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DH-DD(2024)912

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Meeting: 1507th meeting (September 2024) (DH)

Communication from NGOs (European Human Rights Advocacy Centre (EHRAC), Women's Initiatives Support Group (WISG), Georgian Young Lawyers' Association (GYLA), ILGA-Europe and Transgender Europe (TGEU)) (02/08/2024) concerning the cases of Aghdgomelashvili and Japaridze, Women's Initiatives Supporting Group and Others and IDENTOBA AND OTHERS v. Georgia (Applications No. 7224/11, 73204/13, 73235/12) (Identoba and Others group).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1507e réunion (septembre 2024) (DH)

Communication d'ONG (European Human Rights Advocacy Centre (EHRAC), Women's Initiatives Support Group (WISG), Georgian Young Lawyers' Association (GYLA), ILGA-Europe et Transgender Europe (TGEU)) (02/08/2024) relative aux affaires Aghdgomelashvili et Japaridze, Women's Initiatives Supporting Group et autres et IDENTOBA ET AUTRES c. Géorgie (requêtes n° 7224/11, 73204/13, 73235/12) (groupe Identoba et autres) ***[anglais uniquement]***

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DH-DD(2024)912: Rule 9.2 Communication from NGOs in Aghdgomelashvili and Japaridze and Others v. Georgia.
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Rule 9 (1) submission to the CM of the Council of Europe concerning the implementation of *Aghdgomelashvili and Japaridze v. Georgia* *(App. no. 7224/11)* **and *Women's Initiatives Supporting Group and Others v. Georgia*,** *(App. nos. 73204/13 and 74959/13)*
Rule 9 (2) submission to the CM of the Council of Europe concerning the implementation of *Identoba and Others v. Georgia group of cases* *(App. No 73235/12)*

By

The European Human Rights Advocacy Centre (EHRAC), the Women's Initiatives Support Group (WISG), the Georgian Young Lawyers' Association (GYLA), ILGA-Europe and Transgender Europe (TGEU)

2 August 2024

DH-DD(2024)912: Rule 9.2 Communication from NGOs in Aghdgomelashvili and Japaridze and Others v. Georgia.
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Executive Summary

This submission concerns the implementation of judgments in the Identoba and Others v. Georgia group of cases, specifically *Aghdgomelashvili and Japaridze v. Georgia* and *Women's Initiatives Supporting Group and Others v. Georgia*. These cases involve violations of LGBTI rights, including police misconduct and failure to protect peaceful demonstrators from homophobic and transphobic violence.

Submitted by EHRAC, WISG, GYLA, ILGA-Europe and TGEU, this document highlights ongoing concerns regarding the execution of individual and general measures mandated by the European Court of Human Rights. Key issues include:

- Ineffective investigations into the incidents in both cases, with only perfunctory investigative actions, and the risk of expiry of statutes of limitations;
- New broad and regressive anti-LGBTI constitutional and ordinary legislative initiatives in Georgia;
- Inadequate efforts to improve hate crimes investigations in light of contradictory efforts to stifle civil society with the "foreign agent" law, lack of cooperation with civil society, and inadequate data collection on hate crimes, particularly those involving administrative offences;
- Continued restrictions on LGBTI freedom of assembly, particularly in light of anti-LGBTI legislation, the "foreign agent" law, and ongoing violence against LGBTI people and the failure to investigate.

The submission recommends urgent action to ensure effective investigations, withdrawal of proposed anti-LGBTI legislation, improved hate crime data collection, and measures to protect LGBTI rights to peaceful assembly and expression.

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1. Introduction

1. This Submission is communicated by the European Human Rights Advocacy Centre (EHRAC), the Women's Initiatives Support Group (WISG), the Georgian Young Lawyers' Association (GYLA), ILGA-Europe ("the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association") and Transgender Europe (TGEU) as the non-governmental organisations under Rule 9 (2) of the Rules of the CM for the supervision of the execution of judgments of *Identoba and Others* group of cases for consideration at the 1507th DH meeting of the Ministers' Deputies on 17-19 September 2024. In addition, this communication includes a Rule 9 (1) submission in respect of two cases in the *Identoba and Others v. Georgia* group, namely, *Aghdgomelashvili and Japaridze v. Georgia* and *Women's Initiatives Supporting Group and Others v. Georgia.*

2. The case of *Aghdgomelashvili and Japaridze v. Georgia* (Application no. 7224/11, judgment of 8 October 2020) concerned a police raid on the office of the Inclusive Foundation (an LGBTI organisation) in Tbilisi in December 2009. During this raid, police officers subjected the applicants to homophobic and transphobic insults, threats, and humiliating strip searches. In its judgment, the Court found both a substantive and a procedural violation of Article 3 (the right not to be subjected to torture and inhuman or degrading treatment or punishment) in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights (ECHR). The case is subject to the enhanced procedure as part of the *Identoba* group of cases.

3. The case of *Women's Initiatives Supporting Group and Others v. Georgia* (Application nos. 73204/13 and 74959/13, judgement of 16 December 2021) concerned an attack by a mob on LGBTI demonstrators on 17 May 2013 – the International Day Against Homophobia – in central Tbilisi. In its judgment, the Court found a violation of Article 3 (prohibition of inhuman or degrading treatment) in conjunction with Article 14 (prohibition of discrimination) of the ECHR both on account of the authorities' failure to protect the peaceful demonstrators from homophobic and transphobic aggression and of the ensuing inadequate investigation.

4. This Submission complements previous Rule 9.2 submissions of 16 November 2016 (the 2016 CSO submission)[1], 10 May 2018 (the 2018 CSO submission)[2], 2 August 2019 (the 2019 CSO submission),[3] 10 August 2020 (the 2020 CSO Submission),[4] 22 October 2021 (the 2021 CSO Submission),[5] CSO submission on 14 April 2022[6], 19 October 2022 (the 2022 CSO Submission)[7] and 16 October 2023 (the 2023 CSO Submission)[8].

[1] DH-DD (2016) 1303 https://hudoc.exec.coe.int/?i=DH-DD(2016)1303E
[2] DH-DD(2018)489 https://hudoc.exec.coe.int/?i=DH-DD(2018)489E
[3] DH-DD(2019)938 https://hudoc.exec.coe.int/?i=DH-DD(2019)938E
[4] DH-DD(2020)776 https://hudoc.exec.coe.int/?i=DH-DD(2020)776E
[5] DH-DD(2021)1152 https://hudoc.exec.coe.int/?i=DH-DD(2021)1152E
[6] DH-DD(2022)460 https://hudoc.exec.coe.int/?i=DH-DD(2022)460E
[7] DH-DD(2022)1179 https://hudoc.exec.coe.int/?i=DH-DD(2022)1179E
[8] DH-DD(2023)1300 https://hudoc.exec.coe.int/?i=DH-DD(2023)1300E

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2. Execution of Individual Measures

2.1 Aghdgomelashvili and Japaridze v. Georgia

5. In its Action Report of 27 June 2024 (hereafter "the 2024 report"), the government provided updates[9] on the ongoing investigation into the case of *Women's Initiatives Supporting Group and Others v. Georgia*, highlighting several key developments. Despite the government's claims of ongoing investigative efforts in 2023 and 2024, the effectiveness and thoroughness of these actions remain questionable. While authorities report re-questioning witnesses and attempting to interrogate police officers abroad, including S.S. in March 2024, these efforts appear piecemeal and lacking in urgency. The planned interview of Sh. J., another witness currently abroad, and the identification of additional police officers for questioning, seem to be belated steps in an investigation that has already dragged on for years. The government's assertion that the investigation remains active, with plans to render a legal decision before the statute of limitations expires on 15 December 2024, raises serious concerns about the true commitment to justice and compliance with the Court's judgment. This protracted timeline, coupled with the lack of tangible results, suggests a perfunctory approach rather than a genuine effort to address the violations identified by the ECtHR[10].

6. Since the ECtHR judgment, the investigation under Article 333 (Exceeding official powers) of the Georgian Criminal Code has been renewed. However, despite questioning all witnesses, the Prosecutor's Office has not broadened the investigation's scope to include other relevant criminal charges such as Article 144^3 (Humiliation or Inhuman Treatment) and Article 332 (Abuse of Official Powers) of the Georgian Criminal Code, and no individual has been held criminally responsible to date. While there were some updates from the Prosecutor's Office in 2022 and 2023, including an invitation to victims in August 2023 to provide additional information, this outreach only occurred after WISG's active intervention and facilitation, highlighting the lack of proactive engagement from the authorities. Despite this belated step, victim participation has nevertheless been notably limited: Neither the victims nor their representatives have been granted adequate access to relevant information or documentation, and there have been no timely updates on the investigation's progress. This limited involvement and communication highlights significant deficiencies in the current investigative approach, undermining the principles upheld in the ECtHR judgment.

2.2 Women's Initiatives Supporting Group and others v. Georgia

7. The 2024 report provides updates on the ongoing investigation into the events of 17 May 2013. In April 2024, two participants of the IDAHOT event of 2013 who suffered psychological trauma were questioned as witnesses. On 6 June 2024, video footage of

[9] DH-DD(2024)729
[10] Ibid, paras. 6-12.

the events provided by the Public Broadcaster was inspected. The 2024 report outlines a plan for further investigative activities, including questioning remaining demonstration participants who suffered harm and identifying and interviewing those responsible for ensuring the demonstrators' safety[11]. However, these proposed actions highlight the investigation's inadequate pace and thoroughness over the past 11 years. The belated nature of these basic investigative steps raises serious doubts about the authorities' commitment to effectively addressing the violations identified by the ECtHR. This protracted and seemingly ineffective investigation process undermines the principles of prompt and thorough investigation required by the Court, and fails to provide justice for the victims or prevent similar incidents in the future.

8. The investigation into the events of 17 May 2013 has now lasted for over a decade without any individuals being held criminally responsible, raising serious concerns about accountability and the effectiveness of the judicial process. The investigation's scope has been broadened to include Article 144^3 (Humiliation or Inhuman Treatment) and Article 332 (Abuse of Official Powers) of the Georgian Criminal Code. As feared and urged by us[12] the statute of limitations has expired for Article 332, while it remains active for Article 144^3. This prolonged investigation without conclusion undermines faith in the judicial system and the principle of the ECHR being practical and effective. Moreover, the current political climate, marked by proposed anti-LGBTI bills (see below), further erodes confidence that the government is acting in good faith in implementing the ECtHR judgment. It is crucial for the CM to consider the gravity of this situation and ensure that justice is not further delayed or denied. Specifically, the CM should demand a detailed timeline for the completion of the investigation, insist on regular progress reports, and call for immediate action to hold responsible parties accountable before any remaining statutes of limitations expire. The ECtHR, in its judgment in the case of *Women's Initiatives Supporting Group and others v. Georgia*, provided detailed instructions to the State regarding the incidents to be investigated and gave specific directions which facts should be investigated concerning the Pushkin Square incident[13], the Vachnadze Street incident[14], the Rustaveli Avenue incident[15], and the violations of individual applicants' rights[16]. It is important that the CM requests the government to submit detailed updates about each incident separately and for the CM to assess progress accordingly.

[11] Ibid, paras. 16-19.
[12] CM/Notes/1483/H46-13
[13] *Women's Initiatives Supporting Group and Others v. Georgia* (Application nos. 73204/13 and 74959/13, judgment of 16 December 2021), paras. 15-24.
[14] Ibid, paras. 25-27.
[15] Ibid, paras. 28-30.
[16] Ibid, paras. 31-32.

3. Execution of General Measures

3.1 Georgia's new regressive anti-LGBTI legislative initiatives

9. Since 2018, there has been a noticeable negative shift in the Georgian government's approach to issues related to sexual orientation and gender identity. By 2024, political homophobia became increasingly visible in governmental actions and policies, including the proposal of Russia-style anti-LGBTI legislation. This trend appears to be linked to state-level efforts to control the discourse on LGBTI rights, often marginalising the expertise of civil society organisations representing LGBTI people and their legitimate concerns.

10. On 16 April 2024, 85 out of the 150 total members of the Georgian Parliament initiated constitutional amendments and a new Constitutional law "On the Protection of Family Values and Minors"[17], which sparked international concern. On 27 March 2024, the Council of Europe's Human Rights Commissioner issued a statement, expressing worry about the law's potential to reinforce prejudice against LGBTI people. She also criticised the political exploitation of LGBTI-phobia before the elections to take place later this year.[18]

11. The proposed constitutional law changes in Georgia aim to significantly restrict LGBTI rights and visibility. The amendments would once again restrict marriage and marriage-like relationships to same-sex couples[19], prohibit adoption and foster care by same-sex couples and LGBTI individuals[20], and ban gender affirming medical procedures[21]. Additionally, the changes would prevent legal gender recognition, effectively erasing transgender identities in official documents[22] and thus undermining established ECtHR case law. Furthermore, the proposed laws would curtail freedom of expression and assembly related to LGBTI issues[23]: They would ban assemblies and materials promoting LGBTI rights and topics, as well as restrict education on LGBTI subjects in both public and private educational institutions[24]. These sweeping changes would effectively remove LGBTI issues from public discourse and education, potentially isolating LGBTI individuals and limiting public understanding of these topics.

12. The Venice Commission's assessment of the draft Constitutional Law concluded that it was not compliant with European and international standards. Drawing on established ECtHR case law and previous Venice Commission opinions, the Commission warned that even proposing such legislation risks further fueling a hostile and stigmatising atmosphere against LGBTI people in Georgia. Consequently,

[17] "On the Protection of Family Values and Minors", https://parliament.ge/legislation/28353
[18] CoE Commissioner for Human Rights, "Georgia: political manipulation and harassment of LGBTI people and human rights defenders have no place in a democratic society", available at: t.ly/T2Lb9
[19] "On the Protection of Family Values and Minors", para. 31.
[20] Ibid, para. 39.
[21] Ibid, para. 47.
[22] Ibid, para. 52.
[23] Ibid, paras. 76-78.
[24] Ibid, paras. 89-98.

the Commission strongly recommended that Georgian authorities reconsider this legislative proposal in its entirety and refrain from adopting it[25].

13. On 4 June 2024, parallel to the constitutional amendment process, the Parliament initiated a new draft law: "On the Protection of Family Values and Minors"[26]. This initiative runs concurrently with the previously discussed constitutional amendments, aiming to implement similar restrictions through ordinary legislation. The Parliament has discussed the Draft Law on Protection of Family Values and Minors and accompanying Bills for its first reading and approved them with 78 votes[27]. This draft law essentially carries the same content as the constitutional draft law discussed above, but through a separate legislative track. This dual approach—pursuing both constitutional amendments and ordinary legislation—underscores the government's determination to enact these restrictive measures, potentially to ensure implementation even if the constitutional changes face obstacles.

14. The existence and success to date of these two legislative procedures undermines our faith in the sincerity of the government's actions in implementing the cases discussed here. In particular, the violation of Article 14 ECHR, the prohibition of discrimination on the basis of sexual orientation and gender identity, is being actively undermined.

3.2. Trainings, and collecting and publishing statistical data on hate crimes

15. While the government's Action Plan highlights various training initiatives and specialization efforts for law enforcement personnel regarding hate crimes, the effectiveness and sincerity of these measures are seriously questioned in light of recent political developments[28]. The Committee of Ministers' initial optimism about planned improvements in police capacities to investigate hate crimes appears to be misplaced. The current political climate, marked by the proposed Law on Transparency of Foreign Influence (domestically called the "Russian law") and other regressive legislative initiatives, fundamentally undermines the implementation of the cases under supervision. Notably, 126 public and media organizations have suspended cooperation with the authorities, including participation in working groups and advisory councils, until the government withdraws the Russian law[29]. This widespread civil society boycott necessarily impacts the delivery and efficacy of planned training programs for law enforcement.

16. The contradiction between the government's reported efforts to improve hate crime investigations and its simultaneous pursuit of legislation that threatens democratic values and European integration casts doubt on the genuine commitment to implementing the ECtHR judgments. The OSCE Office for Democratic Institutions and

[25] Venice Commission, Opinion on the Draft Constitutional Law on Protecting Family Values and Minors, 25 June 2024, para 104, available at https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)021-e.
[26] "On the Protection of Family Values and Minors", available at https://info.parliament.ge/#law-drafting/28703
[27] See: t.ly/VLpeo
[28] See 2024 report, paras. 36-57.
[29] "126 public and media organizations: we suspend cooperation with the authorities until the authorities withdraw the Russian law", Interpress News, 25 April 2024, available at https://www.interpressnews.ge/en/article/131100-126-public-and-media-organizations-we-suspend-cooperation-with-the-authorities-until-the-authorities-withdraw-the-russian-law-we-call-on-everyone-to-gather-on-april-28-in-republic-square/

Human Rights' (ODIHR) position on Georgia's Transparency of Foreign Influence law adds significant context to the situation. According to ODIHR, this law contains serious deficiencies that make it incompatible with international human rights standards and Georgia's commitments as an OSCE state. ODIHR has called for the law to be rescinded, emphasizing that it falls short of the strict requirements laid down in international human rights law. Furthermore, ODIHR's analysis highlights that this law is fundamentally different from similar-sounding legislation in other countries, as it broadly labels civil society and media organizations as foreign representatives simply for receiving funding from abroad, rather than targeting specific lobbying or advocacy efforts on behalf of foreign authorities[30]. We urge the Committee of Ministers to critically reassess the government's claims of progress in light of these deeply concerning developments.

17. The 2024 report presents extensive statistical data on hate crime prosecutions and investigations, highlighting a significant increase in recent years. According to the report, hate crime prosecutions rose to 2,390 in 2022-2023, a 58.3% increase compared to the total of 1,509 prosecutions between 2016-2021[31]. The government interprets this increase as evidence of more proactive measures in combating discrimination[32]. However, it's important to note that while increased prosecutions may indicate improved enforcement, they could also reflect a rise in hate crimes themselves. The 2024 report also details efforts to improve data collection and analysis, including a new memorandum involving multiple agencies to collect and publish more comprehensive hate crime statistics[33]. While these efforts towards transparency are commendable, the contradiction between these actions and the pursuit of legislation like the "transparency of foreign influence" law raises questions about the government's overall commitment to democratic values and human rights standards.

18. To prevent a repeat of the violation found in the ECtHR's judgments it is crucial for Georgia to collect and publish *comprehensive* hate crime statistics. In Georgia, no established procedure for collecting data on hate-motivated incidents exists, unless it reaches the threshold of a hate crime. The Soviet-era Code of Administrative Offences (CAO)[34] does not recognise discriminatory motives as aggravating factors for administrative liability. Consequently, potentially discriminatory actions against LGBTI or other minority groups are classified as administrative offence if they do not reach the criminal threshold, and it is impossible to identify discriminatory motives in these cases. This legislative gap hinders accurate statistical representation of biased illicit actions and complicates addressing hate-driven crimes effectively. Modifying the CAO to include discriminatory motives as aggravating circumstances is crucial, and ongoing reform efforts should align with international standards.

[30] OSCE, "Georgia's "transparency of foreign influence" law incompatible with democratic standards and human rights law: international human rights office ODIHR", 30 May 2024, available at https://www.osce.org/odihr/569925#:~:text=The%20law%2C%20which%20defines%20civil,a%20newly%20published%20legal%20analysis.
[31] 2024 Report, para. 58
[32] Ibid, para. 59.
[33] Ibid, paras 60-61
[34] Administrative Offences Code of Georgia, available here: https://www.matsne.gov.ge/en/document/view/28216?publication=495

3.2 Exercise of the right to freedom of peaceful assembly

19. In 2024, LGBTI organizations still avoid any peaceful public gatherings, including Tbilisi Pride, which announced that Pride Month would proceed without physical events for Georgian queer community members[35]. This decision, initially made in autumn 2023, was further justified by the escalating climate of intolerance in the pre-election period. A statement from 14 June 2024 cited the recent adoption of the "transparency of foreign influence" law as a significant threat to LGBTI rights and advocacy. The statement also expressed alarm over the government's proposed anti-LGBTI legislative package and constitutional amendments, which could severely restrict LGBTI rights.

20. This ongoing denial of LGBTI activists' right to peaceful assembly has been highlighted by the Council of Europe Commissioner for Human Rights, who noted that violence against LGBTI people and their supporters remains a long-standing issue in Georgia, exacerbated by a failure to hold perpetrators accountable[36]. Of particular concern is the fact that the investigation into the July 2021 events, currently before the Court as *Kakhidze and Others v. Georgia*, has yet to charge the organizers of the violence, despite repeated calls from the Committee of Ministers to bring "to justice organisers and instigators of hate violence without further delay"[37]. Even more troubling is that some of these alleged organizers are now participating in the 2024 Parliamentary Elections, underscoring the persistent challenges facing LGBTI rights in Georgia.

3.3 Homo/bi/transphobic attitudes in society - Zero-tolerance messages

21. The 2024 report's submissions regarding zero-tolerance messages and bringing organizers and instigators of hate violence to justice appears to fall short of addressing the core issues. While the government claims fighting hate crimes is a priority, their response lacks concrete action against the root causes of discrimination. The prosecution of 31 individuals for the July 2021 events, while a step forward, fails to target the organizers and instigators of the violence as repeatedly called for by the Committee of Ministers. The government's refusal to discuss details of the investigation due to ongoing court proceedings seems to be an evasion of responsibility rather than a commitment to transparency. Furthermore, the absence of specific measures to prevent future violence against the LGBTI community and the lack of high-level, unambiguous condemnation of hate crimes raise doubts about the government's genuine commitment to protecting LGBTI rights. The discrepancy between the stated priority of combating hate crimes and the actual implementation of effective preventive and punitive measures suggests a superficial approach to addressing this critical human rights issue.

[35] https://civil.ge/archives/612869
[36] Submission by the Council of Europe Commissioner for Human Rights under Rule 9.4 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, 24.10.2023, para. 12, available at: https://hudoc.exec.coe.int/?i=DH-DD(2023)1366E.
[37] Committee of Ministers, CM/Del/Dec(2023)1483/H46-13, 07 December 2023, para. 3, available at: https://hudoc.exec.coe.int/?i=CM/Del/Dec(2023)1483/H46-13E; Committee of Ministers, CM/Del/Dec(2022)1451/H46-13, 08 December 2022, para. 6, available at: https://hudoc.exec.coe.int/?i=CM/Del/Dec(2022)1451/H46-13E.

4. Recommendations

To adequately address both individual and general measures under the cases of *Identoba Group,* EHRAC, WISG, GYLA, ILGA-Europe and TGEU submit the following recommendations:

Recommendations concerning individual measures:

Regarding *Aghdgomelashvili and Japaridze v. Georgia:*

I. ***We invite the Committee to strongly urge the responsible authorities to carry out an effective, timely, independent investigation into the actions of the police at the Inclusive Foundation office on 15 December 2009, including an effective investigation into the discriminatory intent displayed by the police*.**

Furthermore, more specifically we invite the Committee to request from authorities:

II. **To reclassify the crimes commensurate with their seriousness, including expanding the investigation to include Article 151 (Threats), Article 156 (Persecution) and Article 144[1] (Torture);**
III. **That police officers involved in the raid and their superior(s) shall be identified, thoroughly investigated, and if appropriate, held accountable through appropriate disciplinary measures;**
IV. **To ensure that all investigative activities are conducted with urgency, particularly for offenses where statutes of limitations may be approaching; and**
V. **That victims be informed regarding any significant steps taken by the Prosecutor's Office or Ministry of Internal Affairs.**

Regarding *Women's Initiatives Supporting Group and Others v. Georgia:*

I. ***We invite the Committee to strongly urge the responsible authorities to carry out an effective, timely, independent investigation into the violent events of 17 May 2013 and punish all perpetrators, including organisers. A crucial step in this process is the recognition of victim status for those subjected to these violent events.***

Recommendations concerning general measures:

We urge the Committee to ensure

I. **That the Government *immediately* withdraw the constitutional draft law on the Protection of Family Values and Minors and the draft law on the Protection of Family Values and Minors and cease all further actions towards adoption of such regressive anti-LGBTI laws, and credibly condemns anti-LGBTIQ attitudes publicly, for example by implementing the National Human Rights Action Plan 2020-2030 with a specific view on LGBTIQ people and other vulnerable groups. Should the legislative package pass, the Committee of Ministers should consider initiating infringement proceedings against the**

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Georgian government, given the seriousness of the situation and its potential to severely undermine LGBTI rights.

II. **That the Government observes its positive obligation to protect LBGTQI persons at events from violence and effectively investigate these incidents, including those on 5-6 July 2021 and on 8 July 2023. Should the authorities continue to fail in protecting LGBTI persons and investigating incidents of hate crimes against them, the Committee of Ministers should consider declaring that this persistent failure constitutes an administrative practice. This declaration would acknowledge the systemic nature of the problem and require more robust measures from the Government to address it.**

III. **That the Government creates a specialized investigative unit capable of investigating hate crimes.**

IV. **That the Government amends the Code of Administrative Offences and includes discriminatory motive as an aggravating factor for administrative liability, and accurate statistical data on incidents with discriminatory motives should be collected and maintained.**

V. **Together with civil society actors, that the Government establishes a framework enabling safe and peaceful gatherings of LGBTI activists and takes preventive measures to deter violence, hatred and discriminatory attitudes and behaviour. In particular,**
   i. **Implement comprehensive public awareness and education campaigns that provide accurate, positive information about LGBTI people, promote understanding of diversity, educate on rights and protections, and foster inclusivity in Georgian society, developed in collaboration with LGBTI organizations and disseminated through various media and educational channels;**
   ii. **Ensure the safety of LGBTI activists promptly, protect them from physical violence, and create conditions for their safe conduct of professional activities;**
   iii. **Meaningfully protect the right of LGBTI people to organise demonstrations, public events, and their right to speak publicly about matters of interest or concern.**

On behalf of the signatory organisations



Ketevan Bakhtadze

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Women's Initiatives Supporting Group (WISG)