citizens and the Law of Georgia on Assemblies and Demonstrations.

11. Through legislation, the State has also provided strong mandates for several institutions with important bearing on the environment for human rights defenders, such as the Office of the Public Defender (Ombudsman).

12. The development of this overarching enabling framework is to be applauded for providing a solid basis for the empowerment and protection of human rights defenders. However, during her visit the Special Rapporteur observed worrying trends concerning violations of rights guaranteed in the Constitution, shortcomings in the implementation of legislation and recent legislative initiatives infringing on the crucial rights of human rights defenders, to be discussed in more detail below.

13. In March 2023, the Parliament adopted a human rights strategy, which is to guide the work of the State in advancing human rights until 2030. While this is a positive step, the absence of any mention of human rights defenders as a named group in the strategy, or of the right of people to promote and protect human rights, is of great concern. While certain categories of persons who may be considered human rights defenders, such as journalists, are mentioned, the failure to name human rights defenders as such appears to reflect the view

<sup>6</sup> See *Identoba and Others v. Georgia*, Application No. 73235/12, Judgment, 12 May 2015; *Aghdgomelashvili and Japaridze v. Georgia*, Application No. 7224/11, Judgment, 8 October 2020; and *Women's Initiatives Supporting Group and Others v. Georgia*, Applications No. 73204/13 and No. 74959/13, Judgment, 16 December 2021.

within the Government that State agencies cannot take specific action concerning defenders as they are not able to identify them.

14. The fallacy of this position, as directly communicated to the Special Rapporteur by State officials during the visit, is highlighted by the specific protocols already implemented by some State agencies to address the specific needs and the situation of human rights defenders. There are examples from the Special Investigation Service and the Prosecutor's Office, both of which have issued binding recommendations for their investigators and prosecutors concerning the handling of criminal cases and investigations involving human rights defenders. Both agencies have also developed protocols for the collection of disaggregated statistics on the investigation and prosecution of crimes against human rights defenders. As stated by the Special Rapporteur in her end-of-mission statement, this could and should be replicated by other government agencies and ministries, notably the Ministry of Internal Affairs.

15. A further serious concern related to the human rights strategy is the decision by the State to exclude any reference to the rights of LGBTQI persons, discrimination on grounds of sexual orientation and gender identity and LGBTQI rights defenders. As will be discussed in more detail below, those defending and promoting the rights of LGBTQI persons are among the human rights defenders most targeted and at highest risk in Georgia. This was confirmed by almost every interlocutor the Special Rapporteur engaged with.

16. Information received by the Special Rapporteur from various actors as to the level of communication by the State in the development of the human rights strategy, as well as the time granted to stakeholders to provide input for it, give rise to substantial grounds for concern as to the level of good-faith engagement, including with human rights defenders, shown by the State. This impression was also communicated to the Special Rapporteur by a range of actors in relation to the human rights action plan, which lays out the steps for the implementation of the strategy. A first draft of the action plan, seen by the Special Rapporteur during her visit, included only a single reference to human rights defenders, on the collection of statistics on crimes against human rights defenders and journalists by the Ministry of Internal Affairs. While this is an important measure that should be put in place, much more attention to the situation of human rights defenders is needed. At the time of the visit, there was no mention of the rights of the LGBTQI community in the draft action plan.

## **B. Spectre of the foreign agent law**

17. In February 2023, a bill was introduced in Parliament, supported by the Government, on transparency for "agents of foreign influence". The proposed legislation would have created a special status and legal regime for organizations receiving foreign funding, obliging any organisation receiving at least 20 per cent of its funding from outside Georgia to declare as a foreign agent. This would have overwhelmingly affected independent civil society and media organizations. Despite assurances shared during the visit by State actors that the bill was well intentioned, the Special Rapporteur notes that its provisions raised serious concerns as to its impact on the right to freedom of association, its necessity in a democratic society and the legitimacy of its stated aim. In accordance with article 13 of the Declaration on Human Rights Defenders, everyone has the right, individually or in association with others, to solicit and receive funding for the promotion and protection of human rights, including from foreign sources.

18. The introduction of the bill sparked protests across the country. The protests took place in all major cities and were largely peaceful, despite isolated incidents involving the destruction of property. They were met with excessive use of force by law enforcement officers, who deployed water cannon and used tear gas, sparking some violence against State security forces. The protests against the proposed law were primarily led by young people unaffiliated with any civil or political group.<sup>7</sup> During the demonstrations, they became human

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<sup>7</sup> Youth organizations also issued a statement against the proposed law, citing its potential harmful impact on young people in the country and calling for its withdrawal.

rights defenders, joining others to demonstrate peacefully in opposition to the proposed legislation. Their efforts resulted in the withdrawal of the bill on 10 March 2023.

19. Despite the withdrawal of the proposed legislation, its impact was raised repeatedly with the Special Rapporteur by the human rights defenders during her visit. They described the increased insecurity they have felt since its attempted introduction, the damage it has done to their working relationships with municipal authorities and to their standing in society and the fear that the legislative project will be revived in one form or another. Its introduction provided encouragement to far-right groups, whose narrative of “foreign agents” and “internal enemies” was legitimized by the strong backing of the legislation by the Government, the ruling party and members of Parliament.

20. During her visit, the Special Rapporteur was told by State officials that the foreign agent law would not be revived. Such assurance is insufficient, however, to address the negative consequences of the legislative initiative on human rights defenders. This requires proactive measures. In fact, where measures have been taken, they appear to have gone in the opposite direction, seeking not to repair the breakdown in trust between society and the Government but rather to limit the rights to freedom of assembly and association and to delegitimize peaceful action to defend human rights in the public eye. This would appear to be particularly so where the right to defend human rights is being exercised by young people and civil society.

### C. An internal enemy narrative, control mechanisms and surveillance

21. While in Georgia, the Special Rapporteur was made aware of proposed amendments to the Law on Assemblies and Demonstrations, which had been introduced through the use of an extremely expedited procedure, as had been the case with the proposed foreign agent law. The amendments sought to prohibit demonstrators from setting up temporary constructions, for example tents, a common form of protest in Georgia, under worryingly broad conditions. These included where they were deemed by police to pose a threat to participants in the demonstration or to other persons, to obstruct the protection of public order and safety, to obstruct the normal functioning of a business, institution or organization or to be unnecessary or unrelated to the demonstration.<sup>8</sup>

22. At the time of the visit, the amendments were pending final approval by Parliament after having been vetoed by the President owing to concerns about their necessity, proportionality and negative impact on the rights to freedom of assembly and expression. The Special Rapporteur spoke with multiple stakeholders who expressed serious concern at the potential impact of the proposal, which they deemed incompatible with the obligation of Georgia to uphold the rights to freedom of assembly, as stressed by the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights<sup>9</sup> and by the Office of the Public Defender of Georgia.<sup>10</sup> As of the finalization of the present report, the amendments remained pending in Parliament.

23. Stakeholders placed the above concerns within an overall deteriorating environment for the exercise of freedom of assembly in the country. Human rights defenders and others cited the misuse of articles 166 and 173 of the Administrative Offences Code to criminalize peaceful protest, coupled with what was described as the systematic issuing of fines by administrative courts, often based solely on police statements. The Special Rapporteur welcomed the acknowledgement by the State of the need to bring the Administrative Offences Code into line with international standards. Yet the long-standing and well-known

<sup>8</sup> Based on an official translation provided to the Special Rapporteur by the State.

<sup>9</sup> OSCE Office for Democratic Institutions and Human Rights, Urgent Opinion on Proposed Amendments to the Law of Georgia on Assemblies and Demonstrations and to the Administrative Offences Code, Opinion No. FOPA-GEO/487/2023 [AIC/NR], available at [https://www.osce.org/files/f/documents/7/a/557847\\_0.pdf](https://www.osce.org/files/f/documents/7/a/557847_0.pdf).

<sup>10</sup> Office of the Public Defender of Georgia, “Public Defender’s statement on amendments planned to be made to the Law of Georgia on Assemblies and Demonstrations”, 4 October 2023, available at <https://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsvelis-gantskhadeba-shekrebekisa-damifestatsiebis-shesakheb-sakartvelos-kanonshi-dagegmil-tsvlilebetan-dakavshirebit>.

nature of the issues with the Code, as repeatedly laid out by the Office of the Public Defender, raises a question as to why this has not already been done.<sup>11</sup> The concerns of the Special Rapporteur in this regard are accentuated by the fact that the Code was amended recently, to the effect of increasing the potential length of administrative detention and the upper limit on potential fines for offences under articles 166 and 173, thus aggravating the problem of its misuse against human rights defenders.

24. The amendments to the Law on Assemblies and Demonstrations were initiated in response to a press conference held by the State Security Service on 18 September 2023, in which it alleged that actors, including civil society groups, were participating in an organized conspiracy, with the intent of overthrowing the Government, and the opening of a connected investigation was announced. The September press release was followed by a second one, on 2 October 2023, during which the State Security Service released secretly filmed footage of a training for actors in the cultural sector on peaceful ways to protect rights carried out by the Center for Applied Non-Violent Actions and Strategies, a non-governmental organization, presenting it as evidence to support its previous assertion of a conspiracy.

25. When the Special Rapporteur raised the above sequence of events with the authorities, they referred her to the footage released by the State Security Service. She has reviewed this footage, comparing an English transcript of what was said during the recording of the training, which primarily took place in English, with the Georgian subtitles added by the State Security Service. In her view, there is nothing in the video that in any way substantiates the allegations made against the organizers and participants in the workshop. The training was open to all and took place over three days. The video presented as evidence of its alleged conspiratorial nature is eight minutes long and very heavily edited. At no point did the trainers who speak suggest or encourage violence, although at several points they spoke about how to create solidarity in society, notably through the inclusion of youth and students in civic movements and through the exercise of the right to freedom of assembly. In the view of the Special Rapporteur, the presentation of the video as evidence of a conspiracy strongly indicates a deliberate attempt by the State Security Service to criminalize, in the public eye, the human rights defenders involved and to delegitimize the exercise of fundamental rights, in particular the rights of young people and students exercising their right to peaceful protest. In this sense, it appears directly related to the protests across the country in March 2023.

26. As stated by the Special Rapporteur in her end-of-mission statement, this has had serious repercussions for human rights defenders.

27. In the context of the investigation announced by the State Security Service, human rights defenders who organized the training have been summoned for interrogation and obliged to sign a confidentiality agreement concerning its content. Cultural actors, who have been organizing to peacefully defend their rights in the face of the politicization of the sector following the appointment of a new Minister of Culture in 2021, have also been summoned and interrogated based on their participation in the training. The Special Rapporteur spoke with several cultural rights defenders who shared their fears of attending any such training in the future, believing their attendance might be used against them.

28. These fears appear justified, given the response by the Government and the ruling party to the allegations made by the State Security Service. Following the September and October press conferences, members of the ruling party seized uncritically on the narrative presented by the intelligence services, promoting it through public statements and using it as justification for the introduction of legislative restrictions on the right to peaceful protest, as detailed above. Such statements, including by the Chairperson of the ruling Georgian Dream party, Irakli Kobakhidze, have continued since the visit of the Special Rapporteur.<sup>12</sup>

29. In addition, far-right and ultraconservative groups have since publicly announced their intention to mobilize against those supposedly planning an alleged but unsubstantiated

<sup>11</sup> The European Court of Human Rights has also created relevant jurisprudence on the matter; see *Chkhartishvili v. Georgia*, Application No. 31349/20, Judgment, 11 May 2023.

<sup>12</sup> See <https://agenda.ge/en/news/2023/4502>.

conspiracy, posing real risks to the physical security of human rights defenders, in particular given prior attacks by those groups.

30. In presenting the footage of the training, the State Security Service made clear to the human rights defenders involved that they were under surveillance. This compounded fears, sparked by revelations in 2021, indicating the wire-tapping of the communications, *inter alia*, of many human rights defenders and independent journalists, which, at the time of the visit, were still being investigated by the Prosecutor's Office.

31. As a combination of continuing impunity for the allegedly illegal surveillance and the surveillance of the training for cultural workers, the environment in Georgia during the visit was such that in meetings between the Special Rapporteur and human rights defenders the idea that the meetings were secure, private or confidential was met by some participants with incredulity. Members of international organizations also stated that they would think twice about participating in workshops on human rights following the publication of the video. This situation should be extremely concerning for the Government.

32. The State Security Service assured the Special Rapporteur of the legality of the surveillance of the training in question, citing the oversight mechanisms concerning State surveillance introduced through progressive, if imperfect, reforms in 2014. The 2021 revelations, however, raise significant doubts as to the proportionality of State surveillance being undertaken in Georgia, which, along with legality and necessity, is a requisite element of any legal interference with the right to privacy under international human rights law. These doubts are compounded by the manner of the State response to the 2021 revelations.

33. In late December 2021, the Government initiated an expedited parliamentary process to abolish the State Inspector's Service, established in 2018 to investigate abuses of power and monitor the lawfulness of interference with the right to privacy. This process was widely criticized, including by OSCE<sup>13</sup> and the United Nations country team in Georgia, which stated: "The lack of convincing justification for abolishing the State Inspector's Service and the absence of compelling rationale for stripping the State Inspector of her six-year mandate sends a chilling message to independent institutions of human rights protection".<sup>14</sup> The State Inspector's Service was replaced by two institutions: the Special Investigation Service, which was mandated to investigate abuses of power, and the Personal Data Protection Service, mandated to monitor the legality of data processing, including surveillance. The role of the Personal Data Protection Service was referred to several times by State actors when the Special Rapporteur raised concerns about the surveillance of human rights defenders, including by the State Security Service; its mandate covers surveillance for purposes of State security.

34. In addition, in 2022, the ruling coalition of the Georgia Dream party introduced amendments to the Criminal Procedure Code to provide grounds for surveillance, and for longer periods, in relation to an additional 27 suspected crimes, including low level offences, while relaxing rules about the notification of persons under surveillance. The amendments were justified by the Government through reference to "hybrid warfare" and cybersecurity concerns. Such justifications, however, were not backed up by supporting materials, as pointed out by the European Commission for Democracy through Law (Venice Commission), which stated: "The lack of such supporting material has to be seen against the background of the serious allegations, made by various actors on the local and international level, about the massive leak of personal data in September 2021, allegedly as a result of secret surveillance by the state authorities".<sup>15</sup>

35. These interconnected developments indicate the strategic development of a negative narrative around the exercise of fundamental freedoms for the defence of human rights in the

<sup>13</sup> OSCE Office for Democratic Institutions and Human Rights, Opinion on the Legislative Amendments on the State Inspector's Service of Georgia, Opinion No. GEN-GEO/436/2022 [NR], available at <https://www.osce.org/files/f/documents/d/1/512728.pdf>.

<sup>14</sup> See <https://georgia.un.org/en/168152-united-nations-concerned-over-decision-georgian-authorities-abolish-state-inspector%E2%80%99s>.

<sup>15</sup> Venice Commission, Urgent opinion on the draft law on the amendments to the Criminal Procedure Code, document CDL-PI(2022)028-e, para. 38.

country. Despite the affirmation by the State of its support for human rights defenders in meetings with the Special Rapporteur, other clear examples of attempts to stigmatize and delegitimize human rights defenders raise further questions regarding this stated commitment.

36. Examples include public statements by members of the ruling party members against independent journalists and defenders of the environment, similar statements against defenders working against corruption and monitoring elections and extremely worrying comments by high-ranking officials concerning defenders of the rights of LGBTQI persons and the queer community in general. Women are particularly targeted. During the visit of the Special Rapporteur, posters depicting women human rights defenders, including the image of a woman the Special Rapporteur met with while in Georgia, were pasted in front of an entrance to Parliament, accusing those in the poster of being “spies against the church”. The posters had reportedly been in place for several weeks, raising questions about why they had not been removed by the authorities.

## **D. Groups of human rights defenders at high risk**

37. From discussion during her visit, it has become clear to the Special Rapporteur that there is a substantial feeling of insecurity among human rights defenders in the country. While the highly worrying developments since March 2023 have undoubtedly contributed to the insecurity, including the attempted introduction of the foreign agent bill, the fear felt by many human rights defenders predates these events.

38. The feeling of insecurity is heightened among defenders who face intersecting risks, notably based on gender, sexual orientation, ethnicity or religion, disability or residence in rural areas. The Special Rapporteur met many defenders from these groups and listened with increasing concern as they shared details of the threats they had received, the intimidation and retaliation they had faced and the failure of the State to adequately support them.

### **1. LGBTQI rights defenders**

39. Almost all actors who engaged with the Special Rapporteur, including State representatives, emphasized the difficulty of the situation faced by defenders of the rights of the LGBTQI community in Georgia.

40. In July 2021 and July 2023, there were major disruptions at events organized in Tbilisi to celebrate the country’s LGBTQI community. In both instances, events planned by LGBTQI rights defenders were attacked by far-right and ultraconservative groups exercising extreme violence and well-organized aggression. There has been total impunity for the instigators of these attacks, which, while not being the sole incidents involving retaliation against LGBTQI rights defenders, merit attention in detail.

41. On 5 July 2021, a “March of Dignity” was planned in Tbilisi as part of Pride Week. The event was announced well in advance and was followed by a call by the Office of the Public Defender for the Government to take appropriate measures to ensure it could go ahead safely. On the morning of the planned march, right-wing groups organized outside Parliament, destroying a long-standing political protest site, and proceeded to move in formed groups to the offices of the organizers of the Tbilisi Pride festival and the Shame Movement, breaking into their premises and ransacking the buildings. The attacks were directed by far-right figures present at the scene. The human rights defenders who had been in the offices fled to the United Nations House in Tbilisi. They were pursued there by the violent groups, forcing them to flee again, this time to the premises of Human Rights House Tbilisi; once again they were followed and attacked. The mob directly sought out and targeted journalists covering the events, subjecting them to violent beatings and leaving over 53 injured. The cameraman for TV Pirveli, Lekso Lashkarava, one of those attacked during the events, died days later.

42. The above events followed a statement by the Prime Minister on the morning of 5 July 2021, stating that the Pride Week events were being organized by the “radical opposition”,



with the goal of inciting “civic confrontation” and were “not reasonable”.<sup>16</sup> This was proceeded by statements by religious leaders, most influentially the Georgian Orthodox Church, calling for people to protest against the “obscurity” of the Pride events.<sup>17</sup> While the calls of leaders of the church were for peaceful protest, at the Parliament building on 5 July a Deacon of the Georgian Orthodox Church called for violence against the Pride participants, reportedly stating: “you are obliged to do violence for the motherland, to do violence for God, to do violence for the sake of sanctity”.<sup>18</sup> Leaders of far-right groups also issued statements prior to the planned March, with one representative of the far-right group Alt-Info stating: “We are going to take over and control all of Rustaveli [Avenue], no propaganda of depravity will be carried out. We will do everything for this and send a very clear message to the Georgian authorities”.<sup>19</sup> Despite this and other clear statements of intent to disrupt Pride Week events by any means necessary,<sup>20</sup> videos depicting the events show only a minimal police presence in place to protect human rights defenders and journalists. While the Ministry of Internal Affairs in a statement issued on 7 July 2021, stated that up to 3,200 police officers had been deployed on the day, it seems that any significant police action was only taken once it was too late.<sup>21</sup>

43. In response to the events of 5 July 2021, an investigation was launched by the Ministry of Internal Affairs, with 56 individuals granted victim status, including 47 journalists and camera operators, but not the Tbilisi Pride or the Shame Movement. While 31 persons were arrested and some individuals prosecuted for their participation in the violence committed on the day, including attacks against journalists, none of the organizers or leaders of the violence, most notably leaders of far-right groups, have been brought to justice.

44. This impunity has played a key role in continued attacks against LGBTQI defenders and has greatly contributed to the climate of insecurity they face in the country.

45. Pride Week events were generally able to go ahead peacefully in 2022, when they were organized in private locations. In 2023, however, there was a further serious attack against LGBTQI defenders in Georgia; on the 8 July 2023 an open-air festival was violently disrupted by an organized far-right group.

46. In advance of the event, the far-right group, Alt-Info, as was the case in 2021, began to mobilize people against the festival, publicly calling for people to assemble on 8 July. Announcing that they were raising money to provide transport for people to the venue,<sup>22</sup> representatives of the group stated that the counter-demonstration would not “fall short” of the events of 5 July 2021 and would be the “last nail in the coffin” of what was started in the past.<sup>23</sup> In response to those calls, counter-demonstrators began to gather at a preannounced location on midday on 8 July, where leaders of the group made further public statements of their intention to disrupt the LGBTQI festival. The group then proceeded to march 4 kilometres to the festival site, unopposed by police, who merely followed them. Upon reaching the area of the festival, where LGBTQI organizers and journalists had been present before being evacuated by police, the group proceeded to break through the police cordon that had been put in place and to destroy the site, pulling down installations, burning Pride flags and raiding equipment and supplies for the festival. Several members of the Georgian Orthodox Church were present in the group. In videos depicting the events, although a

<sup>16</sup> See <https://agenda.ge/en/news/2021/1840>.

<sup>17</sup> See <https://www.interpressnews.ge/ka/article/663005-meupe-danieli-tbilisi-praidze-iseti-ram-rac-sheuracxqops-kveqnis-tvitmqopadobas-tradiciebs-cxovrebis-cess-sajarod-ar-unda-xdebodes> (in Georgian).

<sup>18</sup> See <https://netgazeti.ge/news/552283/> (in Georgian).

<sup>19</sup> See <https://www.radiotavisupleba.ge/a/31324390.html> (in Georgian).

<sup>20</sup> See, for example, <https://www.interpressnews.ge/ka/article/663289-guram-palavandishvili-tbilisi-praids-cin-agvudgebit-shishveli-xelebit-davikavebt-im-teritoriebs-sadac-unda-gaiaron> (in Georgian).

<sup>21</sup> See <https://agenda.ge/en/news/2021/1886>.

<sup>22</sup> See <https://www.youtube.com/watch?v=FYYMZpjQhjo> (in Georgian).

<sup>23</sup> See <https://fortuna.ge/fortuna/post/video-8-ivlisi-iqneba-5-ivliss-dadgmul-kuboze-bolo-lurmnis-dachedeba-morgoshia> (in Georgian).

substantial police presence can be seen at the venue, they did not intervene in any effective way to prevent the destruction of the site.<sup>24</sup>

47. In response to requests for information about the events of 2023, the Special Rapporteur was informed by the Ministry of Internal Affairs that while substantial efforts had been made in advance of 8 July to ensure that the festival could go ahead peacefully, citing several meetings between the Ministry, the Office of the Public Defender and the Pride organizers, they were taken by surprise by the number of counter-protestors who arrived on the day. The Ministry also cited the difficulty in policing an open space such as the site of the festival and noted the amount of police resources needed to protect it for the duration of the event. Similar arguments were presented by the Ministry in response to a letter addressed to it by the Public Defender's Office in the aftermath of the events.<sup>25</sup> This, however, seems insufficient to explain the failure of the State to ensure that the event could go ahead, given the clearly stated intentions of the counter-protestors to mobilize en masse and the knowledge of the Ministry of Internal Affairs of the likelihood of a large number of counter-demonstrators, as stated in its response to the letter from the Office of the Public Defender.<sup>26</sup>

48. As at August 2023, investigations into the attack on 8 July had been opened, on the basis of articles 177, 187 and 353 of the Criminal Code, for theft, damage or destruction of property and assault of a police officer, respectively. However, as with the events of 5 July 2021, to date there has been total impunity for the organizers of this violence. In response to requests for information, the Special Rapporteur was informed by the authorities that there is insufficient evidence to prosecute those responsible, despite the very public nature of their actions.

49. The continuing impunity for attacks against human rights defenders, and for human rights violations more broadly, is demonstrative of a lack of political will to address the issue. In the above case, this lack of will is reflected in the damning failure to mention LGBTQI issues in the country's human rights strategy or action plan, as well as statements by high-ranking Government officials, including the Prime Minister, painting the promotion of equality and non-discrimination against the LGBTQI community as "false freedoms" and "propaganda".<sup>27</sup>

50. Compounding the issue is that the failure to protect the LGBTQI community when exercising their right to freedom of assembly, as well as impunity for attacks against them, is a historical problem for the Georgian authorities, one that has been ruled upon by the European Court of Human Rights.<sup>28</sup> Furthermore, the far-right and ultraconservative figures who carried out, organized and called for the attacks against LGBTQI defenders are among the same groups now threatening, intimidating and harassing other human rights defenders in the country.

## 2. Journalists

51. Impunity for attacks against journalists and other media workers covering human rights issues, including those injured in the attacks during Tbilisi Pride in 2021, is a significant and persistent problem in Georgia. The Special Rapporteur considers that journalists and media workers are also human rights defenders and she was glad to hear several State representatives agree with this assessment. However, during the visit it became clear that they are also at high risk and, despite assurances that media freedom is a priority, that the State is not taking sufficient measures to ensure that they can carry out their work free from fear of retaliation. As one journalist put it, since the events of July 2021 journalists are now worried for their physical safety. These risks are intersectional, with independent female journalists and journalists with disabilities confronted with overlapping challenges.

<sup>24</sup> See <https://netgazeti.ge/life/679030/> (in Georgian).

<sup>25</sup> See <https://ombudsman.ge/res/docs/2023101917561475605.pdf>.

<sup>26</sup> Ibid., paras. 8 and 9.

<sup>27</sup> See <https://agenda.ge/en/news/2023/1769>.

<sup>28</sup> *Women's Initiatives Supporting Group and Others v. Georgia*.

52. In some ways, the authorities also appear to be obstructing the work of journalists. One sign of this is the very low rate of responses to requests for information. Civil society reporting indicates that responses from State authorities have been in serious decline since 2022, reaching their lowest levels since 2010. Out of 1,255 requests sent to Government ministries and agencies under their control by the Institute for Development of Freedom of Information in the first five months of 2023, only 7 per cent were answered, with many requests being completely ignored.<sup>29</sup> This finding, which was echoed by journalists and other stakeholders in meetings with the Special Rapporteur, further signals that the issue is most present within Government, with particular issues reported within the Ministry of Culture and Sport, the Ministry of Environmental Protection and Agriculture and the Ministry of Regional Development and Infrastructure.<sup>30</sup>

53. A code of conduct introduced by the Speaker of Parliament on 6 February 2023, which entered into force the next day, set out the implementation of new rules for journalists in Parliament. While some of the provisions adopted appear uncontroversial, others raise questions as to their proportionality and necessity. The code provides for the restriction of accreditation for journalists on extremely broad grounds, defined only as “the specificity of the event or security regime”, and introduces possible sanctions for journalists failing to comply with the code, including their suspension for one month, or for six months in cases of repeated offences. The Special Rapporteur believes that the rules must be considered together with the documented decline in responses by Government to requests for information. That no consultation with journalists or media organizations was carried out before the new rules were proposed heightens concerns around their adoption and aim. Several independent journalists have since seen their parliamentary accreditation revoked under the rules, which provide no avenue for appeal.

54. Independent journalists, including those working outside the capital, also detailed the negative impact of the proposed foreign agent law and the narrative it bolstered on their relationships with municipal authorities, with some stating that local authorities have since been reluctant to engage with them, frustrating their work. Journalists in the regions also cited an increase in hate-speech against journalists, linked to the increased presence of far-right groups and ultraconservative discourse in society, within which independent journalists covering human rights issues, in particular women journalists, are targeted.

### 3. Women human rights defenders and intersecting risks

55. Women human rights defenders have a strong presence in Georgian society, yet they face significant backlash because of their gender. Oftentimes, gender-based risks intersect with retaliation related to areas where women human rights defenders are active, such as defending LGBTQI rights and the rights of ethnic and religious minorities, as well as other aspects of their identity.

56. Information received by the Special Rapporteur on intimidation, harassment and threats against women human rights defenders, particularly direct threats from far-right figures, smears by high-ranking Government officials and online harassment, are grounds for grave concern. The attacks are in direct retaliation for the legitimate human rights work being carried out by women human rights defenders, with the aim of intimidating them, discrediting them and eventually silencing them.

57. Smears against women human rights defenders formed part of the Government’s narrative to justify the introduction of the proposed foreign agent law. On 2 March 2023, in a television interview, Irakli Kobakhidze, the Chairperson of the Georgian Dream party accused several women human rights defenders of serving foreign interests.<sup>31</sup> One of the women human rights defenders targeted by the Chairperson spoke with the Special Rapporteur about how his intervention triggered fears for her physical security and described

<sup>29</sup> See [https://idfi.ge/en/sharp\\_decline\\_in\\_access\\_to\\_public\\_information](https://idfi.ge/en/sharp_decline_in_access_to_public_information).

<sup>30</sup> Goga Tushurashvili and others, *Access to Public Information in Georgia: 2022* (Institute for Development of Freedom of Information, 2023).

<sup>31</sup> Several other human rights defenders and civil society organizations were also targeted by the Chairperson in the intervention, including independent election observers and environmental activists. See <https://civil.ge/archives/528611>.

how she had subsequently been harassed on multiple occasions both in public and on social media.

58. Unfortunately, it does not appear that the withdrawal of the proposed legislation has improved the climate for women human rights defenders. The kind of stigmatizing statements made against them by public officials encourage and legitimize further attacks and are difficult to combat once they have been made. Some women human rights defenders also spoke of the difficulty in engaging with the Government and local authorities following the attempted introduction of the law. As one defender put it, things weren't easy before the March events, but it has become much more difficult since.

59. Where women human rights defenders are from ethnic or religious minorities, who face discrimination in Georgian society according to multiple human rights defenders and other stakeholders, the risks of physical attack increase. As one woman human rights defender told the Special Rapporteur, when it comes to the integration of minorities, the authorities seem to think it is a one-way street. Female voices critical of this approach, who promote the rights and value of minorities and minority culture, appear to be deemed unwelcome by the authorities, and women human rights defenders from minority groups who speak out on this and other human rights issues risk a backlash from far-right and conservative groups. The Special Rapporteur spoke with one woman human rights defender from an ethnic minority who said that she had been forced to leave her home town owing to the threat of violence against her.

60. Almost all women human rights defenders who shared information with the Special Rapporteur detailed the intensity of the harassment they face online, including by bots on social media platforms, which are unregulated in Georgia. When this issue was raised by the Special Rapporteur with the authorities, she was told that, unfortunately, traffic on such platforms is chaotic for everyone in the country, including the Government. However, in early 2023, META, the owner of Instagram and Facebook, the most popular social media platform in Georgia, took down 80 Facebook accounts, 26 Facebook pages, 9 Facebook groups and 2 Instagram accounts for violating their policy against "coordinated inauthentic behaviour". The company found that these accounts were linked to the Strategic Communications Department of the Government of Georgia, although the operators of the accounts attempted to conceal their identity. The content produced by those accounts was primarily in the Georgian language, intended for a Georgian audience and promoted by \$33,500 in paid-for ads. Around 138,000 people followed one or more of the pages and around 238,000 had joined one or more of the groups. As stated by in a report issued by Meta, "the network operated around the clock to amplify content in support of the current Georgian Government, including resharing posts by the official Government pages and pro-Government media reports. They also shared criticisms of the opposition, particularly during the most recent public protests related to the now-retracted legislative proposal on the so-called 'foreign agents' law in Georgia. In fact, this operation responded to protest developments in real time, including posting in the middle of the night".<sup>32</sup> The findings of Meta included that bots commented on specific posts and targeted individuals.<sup>33</sup>

61. When these revelations are considered alongside the evidence presented to the Special Rapporteur, showing the targeting of women human rights defenders in sponsored posts by bots online, significant doubts arise as to the veracity of the assertion by the Government that it is not involved in the online targeting of women human rights defenders and other human rights defenders and critical journalists.

#### 4. Defenders of the rights of persons with disabilities

62. The Convention on the Rights of Persons with Disabilities, to which Georgia is a party, affirms that all persons with disabilities must enjoy all human rights and fundamental freedoms. The Convention emphasizes that disability results from societal barriers that hinder the full and effective participation of persons with impairments in society. The Special

<sup>32</sup> Ben Nimmo, Nathaniel Gleicher and Margarita Franklin, *Quarterly Adversarial Threat Report: Q1 2023* (Meta, 2023), p. 20, available at <https://about.fb.com/wp-content/uploads/2023/06/Meta-Quarterly-Adversarial-Threat-Report-Q1-2023.pdf>.

<sup>33</sup> *Ibid.*, p. 51.

Rapporteur on the rights of persons with disabilities has praised the country's progressive legislative reforms in the area, including the move by the State towards a biopsychosocial model to assess disability. Nevertheless, some human rights defenders with disabilities, in particular young defenders, feel ignored and mistreated by the State. This includes women human rights defenders.

63. While organizations providing services for persons with disabilities, which are dependent on Government funding, appear able to carry out their work with the support of the State, defenders outside that system who see problems with policy and practice concerning people with disabilities face substantial pushback. One woman human rights defender working in the area shared her experience of being specifically excluded from participation in Government consultations on human rights matters and decision-making forums. This was echoed by other human rights defenders in the area, many of whom have the feeling that decisions are taken informally between the State and the main service providers, without any effective participation of persons with disabilities or human rights defenders among them.

64. Defenders who raise critical views in the area appear to be being isolated and ostracized. A woman human rights defender, a journalist with disabilities, spoke of how she had been blacklisted by municipal authorities who refused to engage with her after she published a story detailing failings in their support for a person with disabilities. A young woman human rights defender with disabilities explained how demeaning comments by State officials about her work and that of other young women defenders with disabilities are echoed by service providers and institutions, both online and offline. These comments included falsely accusing the defenders of being motivated by a political agenda. One woman human rights defender was told that she "needed to get married". Others have been accused of trying to raise their own profile, rather than addressing the issues at hand, and some asserted that defenders of the human rights of the disability community were being made an example of, in order to deter other members from advocating for their rights.

## 5. Environmental defenders

65. In many countries around the world, the human rights defenders most at risk are those whose activism is connected to the protection of the environment from unsustainable and damaging business activities, including those in the energy, infrastructure and tourism sectors. This emerged as an area of deep concern for the Special Rapporteur in Georgia, with people and groups organizing to protect the environment, whether it be in their local communities or on a regional or national scale, reporting a difficult and hostile environment. As one defender stated, instead of protecting the environment, they are forced to protect themselves. Defenders, including journalists covering environmental issues and community movements, are also under pressure, with some receiving aggressive threats, suffering physical attacks and facing public discreditation.

66. The situation is aggravated for women environmental defenders. Women human rights defenders working on environmental issues have been subjected to gendered and sexualized smear campaigns, including having their private lives scrutinized in alleged retaliation for their legitimate, peaceful activism and work. This has included one woman human rights defender highlighting the impact of corruption on the capacity of the State to mitigate environmental disasters. The use of details from the private lives of women human rights defenders in an attempt to discredit them, often initially by pro-Government media and subsequently by members of the ruling party, appears a cross-cutting issue in the country, affecting women human rights defenders active in all areas.

67. At the core of the cases pertaining to the environment is the failure or unwillingness of the State agencies and business actors to engage in meaningful consultation with people directly affected by business projects. The disenfranchisement of local communities may suit the interests of those who stand to profit from these projects in the short term, but people have the right to public participation in matters affecting them; as a party to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), the State must facilitate and safeguard this right. When this is not done, and the voices of communities are ignored, people turn to peaceful protest and civil disobedience to see their concerns heard and their rights. Where

they are then intimidated, attacked arrested and smeared by local or national authorities, or where attacks by corporate actors go unaddressed, there are significant doubts as to whether State priorities lie in ensuring respect for human rights or facilitating business whatever the cost. Unfortunately, this is the pattern being seen in Georgia.

68. Following the visit of the Special Rapporteur, on 19 November 2023, 11 people, including members of the Save Rioni Valley movement and a journalist, were arrested in Tbilisi during a peaceful protest at the Ministry of Environmental Protection and Agriculture. The protest concerned the lease of 104,712 hectares of forest (1.4 per cent of the total territory of Georgia) to a private individual for a hunting range. Individuals present had travelled to the Ministry to seek a meeting with the Minister and information about the future of the forest. The arrests were carried out under the problematic articles 166 and 173 of the Administrative Offences Code, and were linked to the human rights defenders trying to set up a protest tent, an act targeted by the proposed amendments to the Law on Assemblies and Demonstrations discussed above.

69. The land in question is found in the Racha National Park. It was leased at a public auction held by the National Environmental Agency on 11 March 2022, with a sole bidder winning a 49-year license over the land. The winning company, HG Capra Caucasica LLC, ultimately owned by the business man Davit Khidasheli and his daughter, had reportedly initiated the process themselves, requesting a lease on the land from the National Environmental Agency in October 2019, one month after the company that eventually won the license was formed. While the State claims that this process was transparent and that the auction was announced one month ahead of time, locals and human rights defenders claim that there was no information provided to community members about what was happening. In response to the protest on 19 November, the Ministry of Environmental Protection and Agriculture stated that there was no reason to hold the protest, as a process to cancel the lease for the non-fulfilment of its conditions had been initiated in May 2023.<sup>34</sup> A further statement, issued by the Ministry on 20 November 2023, announced the aim of creating a protected area in Racha. The statement lacked detail and clarity as to the implications for the hunting license, but on 28 November 2023 the National Environmental Agency declared the license invalid. On 29 November 2023, the proceedings against six of the arrested protestors were dismissed in court, while two others were given a verbal reprimand. On 15 December 2023, however, while the proceedings against one further protestor were dismissed, two of those arrested were fined 2,000 lari for allegedly disobeying a police officer, with the decision solely based on statements from police officers.

70. During the visit, the Special Rapporteur was made aware of a similar situation for human rights defenders involved in a peaceful movement to protect Balda Canyon. Located in the Abasha River Valley, Balda Canyon is designated a “natural monument”, a legal status reserved for unique and rare places in Georgia. Such monuments are managed by the Agency of Protected Areas of Georgia, which, on 5 November 2022, announced an auction for a 40-year lease to create tourist infrastructure in the canyon and on adjacent land. This was to include the construction of a visitor centre, a 350-metre suspended footbridge and a roller coaster, facilitated by the privatization of the land. While the auction was announced on the website of the Agency of Protected Areas, no information on the project was provided to locals, to whom the territory set to be offered under license represents a vital cultural resource. On 15 November 2023, the auction was won by the sole bidder, Canyon 350 LLC, which had been set up by the businessman Giorgi Merkviladze shortly after the announcement of the auction. Locals found out about the land lease in July 2023, reportedly when youths swimming in the canyon’s river were told to leave by staff from the Agency of Protected Areas. Since then, locals have been holding regular protests against the lease, calling for its suspension. This has included setting up a tent to enable local residents to monitor the situation at the proposed site. On 22 September 2023, they also lodged a legal complaint against the proposed development. On 5 October 2023, State authorities held their first meeting with the affected community members. It should be noted, however that while the Deputy Minister for Environment and Agriculture, present at the meeting, reportedly

<sup>34</sup> See <https://agenda.ge/en/news/2023/4495>.

stated his readiness to step in if the project was linked to violations,<sup>35</sup> he also suggested the local residents may have been “overdramatizing”.<sup>36</sup> The Minister also expressed his belief that the authorities had engaged with local residents prior to the project being given the green light, however this assertion was strongly rejected by locals.

71. In response to their advocacy, locals from the Balda area have faced physical attacks and intimidation, primarily from the company and its workers. Following one incident, a criminal complaint was filed against Mr. Merkviladze for physical harassment against a local human rights defender, who was granted victim status in the case in November 2023. The same human rights defender has also been repeatedly summoned by local police for interrogation related to his involvement in the local protests, although he has not been informed of any investigation or charges against him. On 2 November 2023, while the Special Rapporteur was in the country, three local human rights defenders who had been monitoring the situation near the proposed site were physically attacked by a group of around 15 individuals from the company. The attack left one of the human rights defenders seriously injured; the defenders subsequently lodged a criminal complaint against the alleged perpetrators. At the time of writing, following a large protest against this escalation in the retaliation against local defenders, the project appears to have been paused, however, at least two human rights defenders were reportedly the subject of intimidatory messages by the company following this development.

## **E. Situation of foreign human rights defenders in Georgia**

72. Human rights defenders from other countries have traditionally been able to find safety and security in Georgia. Following the full invasion of Ukraine by the Russian Federation in February 2022, many Russian human rights defenders relocated to the country, and following the events of 2020 in Belarus many Belarusian defenders sought refuge in Georgia. Despite them finding a generally favourable environment in the country, there are some significant concerns related to their current situation.

73. While human rights defenders from Belarus and the Russian Federation are currently able to enter Georgia without a visa and to stay for up to one year, some defenders from both countries have been facing considerable challenges when seeking to re-enter Georgia after traveling to third countries in connection with their human rights work. In some cases, re-entry for foreign human rights defenders has been refused on the vague, catch-all grounds provided in article 11 of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, with no specific reasons given. The denial of re-entry in these cases is hugely problematic, effectively rendering the defenders homeless. Other foreign human rights defenders, while ultimately allowed to re-enter Georgia, have faced issues at the border, with many reporting that they have been interrogated about their human rights work, participation in events abroad and future plans.

74. Some foreign human rights defenders also face difficulties registering their organizations in Georgia, as they have experienced issues trying to open bank accounts since February 2022. A human rights defender working for a human rights organization who spoke with the Special Rapporteur reported that attempts to open a bank account had been refused five times. Furthermore, defenders who registered their organizations prior to February 2022 are now required to re-register and face difficulties providing diplomas, legal contracts and other documents.

75. Belarusian human rights defenders residing in Georgia have also reported their precarious situation in the light of the denial of consular services, as announced by President Lukashenko, meaning they will no longer be able to apply for passports from outside Belarus. Some of these defenders have passports that have already expired or will expire shortly, while others hold valid passports that will shortly run out of pages for stamps and visas. These

<sup>35</sup> See: <https://publika.ge/article/brdzolas-ar-shevvyvett-ras-itkhovs-baldis-mosakhleoba/> (in Georgian).

<sup>36</sup> See the video report on the matter by Mtisambebi (Mountain News), available at [https://www.youtube.com/watch?v=58QNbDeov\\_c](https://www.youtube.com/watch?v=58QNbDeov_c); comments of the Deputy Minister available from minutes 3.53–4.13.

issues extend to their children, leaving these human rights defenders in an extremely vulnerable position, given the severe risks they would face if they were to return to Belarus.

## IV. Conclusions

76. If Governments worldwide are serious about building just, harmonious and egalitarian societies, in which democratic values and the rule of law are respected, and if they wish to be taken seriously as such by their citizens and others, the protection of human rights defenders, far from being an afterthought, must be central among their priorities. Not only this, but that prioritization must be clear, unwavering and public.

77. Recognizing the legitimate work of human rights defenders and working with them, especially where their views are critical, is essential in the movement towards the respect and fulfilment of human rights for all. This requires the building of mutual trust between human rights defenders and public authorities. Where that is present, a culture can emerge in which the number of human rights defenders grows, civic space expands, public participation deepens and benefits are seen for all.

78. Where human rights defenders are under attack, on the other hand, and where they feel insecure when going about their work or activities, States must ask questions of themselves and of their responsibility for how that has come to be. Where States do not do this, or where either denial, further repression or a “head in the sand” approach is adopted, it signals significant underlying problems and provides cause for grave concern.

79. At the end of her visit, the Special Rapporteur stated that Georgia stood at a crossroads, with important events on the horizon, including upcoming elections, and that the attitude of the State towards human rights defenders would be indicative of how the country moved through the coming period.

80. The preliminary conclusion of the Special Rapporteur following her visit was that systematic efforts were being undertaken by the State to undermine human rights defenders and their vital, necessary work. Unsettling as this conclusion is, a substantial body of evidence indicates that it remains the case.

81. Many human rights defenders in Georgia do not feel that the State is working to support them and to ensure that they are secure. They do not believe an enabling environment is being created for their work. Rather, the contrary is true: human rights defenders fear for their physical integrity and feel that the State is actively undermining them and putting them at risk.

82. The authorities may not accept that people have grounds to feel that way, but the fact that human rights defenders in the country do is indisputable. That fact should ring alarm bells for any government claiming to prioritize human rights, democracy and the rule of law.

## V. Recommendations

83. In her end-of-mission statement following her visit to Georgia, the Special Rapporteur made detailed recommendations to a series of State actors, urging the authorities to address them without delay. Having evaluated the levels of implementation of those recommendations since her visit, the Special Rapporteur makes the following updated and final recommendations.

84. The Special Rapporteur recommends that the Government:

(a) Cease all stigmatization of human rights defenders and the delegitimization of their work through public statements;

(b) Amend the Administrative Offences Code to bring it into line with international human rights law and standards, in particular to ensure that articles 166 and 173, on petty hooliganism and disobedience of a police order, are not arbitrarily



used to arrest, detain and sanction human rights defenders when participating in assemblies;

(c) Abandon the legislative initiative from 2023 to amend the Law on Assemblies and Demonstrations;

(d) Amend national legislation concerning surveillance, in collaboration with relevant stakeholders, including human rights defenders, privacy lawyers and independent journalists, in order to increase oversight over such restrictions on the rights to privacy and freedom of expression, bringing the legislation into line with international and regional law and standards;

(e) Include the empowerment of human rights defenders as a key priority in the national action plan on human rights, including specific objectives on the protection and empowerment of women human rights defenders, defenders of LGBTQI persons and defenders of the rights of ethnic and religious minorities;

(f) Put in place an action plan to guarantee the meaningful participation of human rights defenders from ethnic and religious minorities in all decision-making processes, in particular those concerning them, in particular women and youth leaders from these communities;

(g) Recognize publicly the legitimacy of the work of independent election observers and their importance for protecting human rights and democracy and take proactive steps to ensure they can carry out their work freely during the 2024 elections.

85. The Special Rapporteur recommends that Parliamentarians:

(a) Cease all stigmatization of and discrediting statements against human rights defenders, including independent journalists;

(b) Take proactive measures to ensure there is no place for public or private misogynistic attacks in Parliament or in wider society;

(c) Expand the mandate of the Legal Aid Service to allow it to provide free legal aid to all persons alleged to have been victims of crimes in retaliation for their advocacy on human rights issues.

86. The Special Rapporteur recommends that the State Security Service of Georgia expedite all investigative acts into the alleged conspiracy to overthrow the Government, with a view to either closing the investigation or submitting the cases for prosecution within a reasonable time frame.

87. The Special Rapporteur recommends that the Office of the Public Defender of Georgia, the Prosecutor's Office and the Personal Data Protection Service conduct a review of all ongoing surveillance of human rights defenders and journalists being carried out by the State Security Service of Georgia in order to assess conformity of any such surveillance with regional and international law and standards guaranteeing the rights to privacy and freedom of expression.

88. The Special Rapporteur recommends that the Public Defender of Georgia make clear the importance and validity of the work of LGBTQI rights defenders.

89. The Special Rapporteur recommends that the Special Investigation Service open an investigation into the legality of the surveillance of human rights defenders participating in the training organized for cultural actors in September 2023, applying the guidelines for investigation of cases involving human rights defenders adopted in July 2023.

90. The Special Rapporteur recommends that the Prosecutor's Office redouble efforts, as a priority, concerning investigations into the organizers of the violent demonstrations targeting the LGBTQI celebrations in July 2021 and July 2023, with a view to prosecuting the organizers of those demonstrations, including all persons who publicly called for violence against the participants in the celebrations.

91. The Special Rapporteur recommends that the Ministry of Foreign Affairs create a joint platform involving human rights defenders and the Office of the Public Defender

of Georgia to coordinate and follow up on the implementation of recommendations from international and regional human rights bodies, including special procedure mandate holders.

92. The Special Rapporteur recommends that the Ministry of Internal Affairs:

(a) Adopt a binding recommendation on the investigation of crimes against human rights defenders, using the examples of the guidance adopted by the Special Investigation Service and the Prosecutor's Office, based on the Declaration on Human Rights Defenders and OHCHR Fact Sheet No. 29, and adopting an intersectional approach;

(b) Implement a system for the collection of disaggregated statistics on alleged crimes against human rights defenders, using the examples provided by the Prosecutor's Office and the Special Investigation Service;

(c) Ensure Belarusian and Russian human rights defenders are able to enter and re-enter Georgia in line with the visa-free regimes in place and take proactive measures to reassure them of their ability to do so;

(d) Ensure that anyone wishing to apply for asylum, including human rights defenders from foreign countries, be granted access to Georgian territory in line with standards of international law;

(e) Amend the Law of Georgia on the Legal Status of Aliens and Stateless Persons to remove the overly broad clause "other cases envisaged by Georgian legislation" from the grounds for denial on entry to the State (article 11, para. 1, subpara. (i)); in cases where there are legitimate reasons for denying entry to Georgia at its borders, always provide clear and transparent reasons for the denial;

(f) Provide the option of obtaining a residence permit on humanitarian grounds in order to close the protection gap for foreign human rights defenders without family links or work status;

(g) Take proactive steps to facilitate the registrations of non-governmental organizations and the opening of organizational bank accounts for foreign human rights defenders.

93. The Special Rapporteur recommends that the Ministry of Culture initiate a consultation process with actors from cultural, artistic and scientific workers, including those who have been dismissed from their positions at national institutions and organizations representing them, in order to create an action plan for the protection of cultural expression in the country.

94. The Special Rapporteur recommends that the Ministry of Education, Science and Youth:

(a) Introduce a module on human rights defenders into the teacher training curriculum;

(b) Introduce a module on human rights defenders in the civic education curriculum.

95. The Special Rapporteur recommends that the Ministry of Environmental Protection:

(a) Ensure timely and effective fulfilment of the right of access to information, public participation and access to justice in environmental matters, as guaranteed under the Aarhus Convention;

(b) Initiate a transparent and meaningful consultation process to resolve the ongoing conflict concerning Balda Canyon, ensuring the full and safe participation of all community members affected, including local human rights defenders;

(c) **Ensure that all protected areas in the western Racha region meet the needs and guarantees the human rights of local communities and protect local biodiversity and the environment through transparent, timely, meaningful and effective consultation with locals, including local human rights defenders and groups acting for the protection of the environment.**

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