



General Assembly

Distr.: General
6 March 2024

English only

Human Rights Council

Fifty-fifth session

26 February–5 April 2024

Agenda item3

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

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

Comments by the State*

* The present document is being issued without formal editing.



Report of Special Rapporteur on the situation of human rights defenders, Mary Lawlor, on her visit to Georgia from 30 October to 8 November 2023 (A/HRC/55/50/Add.2)

Comments related to specific paragraphs and chapters

I. Introduction

Paragraph: 3

1. “... . *She regrets not being able to access Abkhazia or South Ossetia to assess the situation for human rights defenders there.*”

Comment of the Georgian side:

2. In the paragraph 3, the Georgian side deems it of utmost necessity to stress the role and responsibility of Russia, as a power exercising effective control over both occupied regions of Georgia. Besides, the Georgian side kindly asks to use the following wording – “Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia” (as used by the UN), or “Georgian regions of Abkhazia and Tskhinvali region/South Ossetia” instead of “Abkhazia and South Ossetia”.
3. At the same time, not to give any means for legitimizing the so-called public defender institution of the Russian occupation regime in Sokhumi the Georgian side would like to suggest to formulate the last sentence of paragraph 3 as follows:

“She regrets not being able to access Georgian regions of Abkhazia and Tskhinvali region/South Ossetia to assess the situation on the ground due to denial of access by the Russian Federation as a power exercising effective control over both occupied regions of Georgia.”

III. The situation for human rights defenders in Georgia

A. The national legal and policy framework

Paragraph: 13

4. “*In March 2023, the Parliament adopted a Human Rights Strategy ('the Strategy') which will guide the State's work to advance human rights until 2030. While this is positive, of great concern is 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. While certain categories of persons who may be considered human rights defenders are mentioned, such as journalists, the failure to name human rights defenders as such appears to reflect the view within the Government that state agencies cannot take specific action concerning defenders as they are not able to identify them.*”

Comment of the Georgian side:

5. In the Human Rights Strategy, there are multiple groups mentioned, that also act as human rights defenders. One of the four priorities of the strategy is dedicated towards ensuring the protection of human rights and freedoms without discrimination. The document includes continuous improvement of equality and anti-discrimination legislation, consideration of the needs of minority groups, including ethnic, religious minorities and persons with disabilities. The Strategy also contains a separate chapter on gender equality, women's rights and the fight against domestic violence.
6. Subsequently to the approval of the Strategy, a multidisciplinary working group with the involvement of civil society representatives, elaborated the Human Rights Action Plan (AP) for the period of 2024-2026. The AP was adopted by the Government of Georgia on

December 28, 2023. The document involves all three branches of the government, covers a broad range of human rights, focuses on the localization of fundamental freedoms, creates obligations for public and private entities and ensures effective implementation of the anti-discrimination legislation.

7. Moreover, the Administration of the Government of Georgia coordinates three interagency platforms that consist of all relevant state institutions (ministries and other agencies), as well as representatives of the Public Defender's office, NGOs and civil society, to ensure full inclusivity in the process of policy making: 1) Interagency Commission on Gender Equality, Violence against Women and Domestic Violence; 2) Interagency Commission for the implementation of the Convention on the Rights of the Child and Children's Rights Issues; 3) Interagency Coordination Committee on the Implementation of the Convention on the Rights of Persons with Disabilities.

B. The spectre of the foreign agent law

Paragraph: 18

8. *"The introduction of the bill sparked protests across the country. These protests took place in all major cities in the country 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 cannons 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. During the demonstrations, they became human 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."*

Comment of the Georgian side:

9. Ministry of Internal Affairs ensures the safeguarding of human rights and freedoms enshrined in the Constitution of Georgia and international agreements. **Moreover, it earnestly undertakes all necessary measures to preserve the freedom of peaceful assembly and expression.** The authorities can stop the gathering only if it becomes illegal. It is significant that the participants of mentioned demonstration repeatedly resorted to various forms of violence. According to Article 17, paragraph 1, subparagraph "D" of the Law of Georgia "On Police", the police, in order to ensure the performance of preventive functions, ensure the safety of the participants of gatherings, demonstrations and other mass events within the scope of their competence. In addition, according to subparagraph "i" of paragraph 2 of the same article, the police, in order to ensure the performance of their functions, shall respond to criminal offences within the scope of their competence, in particular, ensure cessation of meetings and demonstrations and disperse the participants of the events in the cases provided for by the Georgian legislation. Taking into account the events that took place on March 7, 2023, in order to ensure public order, the police used proportional measures of coercion provided by the legislation of Georgia.

The chronology of the events that took place on March 7-8 is as follows:

10. On **March 7**, 2023, after the announcement of the demonstration, in order to protect public order, the representatives of the relevant unit of the Ministry of Internal Affairs were deployed near the legislative body and were insuring the peaceful conduct of the demonstration.

11. On March 7, at the end of the day, after the conclusion of the voting procedure in the Parliament of Georgia, one of the speakers of the demonstration called on the participants to move towards the entrance of the Parliament and form a circle around the building of the Parliament.

12. There were reports that some groups of the protesters were ready for the blockage of the building in order not to allow the MPs and the staff of the Parliament located there to

leave the building safely, to organize corridors of shame for them and to carry out attacks on the MPs.

13. In accordance with the call, the participants of the demonstration divided into two groups and started movement towards streets of 9 April and Chichinadze. There was real threat that the entrances to the Parliament would be blocked and that there would be targeted physical attacks on the members and the staff of the legislative body, as they would leave the building of the Parliament. The decision was made by the Ministry of Internal Affairs to deploy additional police forces. Chichinadze and 9 April Streets were blocked by the police cordons to secure the exits of the Parliament.

14. Around 9:00 p.m., the citizens allocated near the building of the Parliament of Georgia began to act violently, which manifested in verbal abuse, physical confrontations and attacks towards the police officers deployed on 9 April and Chichinadze streets.

15. Despite numerous calls from the police officers to obey the law and continue the gathering-demonstration in a peaceful manner, the aggression from the participants of the demonstration was increasing. Accordingly, it became necessary to replace the police officers in the front ranks with the officers of the Special Tasks Department, who were equipped with special protective equipment.

16. It shall be noted that despite the numerous attacks on the police officers, the police cordons did not move in the direction of the Rustaveli Avenue, rather they continued to secure the entrances of the Parliament. Accordingly, the participants of the demonstration had the opportunity to continue the protest in front of the Parliament, on Rustaveli Avenue, in a peaceful manner.

17. From about 22:30, the verbal abuse from the gathered citizens developed into a physical confrontation. The participants of the demonstration began to take away the protective shields from the specially equipped police officers, to throw various objects – stones, bottles, blunt objects, pieces of iron and concrete – towards them, and to physically confront the employees of the Special Tasks Department.

18. The public had the opportunity to watch these events in live streaming and for the first time in Georgia, see the facts of using “Molotov cocktails” and pyrotechnics against police officers. In addition, the participants of the demonstration threw “Molotov cocktails” at the building of the Parliament, causing the fire in the building, which was extinguished with water cannon by the police officers.

19. In accordance with Article 33, Paragraph 3, Sub-paragraphs "C" and "G" of the Law of Georgia "On Police", pepper spray and water cannon were used for self-defence by the police, which was preceded by a number of warnings to the gathered to maintain order and not violate the rules defined by the law.

20. In all cases, where the police identified the perpetrators breaking the law on spot, the aforementioned persons were detained for disorderly conduct and non-compliance with a lawful order of a law-enforcement officer.

21. The public also saw in live streaming the attack (throwing eggs, pouring water, verbal abuse) by the participants of the demonstration to the public defender who came to the demonstration. As a result of the timely response by the law enforcement officers and with the involvement of the persons accompanying the public defender, the situation was neutralized and the public defender was able to leave the place of manifestation.

22. The deliberate, mass violation of public order continued for several hours, therefore, in order to restore order, the police used several time proportional force and special means, including water cannon.

23. At about half past twelve (23:30), after the majority of the MPs and employees of the Parliament had left the building and there was no longer any threat of an individual attacks, decision was made to gradually liberate the 9 April and Chichinadze Streets from the police cordons, so that the participants of the demonstration could have the opportunity to conduct manifestation on the entire perimeter, in the vicinity of the building of the Parliament. At the same time, for the safety of the Parliament building, additional forces were mobilized inside the building.

24. Despite the fact that participants of the demonstration were given the opportunity to move freely and continue manifestation in a peaceful manner, at about half past one a.m. (00:25), at the entrance of the Parliament, from the side of Rustaveli Avenue, participants started to deliberately damage the existing protective iron dams and tried to enter into the Parliament. The participants of the demonstration insulted the police officers deployed within the yard of the Parliament, threw various objects, including "Molotov cocktails" towards them. Consequently, the police officers repelled the participants of the demonstration with a water cannon.

25. The participants of the demonstration threw various blunt objects, stones, wooden or iron objects in the direction of the police, as a result of which a number of police officers, as well as participants of the demonstration received various injuries.

26. The actions went beyond of the peaceful manifestation and took on a violent character, thus creating a real threat to the state institution, as well as, the health and lives of the police officers and the persons presented there. In view to restore public order, it became necessary to use proportional force and special means prescribed by the Law of Georgia "On Police" and to stop the ongoing demonstration on Rustaveli Avenue.

27. Around 01:00 a.m., the so-called box was created by the employees of the Special Tasks Department near Liberty Square and special proceeding was carried out. The participants of the demonstration had the opportunity to leave the area in the direction of the Rustaveli Metro Station, while police cordons ended its movements near the Kashveti church.

28. All cases of the use of special means were preceded by a warning conducted using mass media and the special equipment on the spot, so that citizens would comply with the legal demands of the police officers, in particular, maintain order or leave the violent demonstration. As a result of the measures taken by the police, the participants of the demonstration dispersed late at night.

29. The gathering in the vicinity of the legislative body continued on the next day, on March 8. Like on March 7, in order to de-escalate the situation, employees of various police units were deployed in the internal territory of the Parliament. The participants of the rally gathered in front of the Parliament had the opportunity to hold the protest in a peaceful and safe environment.

30. Before the March 8 demonstration, open calls from citizens to organize an attack on the police were constantly spreading through social networks. Recordings were circulated, including by politicians and NGO representatives, openly referring to the "taking over" of the parliament building.

31. According to Article 11 of the Law of Georgia "On Assemblies and Manifestations", the participants of an assembly or demonstration shall be prohibited to carry such items or substances that are or may be used to injure the life and health of participants of the assembly or demonstration, or other persons. Within the scope of the powers defined by the Law of Georgia "On the Police", for security reasons, the police carried out surface checks of citizens in the vicinity of the demonstration, as a result of which 10 people were arrested. They brought illegal items intended for violent actions to the protest, including electric shocks, batons, stones and various types of pyrotechnics.

32. The demonstration of March 8 started on 19:00 in the evening. There were occasional calls for violence from individuals, but the gathering was peaceful until around 22:00 o'clock.

33. After one of the speakers called on to picket the parliament, the protesters massively began to block the entrances of the parliament and picket the premises.

34. After ten o'clock in the evening, the participants of the rally blocked 9 April and Chichinadze Streets, as well as the back entrance of the Parliament, where the protest turned into violence and aggression. The demonstrators removed the iron protective dams located near the parliament building, damaged the window grilles and entrance doors at the entrance behind the parliament, broke the building's windows, threw stones, various objects and pyrotechnics at the parliament building and into the yard, that started a fire in one of the rooms on the second floor, and if not for timely response of the police, the fire could have spread throughout the building.

35. The police forces of the Ministry of Internal Affairs, in order to maintain the order, used appropriate coercive measures and special means provided by the law to prevent violent and aggressive actions of offenders.

36. Despite numerous attempts by the police to defuse the tense situation, the people gathered on Rustaveli Avenue started throwing various objects in the direction of the police officers, including: the so-called Molotov cocktails, stones, wooden poles, etc. At the same time, the participants of the rally continued to deliberately damage the parliament building and tried to break into it. Also, they tried to block 9 April Street with removed and damaged iron barriers.

37. On March 8, around 23:00 o'clock employees of the Special Task Department created so called "box" and started restoring public order, both on April 9 April Street, and on the Zubalashvili brothers and Chichinadze Streets. The participants of the rally had the full freedom to peacefully continue their gathering on Rustaveli Avenue, in front of the Parliament building. Nevertheless, the participants of the rally threw stones, breakable objects and pyrotechnics directly at the law enforcement officers, as a result of which a number of police officers were injured.

38. Around 23:45 the so-called "box" was created on Rustaveli Avenue. Alternative roads were opened for the participants of the demonstration to leave the area, and the central entrance of the Parliament was gradually freed.

39. Before commencement of the aforementioned process and during its progress, the Ministry of Internal Affairs constantly warned the participants of the rally to stop the violence, both with official announcements and with special sound amplification equipment on the spot. Nevertheless, a certain number of the participants of the rally continued to act aggressively, throwing stones, blunt and breakable objects, damaging central Bus stops, so called "Paybox" machines and benches on the sidewalks on the avenue and its surrounding locations.

40. Demonstrators blocked the right embankment highway, artificially obstructing the traffic on a location far away from the place of demonstration. Throughout the night, they broke the order, resisted the police officers, damaged the infrastructure and set fire to various things. The participants of the rally damaged, overturned and set fire to vehicles belonged to the Ministry of Internal Affairs. Also, they damaged the bus of the Special Tasks Department with stones.

41. In total, 143 people were detained at the protest held in the vicinity of the Parliament in Tbilisi on March 07-09. All the detainees were brought to the Tbilisi City Court.

42. It should be noted that during the March 7-8 protests, the police used proportionate force. The police carried out all measures within the scope of its powers granted by law. Special means were used in full compliance with Georgian legislation and international norms, after giving numerous warnings and appeals. It should also be highlighted that the police mainly acted in the position of self-defense. Therefore, during the March 7-8 actions, there was no illegal interference with the freedom of assembly and disproportionate force was not used.

43. In addition, the investigation in the direction of possible abuse of authority by the law enforcement officers belongs to the competence of the independent investigative agency - the Special Investigation Service. In turn, the Ministry handed over all requested materials to the Special Investigation Service.

44. We would like to clarify that the State Security Service of Georgia does not have a mandate of conduction of crowd management activities. The Law of Georgia on the State Security Service of Georgia of 8 July 2015 explicitly defines the areas of activity, the functions and powers of the Service. Therefore, **there were no state security forces present during the protests/demonstrations mentioned in the Paragraph 18 of the Report.** Accordingly, we kindly request the deletion of the phrase - "state security forces" from this Paragraph.

C. An internal enemy narrative, control mechanisms and surveillance

Paragraph: 23

45. *“Stakeholders placed these concerns within an overall deteriorating environment for the exercise of freedom of assembly in the country. HRDs and others cited the misuse of articles 166 and 173 of the Code of Administrative Offences to criminalise 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 Code of Administrative Offences in line with international standards. Yet the long-standing and well-known 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. The Special Rapporteur's concerns in this regard are accentuated by the fact that the Code was amended recently, but 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, thereby aggravating the problem of its misuse against human rights defenders.”*

D. Groups of HRDs at high risk

5. Environmental defenders

Paragraph: 68

46. *“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 peacefully protest at the Ministry of Environmental Protection and Agriculture. The protest concerned the lease of 104,712 hectares of forest (1.4% of Georgia's total territory) to a private individual for a hunting range. Those 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 Code on Administrative Offences, 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 discussed above.”*

V. Recommendations

Paragraph: 83

47. *“In her end-of-mission statement upon the conclusion of her visit to Georgia, the Special Rapporteur made a series of detailed recommendations to a series of state actors, urging the authorities to address them without delay. Having evaluated the levels of implementation of these recommendations since her visit, the Special Rapporteur makes the following updated and final recommendations to the authorities:*

To the Government

48. *b) amend the Code of Administrative Offences to bring it in 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.”*

Combined comments of the Georgian side on Paragraphs: 23, 68 and above-mentioned recommendation (Paragraph 83):

49. Employees of the Ministry of Internal Affairs were mobilized in connection with the protest rally taking place in Tbilisi, on Marshal Gelovani Avenue, near the Ministry of Environment Protection and Agriculture, and ensure the protection of public order.

50. Despite the numerous appeals of the law enforcement officers to the organizers and participants of the rally to follow the rightful requests of the representatives of the Ministry

of Internal Affairs, not to exceed limits of the right to assembly and manifestation provided by law, the participants of the rally did not take into account the legal requirements of the police and violated the public order, due to which 11 persons were arrested for the actions committed under Articles 166 and 173 of the Code of Administrative Offenses of Georgia.

Regarding the criticism of Articles 166 and 173 of the Administrative Offenses Code of Georgia and the practice of their use, the following should be noted:

51. Despite the fact, that Administrative Offenses Code of Georgia was adopted in 1984, the mentioned Code has been repeatedly amended in accordance with Article 6 of European Convention on Human Rights in order to ensure fair proceedings.

52. Noteworthy, that the police uses administrative detention as a very last resort, when there is a gross violation of public order, disobedience of a police officer or offensive action towards him. Detention aims to maintain public order at the gathering and to remove the person who committed the violent acts from the territory.

53. When detaining a person administratively, he/she shall be, at first opportunity but not later than 24 hours, presented to the court. To collect evidence, the mentioned period may be extended by no more than 24 hours only once.

54. An authorized body may place detained person in a temporary detention isolator before presenting him/her to the court.

55. In the event of an administrative detention, the detaining officer shall inform the detainee upon placing him/her under arrest, in a form that he/she understands of the administrative offence committed by him/her and the basis of the arrest.

56. When the police officer detains a person, immediately upon apprehension the detainee is informed, in a manner he/she understands, of the grounds of the detention, as well as of his/her procedural rights, such as the right to have a lawyer, right to a phone call etc. Also, if desired, to request that the fact of his/her detention and his/her location be made known to a relative named by him/her, also to the administration at his/her place of work or study. Statements made by the arrestee before receiving the information shall be inadmissible as evidence.

57. If a minor is placed under administrative arrest, his/her parent or any other legal representative shall be informed at the earliest convenience.

58. In court, the case is heard in an open court session, attended by the detainee, as well as legal representative chosen by him/her. In addition, the burden of proof the commission of an offense rests with the police officer. He is obliged to provide the court with all the necessary evidence to decide the case.

59. The police shall present to the court witness testimonies (including the testimony of a neutral witness), as well as video recordings obtained by the media, street video surveillance system, body cameras or other technical means. Accordingly, the court makes a decision based on the totality of evidence.

60. It is important that the decision of the court of first instance can be appealed.

61. In addition, administrative detention is subject to compensation for moral damages, if after the hearing a case, non-guilty judgement will be rendered or detention is declared as unlawful.

62. In this regard, it is worth to mention the decision of the European Court on the case of "Makarashvili and others v Georgia" (On September 1, 2022, the European Court of Human Rights rendered decision on the case "**Makarashvili and others v. Georgia**").

63. Giorgi Makarashvili, Irakli Katcharava and Zurab Berdzenishvili filed a lawsuit against Georgia in the European Court of Human Rights regarding the restriction of the right to assembly and their detention during the demonstration held near the Parliament building in November 2019.

64. In the mentioned case, the European Court pointed out that such forms of protest as: blocking the entrances of the parliament building, sitting on the way to the parliament,

obstructing the police activities represented a violation of public order, which goes beyond the scope of disorder of minor importance. At the same time, it ignores the importance of effective functioning of the parliament in a democratic society.

65. According to the court's assessment, the demonstrators had the opportunity to express their position on the issue of reforming the electoral legislation (including blocking the entrances of the parliament building) for at least a day and the half without any restrictions. The European Court of Human Rights considered that the Georgian authorities showed sufficient tolerance towards the participants of the demonstration.

66. The European Court also reviewed the procedures related to the administrative offense. The court noted that the recognition of Makarashvili and Berdzenishvili as administrative perpetrators was based not only on the testimony of the policemen, also the video recordings. Based on these circumstances, the court found that the right to a fair trial was not violated during the administrative proceedings against Makarashvili and Berdzenishvili.

Statistical data available 2023

67. In 2023, 5307 facts were identified stipulated under Articles 166 and 173 of Administrative Offenses Code of Georgia (compared to the previous year it was reduced by 1107 facts (-17.25%)), from which the court imposed:

- Fine - in 2773 cases (52.3%)
- Verbal Warning - in 1782 cases (33.6%)
- Administrative detention - 460 cases (8.7%)
- Acquitted - in 266 cases (5%)
- Ongoing - 26 cases (0.4%).

68. In addition, in connection with the recommendation to the Government of Georgia, which refers to the compliance of the Administrative Offenses Code with international standards (subparagraph "a"), it should be noted that in order to individualize the punishment under Articles 166 and 173 of Administrative Offenses Code and to establish adequate sanctions for the committed actions, taking into account the various legislative practice of the different countries, on April 29, 2021 the Parliament of Georgia adopted the Law of Georgia "On Amendments to the Administrative Offenses Code of Georgia".

C. An internal enemy narrative, control mechanisms and surveillance

Paragraphs: 24-28 and Paragraphs: 31 and 33

Comment of the Georgian side:

69. We would like to emphasize that the legal and factual circumstances are disregarded in relation to the criminal case under the investigation of the State Security Service of Georgia referred to in the mentioned Paragraphs of the Report and accordingly, they do not reflect the objective reality, irrespective of the fact, that within the frames of her visit the UN Special Rapporteur was provided with comprehensive information on this case and number of other issues of her interest.

70. Taking into consideration the abovementioned, we would like to clarify the following:

(a) Under the Law of Georgia on State Security Service of Georgia, one of the main directions of the activity of the State Security Service is **to identify and prevent the unconstitutional and forceful changes of the constitutional order and state government of Georgia and to ensure the protection thereof**. Under the same Law, the State Security Service is obliged **to warn state authorities, natural and legal persons about the possible actions that pose a threat to the state security**. Therefore, the conduction of investigation on such facts and informing the public thereof represent a positive obligation for the State Security Service under the national legislation.

(b) Currently, the investigation on the mentioned criminal case is pending, the case is classified as “CONFIDENTIAL” under the Law of Georgia on “State Secrets” and the law strictly defines a circle of persons who has an access to it. Additional evidences are being obtained within the case on a daily basis and there is no final judgement rendered by court thereon. **Against this background, any assessments made in an assertive form by those persons, who do not have an access to case files and who do not hold full information on the case, are very subjective, partial and lack legal substantiation.**

(c) All evidences within this criminal case are obtained in strict compliance with the criminal procedure legislation of Georgia. The process of investigation is supervised by the Prosecutor’s Office of Georgia. **The covert investigative actions were conducted on the basis of court order rendered upon a reasoned motion of the prosecutor.** It is noteworthy, that Georgian legislation envisages strict standards on the issuance of such order and hence, a judge renders an order only in the following cases: when its conduction is provided for by the Criminal Procedure Code of Georgia; when it is necessary to achieve a legitimate goal in a democratic society, in particular, to ensure national or public security, to prevent riots or crime, to protect the country’s economic interests and the rights and freedoms of other persons; when it is necessary in a democratic society, **if it is carried out due to urgent public needs and if it constitutes an adequate and proportional mean for achieving a legitimate goal.** Besides, a covert investigative action may only be carried out when the evidence essential to the investigation cannot be obtained through other means or it requires unreasonably great effort. The extent (intensity) of a covert investigative action shall be proportionate to the legitimate goal of a covert investigative action. **All of these means, that legal, as well as specific factual circumstances shall be in place for obtaining a court order with the aim of carrying out a covert investigative action. Accordingly, the legality of the conduction of covert investigative actions in relation to the criminal case indicated in the Report shall not, and objectively and practically, cannot be put under doubt.**

(d) Besides, since 2014, as a result of the changes made to the legislation of Georgia, the Personal Data Protection Service exercises active control over the process of conduction of covert investigative actions and it is authorized **to check the commencement and progress of a covert investigative action at any time, to suspend it in real time in case of any violation, and to forward the materials to the respective investigative body in case of detection of the signs of crime.** This excludes doubts related to illegal surveillance, since when there are electronic, human and other types of control mechanisms in place, **it is impossible to conduct covert investigative action without court order or prosecutor’s ruling in cases of urgency, and in terms of legality, it shall pass through the control of the judge and the Personal Data Protection Service.**

(e) As it was noted above, the investigation on the mentioned **case is being conducted in accordance with the Criminal Procedure Code of Georgia**, the main principle of which is the protection of human rights, and this is evidenced by a number of protective mechanisms provided by the Code for the participants of the criminal process. Among them, there is an obligation of the investigation to notify a person on covert investigative actions conducted against him/her and the results thereof within the period envisaged by the law, which represents a rare exception in relation to the legislations of other countries, including the European states. In addition, the investigation has a positive obligation under the Code to immediately destroy materials obtained as a result of cover investigative actions, if they are not related to crime. Besides, the legislation of Georgia envisages **the obligation to publish the statistical data on all conducted covert investigative actions**, which ensures maximum transparency of the procedure.

71. Furthermore, according to the various assessments delivered by the relevant structures of OSCE, EU and CoE, the Criminal Procedure Code of Georgia (CPC) corresponds to international and the European standards and the good practices existing in this field. For example, according to OSCE/ODIHR and Council of Europe Joint Opinion on the Criminal Procedure Code of Georgia published on 22 August 2014, **“the Code is generally compliant with international standards and relevant good practice”¹**, and according to the document “Review of the Compatibility with European Standards of Georgia’s Criminal Procedure

¹ <https://www.osce.org/files/f/documents/2/d/124229.pdf>

Code and Related Legislative Provisions”, which was prepared by the EU / CoE and published on 2 November 2020, **“In many respects, the CPC and the related legislative provisions are in compliance with European standards”**².

(a) As regards **the specific circumstances of the mentioned case**, during the press conference held by the State Security Service on 18 September 2023, **the public was provided information in advance on expected criminal activities, including the involvement of organization “CANVAS”** in the execution of planned possible criminal activities. As it was mentioned above, according to the Article 11 (“a”) and Article 12 (1. “c”) of the Law of Georgia on “State Security Service of Georgia”, **the Service is obliged to prevent crimes falling under its investigative jurisdiction** (to conduct preventive measures) and **for this purpose, among them, to warn population on the expected threats to state security** and to avert a prospective perpetrator of criminal act from the execution of illegal acts.

72. Despite the abovementioned, **after couple of days** from holding the first press conference³, **organization “CANVAS” still conducted training on violent activities, which officially was disguised as a training on non-violent protest**. Taking into consideration the high public interest and with the aim of **prevention of expected serious criminal act**, the State Security Service **published a small part of investigation materials**⁴. Publicly accessible **evidences contain vivid cases of teaching apparent violent protests to participants**. Namely, under the guise of non-violent protest, trainers conducted teachings for the Georgian participants on violent methods of protest (such as violence against law enforcement officers, violent invasion of administrative buildings, etc), on how to plan and conduct such protests using historical and practical examples, as well as prepared them for expected unfortunate consequences, and all of these were clearly seen by the public in the published video-audio recordings. **As for the emphasis in the Report on editing recordings, it shall be noted that published materials are part of several hours of covert video recording conducted in compliance with the Criminal Procedure Code of Georgia based on court order, in which neither video nor audio recording has been modified**. The evidence is attached to the criminal case and **its relevant expertise can be carried out any time**.

(a) The persons questioned as witnesses on the case are named as HRDs in the Report, as if there were **“serious repercussions”** against them. In case, if the persons connected to the case are portrayed as HRDs in the Report, the HRD in its sense cannot be a supporter, instigator or participant of any form of violence, which is also proved by the EU guidelines on HRDs, where it is underlined, that **“The definition [of the HRDs] does not include those individuals or groups who commit or propagate violence”**⁵. Moreover, according to the Article 12 of 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 adopted by the 53/144 UN General Assembly Resolution, „Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms“⁶. Besides, the Criminal Procedure Code of Georgia **does not differentiate the group of persons or grant preferences to those, who might hold information important for the case. The law envisages positive obligation for such persons, irrespective of their profession, activity, social or legal status, to comprehensively and objectively provide information known to them to the investigation, when questions arise**. If it is meant in the Report, that the questioning of persons by the investigation resulted in **“serious repercussions”** for them, this **represents a neglect of international norms existing in criminal law, as well as the national legislation of Georgia**.

² <https://rm.coe.int/cpc-expert-review-eng/1680a4d5f7>

³ <https://ssg.gov.ge/en/news/873/saxelmtsifo-usaftrxoebis-samsaxuris-gancxadeba>

⁴ <https://ssg.gov.ge/en/news/881/saxelmtsifo-usaftrxoebis-samsaxuris-gancxadeba>

⁵ https://www.eeas.europa.eu/sites/default/files/02_hr_guidelines_defenders_en_0.pdf - page 3

⁶ <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/Declaration/declaration.pdf> - page 6

73. The same applies to the narrative mentioned in the Report with regard to “**cultural actors**”, as if their summoning for questioning as witnesses was related to their civil activities carried out in the cultural sector in 2021. It shall be reiterated, that **under the requirements of the law, the investigation summoned for questioning all those persons, who had some connection with the case, irrespective of any of their status.** Therefore, such appealing represents an attempt to groundlessly attach political undertone to the case.

74. Herewith, it shall be underlined, that **the list of persons, who participated in the mentioned training, was officially provided to the investigation by the organization, which organized and conducted this training.** Accordingly, all the persons who were provided in the list by the organizers of the training were summoned as witnesses based on the requirements of the criminal procedure legislation of Georgia and therefore, **there could not be any subjective approaches from the side of investigation when summoning them for questioning.**

(a) As for the “**confidentiality agreement**” mentioned in the Report, which was signed by persons questioned as witnesses, it shall be underlined, that this criminal case is classified as “CONFIDENTIAL” in accordance with the law. **Therefore, ensuring a non-disclosure guarantee in this specific case represented a positive obligation of the investigation under the legislation.** Moreover, according to the **Article 104 of the Criminal Procedure Code of Georgia, a prosecutor/investigator is obliged to ensure that information on the progress of an investigation is not made public.** For this purpose, he/she is entitled to **obligate a participant in criminal proceedings not to disclose details of a case without his/her permission,** and warn him/her about criminal liability in case of disclosure.

Paragraphs: 30 and 32

Comment of the Georgian side:

75. Regarding the fact mentioned in these Paragraphs, the Prosecutor’s Office investigates a criminal case on possible violation of the secrecy of private communication (crime envisaged by the Article 158 of the Criminal Code of Georgia), in which the investigative units of the State Security Service are not involved. Besides, the **State Security Service does not conduct any parallel investigation on this fact and accordingly,** we kindly request the deletion of the phrase - **“pending the completion of an internal investigation by the SSSG”** from the Paragraph 30, since this stipulation represents a factual inaccuracy.

76. Besides, **referring to this case in the Report** and thus, **putting under doubt the “proportionality of state surveillance” is subjective and lacks substantiation,** taking into consideration the fact, that **the investigation on the case is not completed and the final decision is not made.** Without assessing the factual circumstances and evidences of the case and before the final judgement is rendered by court, **any sort of conclusions on this fact made in the Report lacks legal grounds** (even more, considering that these conclusions are based on groundless negative assumptions of certain persons), and **it leaves an impression that conclusions are used with the aim of aggravating the content of the Report and thus, misleading persons who will read this Report.**

Paragraph: 34

Comment of the Georgian side:

77. The changes made to the Criminal Procedure Code of Georgia in 2022 by the Parliament of Georgia aimed at enhancing the effectiveness of conduction of criminal proceedings.

78. The changes were necessitated through analyzing the investigation practice, which **showed that in frequent cases the effective response to specific crimes could not be made because of impossibility of the application of covert investigative actions.** Among these crimes are specific terrorist and corruption-related crimes, crimes against state, crimes against human rights and freedoms, crimes against humanity, peace and security and against international humanitarian law, etc.

79. Here, it shall be noted, that the changes do not anticipate that the application of covert investigative actions **are permissible in all cases. A covert investigative action may be conducted only when the evidence essential to the investigation cannot be obtained through other means or it requires unreasonably great effort, and this is assessed by court in each specific case.**

80. Besides, **the period of conduction of a cover investigative action was adjusted**, which before the amendments was set up to 3 months and this was a serious problem for the investigation in connection to such crimes, as are terrorism, sabotage, war crimes and other serious crimes against state. Within the process of investigation, only 3-months period for the conduction of a covert investigative action against crimes involving such increased threats could not ensure the effective response by investigative bodies. Moreover, taking into consideration the different practices in partner countries in this direction, the regulation existing in the legislation of Georgia before the amendments could not meet the purposes of international cooperation in the field of combating transnational organized crimes.

81. In addition, the amendments made in respect to notification mechanism serves to achieve long-term purpose of the investigation and they are compatible with the practice established by the European Convention of Human Rights and the European Court of Human Rights, according to which **it may not be feasible in practice to require subsequent notification in all cases.** Moreover, the ECtHR clarifies, that such notification **might serve to reveal the working methods and fields of operation of the intelligence services and even possibly to identify their agents**⁷.

D. Groups of HRDs at high risk

1. LGBTQI rights defenders

Paragraph: 40

82. *“In July 2021 and July 2023, there were major disruptions at events organised in Tbilisi to celebrate the country’s LGBTQI community. In both instances, events planned by LGBTQI rights defenders were attacked by far-right and ultra-conservative groups exercising extreme violence and well organised 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.”*

Paragraph: 41

83. *“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 organised outside the Georgian Parliament, destroying a long-standing political protest site, and proceeded to move in organised groups to the offices of Tbilisi Pride and the Shame Movement, breaking into their premises and ransacking the buildings. These attacks were directed by far-right figures present at the scene. The human rights defenders who had been present in the offices fled to the UN House in Tbilisi, where they were followed by the violent groups, forcing them to flee again, this time to the premises of Human Rights House Tbilisi, to which they were once again followed and attacked. The mob directly sought out and targeted journalists covering these events, subjecting them to violent beatings and leaving over 53 injured. TV Pirveli cameraman Lekso Lashkarava, one of those attacked during the events, died days later.”*

Paragraph: 42

84. *“These events followed a statement by the Prime Minister on the morning of the 5 July stating that the Pride events were being organised by the “radical opposition” with the goal of bringing “civil unrest” and were “not advisable”. This was proceeded by statements*

⁷ ECtHR, Roman Zakharov, § 287.

by religious leaders, most influentially the Georgian Orthodox Church, calling for people to protest against the “obscurity” of the Pride events. 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”. 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.” Despite this and other clear statements of intent to disrupt the Pride event by any means necessary, videos depicting the events show only a minimal police presence in place to protect the human rights defenders and journalists. While the Ministry of Interior, 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.”

Paragraph: 43

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

Paragraph: 44

86. “This impunity has played a key role in continued attacks against LGBTIQI defenders, and greatly contributed to the climate of insecurity they face in the country.”

Combined comments of the Georgian side on Paragraphs: 40, 41, 42, 43, 44:

87. The Ministry of Internal Affairs ensures the protection of human rights and main freedoms guaranteed by the Constitution of Georgia and international treaties, and also takes all necessary measures to protect the freedom expression and peaceful assembly.

Tbilisi Pride 2021

88. **There are several aspects in relation to Pride Week 2021 in Tbilisi that needs to be emphasized:**

89. With the purpose of ensuring the safe environment during Tbilisi Pride Week, starting from the preparatory period, the Ministry of Internal Affairs held systematic meetings with the organizers of the event. The meetings aimed at planning preventive measures and eliminating possible violence acts against participants of the events scheduled within the Pride Week from the side of the opposing groups.

90. As a result of effective cooperation, the Ministry of Internal Affairs succeeded to ensure safety and security of the participants during the events of the 1st and 3rd July, which was positively assessed by the Tbilisi Pride organizers, as well as by different local and international organizations.

91. Concerning 5th July event, the Ministry of Internal Affairs repeatedly explained to the organizers that, considering the pre-announced rally of the opposing group, as well as past experiences and analysis of the existing circumstances, it would be highly risky and precarious to perform the final event, March of Dignity in the format of pacing on the Rustaveli Avenue in terms of protecting the safety of the participants.

92. To ensure more protection, the organizers of the Week were offered to consider alternative location and arrangement for performing the march, however, they were persistent in not considering changing the format of the event.

93. On July 5th, the Ministry of Internal Affairs provided maximum mobilization of police forces throughout the city to allow Pride participants to exercise their constitutional right to freedom assembly and manifestation, and simultaneously to ensure their safety.

94. **In connection with the events that took place on July 5-6, a total of 31 persons were arrested. 1 legal entity (“Tbilisi Pride”) and 60 individuals acquired victim status, including 48 journalists.**

95. **As for the tragic death of TV Pirveli journalist Aleksandre Lashkarava** on July 11, 2021, it should be noted that based on the conducted investigation, as well as forensic medical report issued by the Levan Samkharauli National Forensics Bureau, the Bureau found that direct cause of the death of Aleksandre Lashkarava should be considered acute cardiovascular and respiratory failure caused by the drug intoxication.

Tbilisi Pride 2023

96. As regards the events that transpired in July 2023, it merits mention that, akin to previous years, **the Ministry of Internal Affairs systematically conducted meetings with the event organizers** to ensure the provision of a secure environment for Tbilisi Pride Week;

97. A total of **five preparatory meetings** were held, which were also attended by **representatives from the esteemed European Union delegation, the United States Embassy, the United Nations Development Program, and the Office of the Public Defender;**

98. A total of three events were planned within the framework of the Tbilisi Pride Week, two of which were held **without hindrance, in a calm and safe environment, with the active involvement of the police;**

99. Regarding the third and final event, scheduled for July 8, **several circumstances** arose that rendered the execution of the event:

a) Firstly, the chosen **location of the event** posed a challenge. The event was planned to take place in **a wide area/ field**, making it considerably harder to contain the counter-protesters. It is essential to emphasize that **the event organizers themselves selected this location.**

b) Secondly, the event was compounded by an **exceptionally high number of counter-protesters.** This further complicated the management and apprehension of individuals across the extensive area. It is imperative to acknowledge that in light of the escalating calls and mobilization of counter-protesters, including those from various regions, **the Ministry proactively informed the Pride organizers, emphasizing that this substantial influx of counter-protesters had the potential to substantially hinder the seamless execution of the Ministry's meticulously pre-planned strategies.**

100. It should be noted, that on July 8, the Ministry of Internal Affairs made efforts to mobilize the maximum number of police forces, totaling around **3,000 officers with proper equipment**, to safeguard the constitutionally guaranteed freedom of assembly and expression for Pride participants while ensuring their safety;

101. Noteworthy, the number of counter-protest participants exceeded expectations, totaling **approximately 8,000 people;**

102. Furthermore, owing to the presence of numerous roads leading to Lisi Lake, the designated venue for the event, coupled with the expansive and accessible terrain, it proved infeasible to **fully secure all access points in a manner** that would effectively impede the participants' movement for an extended duration. *(It is worth noting that the culminating event scheduled for July 8 was intended to conclude by 9 a.m. on July 9);*

103. The police proactively stationed specialized cordons on the roads while utilizing physical police force to the fullest extent possible in order to restrict the movement of counter-protest participants;

104. Nevertheless, considering the vast expanse of the area and the considerable number of protesters, absolute containment proved unfeasible. In response to the police's efforts to obstruct road access, **the protestors maneuvered through adjacent fields, thereby approaching the festival area;**

105. Therefore, **as the agency responsible for maintaining law and order and public safety, the Ministry of Internal Affairs decided to evacuate the participants of the Tbilisi Pride event to prioritize their safety and well-being;**

106. Notably, **despite the large number of counter-protesters the safety of Tbilisi Pride participants remained intact, and no injuries were reported within the area;**

107. Regarding the use of special means, it should be acknowledged that **their application is guided by specific legal and tactical grounds.** An analysis of the situation determined that the use of water cannons, gases, or other special means in the given area and under such protestor movement conditions would be ineffective. Furthermore, **the proportionality of the level of force applied would be subject to contention;**

108. As for the unfortunate facts of property damage investigations have commenced under Article 177, Part 2, Sub-paragraph "a" of the Criminal Code of Georgia (Theft which has resulted in significant damage) and Article 187, Part 1 (Damage or destruction of another person's property which has resulted in substantial damage) due to unfortunate incidents of property damage. The injury of three policemen during the counter-protest participants' detention has led to an investigation under Article 353, Part 1 of the Criminal Code (Resistance to a police officer, employee of the Special Penitentiary Service or other representative of authority, using violence or threat of violence, with the purpose of interfering with the protection of public order, terminating or changing his/her activity, and coercing him/her into committing an obviously unlawful act);

109. In conclusion, it is imperative to reiterate that during all three events of Tbilisi Pride Week, the Ministry of Internal Affairs of Georgia demonstrated unwavering dedication in ensuring the resounding success of this year's Pride Week, akin to that of the previous year.

2. Journalists

Paragraph: 52

110. *"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 in that same year. 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 5 months of 2023, only 7% were answered, with many requests being completely ignored. This finding was echoed by journalists and other stakeholders in meetings with the Special Rapporteur. The findings further signal that the issue is most present within Government, with particular issues reported within the Ministry of Culture, the Ministry of Environmental Protection, and the Ministry of Regional Development and Infrastructure."*

Comment of the Georgian side:

111. We ask to correct the name of the Ministry and change the name "the Ministry of Environmental Protection" into "the Ministry of Environmental Protection and Agriculture."

5. Environmental defenders

Paragraph: 69

112. *"The land in question is found in the Racha National Park, which was established by legislation in 2003. It was leased at auction held by the National Forestry 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 themselves reportedly initiated the process, 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 the auction was announced one month ahead of time, locals and HRDs*

claim that there was no information provided to community members about what was happening.”

Comment of the Georgian side:

113. We ask to correct the name of Agency and change the name “the National Forestry Agency” into “the National Environmental Agency.”

114. Moreover, according to the “Resolution of the Government of Georgia, 2005 (August 11) on the approval of the statute on the rules and conditions of issuance of the licenses for forest usage”, specifically, under article 3 of the statute, the eligible body for issuing such licenses is the LEPL National Environmental Agency under the Ministry of Environmental Protection and Agriculture of Georgia. Under the same statute, the National Forestry Agency participates in the process of issuance of a license only in terms of defining the location of the area falling under the scope of its management (forestry, territorial quarters, level from the sea, etc.). Therefore, the issuance of the license for creating the hunting area on 104,712 ha territory, to Ltd HG Capra Caucasica and the disposal of the license does not fall within the competence of the NFA. It is imperative to note that the date of issuing the license predates the official creation of Racha National Park on November 16, 2022. Considering the aforementioned information, it is crucial to highlight that a segment of the territory designated for Racha National Park has not been involved in any leasing arrangements. Furthermore, it is essential to acknowledge that a parcel of 7,436 hectares was relinquished by the hunting farm to facilitate the establishment of a national park. This designated territory has subsequently been incorporated into the expanse of Racha National Park.

115. As for the owners of LLC “HG Capra Caucasica”, it should be noted that the documentation submitted by the company to the National Environmental Agency for the purpose of announcing the auction indicated that the founder of LLC “HG Capra Caucasica” (ID 405352363) is LLC “Global Victory Georgia” (ID 405195408). It is worth mentioning that the auction was public and the respective information was publicly accessible.

116. Regarding the transparency of the auction announcement process, it is worth noting the requirements of paragraph 2 of Article 3 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), according to which each Party shall endeavor to ensure that officials and authorities guide and facilitate the public to make environmental information accessible to them, facilitate their participation in environmental decision-making and make legal proceedings accessible. According to Article 6 of the Aarhus Convention, the State undertakes to use the provisions of this article in decision-making on environmental matters, the proposed authorization for the activities specified in Annex I to the Convention.

117. The Convention also specifies that, within the framework of its national legislation, the State shall also apply the provisions of this Chapter to those proposed activities that are not listed in Annex I although they may have a significant impact on the environment. For this purpose, the parties shall determine the extent to which the proposed activity is subject to these provisions. Since the Law of Georgia “On Licenses and Permits” and the Decree of the Government of Georgia No. 221 of May 18, 2021 on the approval of the “Forest Management Regulations”, on the basis of which the auction was announced, do not provide for special forms of public participation and public hearings in the process of issuing a hunting license (according to the legislation of Georgia, public hearings are envisaged after the issuance of a license, during development and approval of a game management plan), the LEPL National Environmental Agency (NEA) has fulfilled all the mandatory conditions for issuing the relevant license that were imposed on it by the relevant regulations regarding access to information and public participation. The request of the applicant and the information/documentation related to the license conditions were sent to the municipalities and the State Representative in accordance with the respective legislation. In addition, before issuing the license, NEA fulfilled its obligation prescribed under the special international and national rules before issuing the license, and published the order No. 17/s of 10 February 2022 of the Head of the National Environmental Agency *“on holding an electronic auction for the issuance of a special license for the hunting farm for the purpose of arranging a hunting farm on the territory of the state forest”*. The order was published both on the website of NEA, as well as in press and NEA’s Facebook page, one month before the auction. It shall

be emphasized that the auction is public and everyone has the right to submit their comments and suggestions and/or information about potential breaches of their rights as a result of the announcement of the auction, if any. However, the comments and opinions of the public concerned and/or critical positions on the issue were not presented to NEA. In addition, it shall be noted that despite the fact that NEA has taken all the mandatory steps that were assigned to it by the relevant regulatory norms, in terms of access to information and public involvement, in order to agree the issue with the local citizens, NEA also asked the local self-government bodies for the written opinions regarding the announcement of the auction and additional terms of the license.

118. In addition, a license obligation was laid on the license holder to systematically conduct introductory meetings with the local population, cooperate with the relevant municipality in order to take into account the interests of the local population and entrepreneurs in the course of its activities. Transparency of the process was also ensured by NEA during issuing decision with the respective argumentation on cancellation of the license for the said hunting estate on November 28, 2023, in which all interested parties were given the opportunity to participate and express their opinions, including the License Holder - LLC "Capra Caucasus", in full compliance with the requirements of the General Administrative Code of Georgia. The granted license was cancelled due to the breach of the license conditions, including the breach of transparency obligation. Namely, among others, the license holder did not fulfill the license condition, which envisaged conducting systematic meetings with the local citizens, and cooperation with the relevant municipalities, to ensure that the interests of the local population and entrepreneurs were taken into account. It is worth noting that the administrative proceedings regarding the cancellation of the license were initiated based on the inspection of the license conditions and sufficient justification by the authorized body – The State Sub-Agency - Department of Environmental Supervision. Within the framework of the administrative proceedings, all the circumstances relevant to the case were investigated and the decision was made based on the evaluation and analysis of the said circumstances. It is crucial, that the establishment of protected areas in the above-mentioned area based on intensive consultations with the population and with the participation of Georgian and foreign experts and based on respective studies is being considered as one of the most important priorities for Georgia.

Paragraph: 70

119. *"During the visit, the Special Rapporteur was made aware of a similar situation for human rights defenders involved in a peaceful movement to protect the Balda Canyon. Located in the Abasha River Valley, the Balda Canyon is designated a 'natural monument', a legal status reserved for unique and rare places and of which there are only 40 in Georgia. Such monuments are managed by the Agency of Protected Areas, who 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 privatisation 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 locals 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, however, while the Deputy Minister for Environment and Agriculture, present at the meeting, reportedly stated his readiness to step in if the project was linked to violations, he equally suggested the locals may have been "over-dramatising." The Minister also expressed his belief that locals had been engaged with prior to the project being given the green light, however this assertion was strongly rejected by locals."*

Comment of the Georgian side:

120. Balda Canyon, a natural monument managed by the Agency of Protected Areas, boasts dimensions of 1400 meters in length, a width ranging from 5 to 10 meters, and a depth between 25 and 30 meters. This canyon was designated as a protected area in 2013. Remarkably, since its designation, no development initiatives have been undertaken within the canyon. The area is pure wilderness, since no paves, no hiking trails, and no steps exist there that would ensure basic safety for visitors. The absence of developed pathways and safety measures poses challenges to visitor safety, and as a result, the Agency of Protected Areas has opted not to offer organized tours and hiking opportunities to visitors in Balda Canyon. In recent years, there has been a noticeable surge in visitor numbers to the region, particularly at Martvili Canyon, which is situated 11 kilometers away from Balda Canyon. Recognizing this trend, the Agency of Protected Areas has taken proactive measures to enhance public accessibility and safety in these areas, with a specific focus on developing recreational infrastructure. Notably, a 350-meter suspended footbridge and a roller coaster have been proposed for a designated section of Balda Canyon. To facilitate the implementation of these infrastructure projects, the Agency initiated an open auction for the leasing of approximately 24,130 square meters, equivalent to approximately 25% of the entire Balda Canyon. The auction process was conducted twice, with the initial attempt taking place on September 13, 2022. Unfortunately, despite the completion of the auction, the winning company ultimately declined to sign the agreement, resulting in an unsuccessful outcome. Following the initial unsuccessful attempt, the second auction took place on October 26, 2022, and was completed on November 15, 2022. Certainly, the agreement with the winning company for the leasing of the specified area in Balda Canyon was officially signed on November 29, 2022. The total duration of the open auction spanned 40 days. Comprehensive information regarding the auctions, including relevant details and specifications, was made readily accessible to the public. This information was disseminated through official channels, namely the state auctions' website (www.eauction.ge) and the official website of the Agency of Protected Areas (www.apa.gov.ge). The transparency of this process underscores the commitment to ensuring a fair and competitive environment for the leasing of the specified canyon area. The auction implied the selection of a bidder, who would make arrangements for the infrastructure and manage the ecotourism service there for the next 40 years. It is important to note that no privatization of the land in Balda Canyon has occurred. This is in accordance with the law, which strictly prohibits the privatization of protected areas. It must be underlined that the infrastructure has been designed only up to 400m, which represents a minor area of the beautiful canyon and is usually quite complicated to access. This precise location (500 sq.m) does not represent a vital cultural resource for the local residents, as this specific area is totally inaccessible to the population. The auction has been organized according to Georgian Legislation, which does not allow to see how many bidders participated in it. Following the conclusion of the open auction, the winning bid for the leasing of the specified area in Balda Canyon was secured by Canyon 350 LLC in November 2022. Subsequently, the active phase of arrangement works commenced in March 2023. Furthermore, it is noteworthy that Canyon 350 LLC has actively contributed to the local community by employing approximately 20 residents from the area for the construction of the aforementioned recreational infrastructure in Balda Canyon. As a result of this employment initiative, information about the ongoing works has been effectively disseminated within the village, fostering a sense of community involvement and awareness. In the midst of the summer season, particularly during the holiday period, there has been an influx of temporary residents from other cities who have been hosting the canyon and engaging in recreational activities, including swimming in the vicinity of the ongoing infrastructural works. In light of the construction activities and prioritizing safety, the construction safety coordinator of Canyon 350 LLC took proactive measures. They approached the temporary residents, and kindly requested them to leave the river area for their own safety. They kindly asked them to agree on specific timeframes, to ensure that they were not swimming in the river during the construction hours. To determine the timeframe and ensure coordinated work, meetings have been organized immediately in July 2023. The latter meeting was rapidly followed by a couple of meetings. Throughout August and September 2023, a total of three meetings were convened, involving representatives from Canyon 350 LLC and some members of the local community. Additionally, certain discussions took place at the municipality city hall, with the active participation of the

Municipality mayor and deputy mayors. However, it's worth noting that diverse opinions emerged among the local representatives, leading to varying purposes for their expressed concerns. Some locals advocated for the right to swim in the canyon river, while others proposed a direct award contract for both the construction of infrastructure and the management of the canyon. Lastly, there were calls to suspend the current lease altogether. In an effort to foster cooperation and address the evolving situation, the Deputy Minister expressed a willingness to participate in the discussions in October 2023, emphasizing the importance of partnership and coordinated efforts. Unfortunately, this offer was strongly rejected by some members of the local community, indicating persistent challenges in reaching a consensus on the proposed developments in Balda Canyon.

Paragraph: 71

121. *“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 HRD, who was granted victim status in the case in November 2023. The same HRD 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 confronted and physically attacked by a group of around 15 individuals from the company. The attack left one of the human rights defenders seriously injured, and they 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 appeared to have been paused by the company, however, at least two HRDs were reportedly the subject of intimidatory messages by the company following this development.”*

Comment of the Georgian side:

122. In October 2023, the Agency of the Protected Areas organized a working meeting involving representatives from Canyon 350 LLC, the Martvili and Okatse Natural Monuments Administration staff, and local villagers. Regrettably, during the course of the meeting, a group of individuals forcibly entered the administrative building meeting room with the apparent intention of disrupting the proceedings. This unwarranted intrusion resulted in heightened tensions and marked a turning point, leading to subsequent events as detailed in the report. In response to this disturbance, immediate and appropriate action was taken. Law enforcement agencies, including the police and the special investigation service, were promptly engaged to address the situation.

V. Recommendations

Paragraph: 83

123. *“In her end-of-mission statement upon the conclusion of her visit to Georgia, the Special Rapporteur made a series of detailed recommendations to a series of state actors, urging the authorities to address them without delay. Having evaluated the levels of implementation of these recommendations since her visit, the Special Rapporteur makes the following updated and final recommendations to the authorities:”*

“To the State Security Service of Georgia

124. *a) expedite, in the quickest manner possible, all investigative acts into the alleged conspiracy to overthrow the government in a timely manner, with a view to either closing the investigation or submitting the cases for prosecution.”*

Comment of the Georgian side:

125. The following circumstances shall be taken into account with regard to this recommendation:

126. The investigation in the State Security Service is actively running in compliance with the requirements of the law with the application of all investigative resources of the Service and with the observance of the fundamental principles of the Criminal Procedure Code of Georgia, including presumption of innocence and liberty and inadmissibility of unlawful restriction of a person's constitutional rights and freedoms.

127. Taking into consideration the complex nature and various criminal episodes of the case, the investigation objectively requires reasonable time (the figurants of the case are also foreign citizens who are not in Georgia) and **artificially expediting the case in this context might damage the legal interests of many persons and might put under doubt the establishment of truth on the case**. In this aspect and in terms of reasonableness, the time of investigation spent on such complex and specific category case does not differ from the standards related to the period of investigation of difficult and complex criminal cases by other democratic countries and **it fully complies with the European Convention of Human Rights**. This is also confirmed by the case law of the ECtHR (Pedersen and Baadsgaard v. Denmark, 2004, § 40⁸; Chiarello v. Germany, 2019, § 45⁹; Liblik and Others v. Estonia, 2019, § 91¹⁰), according to which one of the factors of assessing whether the duration of criminal proceedings has been reasonable is the complexity of a case. For example, on the case "Liblik and Others v. Estonia" (2019, § 91) the ECtHR, once again, clarified, that **"The reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case and the conduct of the applicant and the relevant authorities"**.

"To the State Security Service of Georgia

128. *b) cease all surveillance of human rights defenders, including independent journalists, that fails to comply with international and regional standards guaranteeing the rights to privacy and freedom of expression."*

Comment of the Georgian side:

129. The mentioned stipulation is based upon the subjective assumptions, as if covert investigative actions are conducted illegally, which lacks any legal argumentation. The State Security Service of Georgia conducts its activities only in compliance with the requirements of the law.

130. As it was mentioned several times above, any covert investigative action is conducted only in cases **explicitly** defined by the law with the observance of strict standards. The law envisages detailed formal and factual grounds, which are essential to be in place for the prosecutor to address a court with a written reasoned motion and, when satisfying the criteria defined in detail above, to obtain the permission from a judge on the conduction of a covert investigative action. One copy of the decision rendered by judge is immediately forwarded to the Personal Data Protection Service. On the basis of a court order or in case of urgency – upon prosecutor's ruling (then authorized by judge), a special body starts the conduction of a covert investigative action. Otherwise, taking into consideration the power of the Personal Data Protection Service to suspend a covert investigative action in real time, it is even theoretically impossible to conduct illegal surveillance.

131. Besides, during the inspection of a special body – the LEPL Operative-Technical Agency of Georgia, which ensures technical conduction of a covert investigative action, the Personal Data Protection Service is authorised to:

- enter the area of limited access of the Agency and monitor the implementation of activities by the authorized bodies in the on-going mode;
- get familiar to the legal documents and technical instructions regulating the activities of the Agency (including those containing state secrets);

⁸ [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-61168%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-61168%22]})

⁹ [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-193736%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-193736%22]})

¹⁰ [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-193251%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-193251%22]})

- obtain information on the technical infrastructure used for the purposes of covert investigative actions and inspect the infrastructure;
- request explanations from the Agency employees with respect to individual issues identified during the inspection.

132. Moreover, the dedicated Chapter of the Law of Georgia on the “State Security Service of Georgia” envisages effective mechanisms of control and supervision (both external and internal ones) over the activities of the Service, including parliamentary, governmental and judicial control, as well as prosecutorial and state audit supervision.

133. As for the categorization of persons by profession, it shall be underlined, that only those persons fall within the interest of the investigation, who have certain connection with the specific criminal act, irrespective of their profession. Therefore, the profession of a person who has a connection with a crime does not represent an absolute guarantee, that a covert investigative action will not be conducted against him/her in compliance with the requirements of the law. Under the legislation, there is only an exception with regard to inadmissibility of conduction of a covert investigative action against persons of certain profession, **when it is related to obtaining information protected by law in the course of their professional activities**. In all other cases, **a common rule of conduction of a covert investigative action** applies with regard to any person, irrespective of his/her profession if those persons have any connection with the specific criminal act.

134. Taking into consideration all the abovementioned, the proposed narrative **cannot be regarded as a recommendation**, since the formulation lacks legal argumentation, it is not objective and is only based on subjective assumptions. **Since the State Security Service does not conduct the illegal activity indicated in this narrative, it lacks the opportunity to make any sort of response thereto.**

“To the Ministry of Foreign Affairs

135. *a) 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 UN Special Procedures mandate holders.”*

Comment of the Georgian side:

136. It has to be underlined that Georgia is committed to human rights protection and cooperation with the UN human rights monitoring mechanisms. Georgia regularly submits its periodic reports to the UN human rights treaty monitoring bodies and pays uttermost attention to the implementation of their recommendations.

137. In order to ensure the effective implementation of Georgia’s reporting obligations before the UN Treaty and Charter-based bodies, we have developed an inclusive national reporting process with the active engagement of all relevant stakeholders. The role of the Georgian Parliament in this process has been increased and all state reports are now subject to the Parliamentary scrutiny.

138. It is important to note, that in order to ensure effective implementation of the recommendations of human rights monitoring mechanisms, these recommendations are translated in the National Human Rights Strategy and corresponding action plans.

139. The Human Rights Inter-Agency Council chaired by the Prime Minister supervises the effective implementation of the Human Rights Action Plans adopted in pursuance of the National Human Rights Strategy. The Inter-Agency Council consists of the Ministers and top officials of different state agencies. Representatives of the local civil society organisations and international organisations participate in the work of the Interagency Council. They have consultative status at the Council. The Interagency Council reviews the submitted annual reports on the status implementation of the Action Plans and presents it to the Government. The Government submits these reports to the Parliament for review.

“To the Government

140. *g) publicly recognise 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.”*

Comment of the Georgian side:

141. To underline the importance of protecting human rights and democracy and publicly recognize the legitimacy of the work of independent election observers, the Election Administration of Georgia is committed to facilitating robust observation processes. However, any instances of misconduct, a hindrance to observation organizations' activities, or attempts to interfere with observation procedures, will serve as the foundation for the proactive measures that the Election Administration will undertake in accordance with legal prescriptions to prevent potential issues. The Election Administration will respond appropriately to such occurrences.

142. While the Election Administration oversees monitoring processes, it is imperative to address any breaches of the law to safeguard against interference with the commission's activities and ensure unbiased observation. This aligns with recommendations from the OSCE ODIHR.

143. Furthermore, the Election Administration maintains a collaborative platform with non-governmental organizations, keeping them informed about relevant procedures.

“To the Ministry of Education

144. *a) introduce a module on human rights defenders into the teacher training curriculum.”*

Comment of the Georgian side:

145. The Ministry of Education, Science and Youth of Georgia (MoESY) promotes human rights education on different levels.

146. In 2018, the state programme “**Democratic Culture and Human Rights Education at Schools**,” was launched which aims to promote competencies for democratic culture in schools through the professional development of teachers, to provide the educational process oriented on human rights education, prevention of discrimination and development of safe and tolerant learning environment, to equip teachers and the school community with appropriate knowledge, skills and resources. Within the framework of the program cooperation with various organizations at the local or international level, the Council of Europe and the European Union is in progress.

147. Additionally, in 2023, Teacher Professional Development Center (TPDC) the Agency under MoESY, introduced the training modules for teachers, in which the human rights issues are integrated:

- (a) "Teaching Peace - Peace Processes" - 276 teachers were trained in 2023 ;
- (b) "Overcoming Violence Against Children, INSPAIR Strategies" -363 teachers were trained in 2023;
- (c) "Preventing Bullying in Schools and Promoting the Development of a Tolerant Culture" -13316 teachers were trained in 2023.

148. *MoESY will consider the possibility of revising existing, training modules to incorporate the issue in concern.*

“To the Ministry of Education

149. *b) introduce a module on human rights defenders in the civic education curriculum.”*

Comment of the Georgian side:

150. According to the National Curriculum, the standard of the subject "Citizenship" in the VIII grade includes the mandatory topic "Civil Society", which is taught throughout the semester: The standard encompasses, inter alia, the following topics:

- **Socialization**- the role of civil society (local media, economic community and non-governmental organizations, initiative groups, etc.) in planning social activities and, if necessary, cooperate with them; considering the interests and rights of all people living in the municipalities (right to association) as much as possible.
- **Democracy** (human rights, legal documents, principles of democracy) - the principles of democracy (equality, rule of law, transparency, responsibility, inclusiveness, non-violent action, non-discrimination, tolerance) when cooperating with public institutions, evaluating their activities and/or developing recommendations for them;
- **Civic Participation**-Awareness of the importance of own participation in social activities carried out by public institutions;
- **Sustainable Development**- the principles of sustainable development when cooperating with public institutions, evaluating their activities and/or developing recommendations for them.

151. Based on the standard, the above-mentioned components are widely reflected in school textbooks (in addition to the activities of the non-governmental sector the students are also provided with information about the functions of the Public Defender of Georgia and its importance for the country).

152. *Stemming from the aforementioned, we consider that the recommendation is fulfilled.*

"To the Ministry of Environmental Protection

153. *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."*

Comment of the Georgian side:

154. Considering the following two aspects, the first, that respective national legislation and implementation mechanisms for the proper fulfillment of the Aarhus Convention exist in the country, and the second, provision of the Convention, stating that "The provisions of this Convention shall not affect the right of a Party to maintain or introduce measures providing for broader access to information, more extensive public participation in decision-making and wider access to justice in environmental matters than required by this Convention." (Article 3. 5. General Provisions, Aarhus Convention), the following formulation of this recommendation would be relevant: "a) ensure more timely ..." and continue according to the existing text.

"To the Ministry of Interior

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

156. *b) using the examples provided by the Prosecutor's Office and the SIS, implement a system for the collection of disaggregated statistics on alleged crimes against human rights defenders."*

Comment of the Georgian side:

157. Human Rights Protection and Investigation Quality Monitoring Department of the Ministry of Internal Affairs of Georgia, within the scope of its competence, ensures timely response to the facts of domestic violence, violence against women, discrimination with the motive of intolerance, trafficking, crimes committed by/against a minor, crimes against life

and health, identifying the mistakes made in the course of the investigation, as well as, taking into account the existing criminogenic situation and/or the priorities of the criminal law policy, ensuring the timely response to the facts of the crime enshrined in other articles of the Criminal Code of Georgia and the effectiveness of the current investigation.

158. On September 23, 2020, a memorandum of understanding was signed among the Ministry of Internal Affairs, the Prosecutor's Office of Georgia, the Supreme Court and the National Statistics office (Geostat) to create a unified data system on crimes committed with the motive of intolerance. Data collection is based on a new, unified methodology.

159. It should be noted, that a new memorandum was signed by the parties in 2023, where the mandate of the special investigation service was also prescribed.

160. The accounting units by the Ministry of Internal Affairs, within the framework of the new memorandum, are:

- The total number of investigations initiated by the Ministry of Internal Affairs of Georgia on crimes committed on the motive of alleged intolerance; Article of initiation of investigation;
- Motive of discrimination;
- Motive of discrimination based on the location (territory)
- The total number of investigations initiated by the Ministry of Internal Affairs of Georgia on crimes committed with the motive alleged intolerance, in which the witness and victim coordinator of the Ministry of Internal Affairs was involved.

161. The Human Rights Protection and Investigation Quality Monitoring Department of the Ministry of Internal Affairs of Georgia, within its competence, prepares recommendations and ensures their availability to employees of the Ministry of Internal Affairs in order to ensure timely response to crime and the effectiveness of ongoing investigations.

162. At this stage, in order to identify the motive of intolerance on the grounds of discrimination, the investigative units use the recommendation developed in 2019 by the Human Rights Protection and Investigation Quality Monitoring Department of the Ministry of Internal Affairs on the identification and effective investigation of crimes committed with the motive of intolerance on the grounds of discrimination. The recommendation concerns such important issues as the definition of the crime committed with the motive of intolerance on grounds of discrimination and the signs of discrimination, the targets of the crime, the investigation methodology of the crimes committed with the motive of intolerance on the grounds of discrimination and the identification of the motive, the standards of the investigator's relationship with the victim, the circumstances to be considered to identify the motive of intolerance. In addition, the mentioned recommendation includes a list of questions that are recommended to be asked in the ongoing interviews about the crime committed with motive of intolerance on the grounds of discrimination. The answers to the mentioned questions are one of the indicators for identifying the motive of intolerance.

163. In the event if the crime is committed against the human rights defender related to his professional activities, the mentioned criminal case falls under the monitoring field of the Human Rights Protection and Investigation Quality Monitoring Department and accordingly, the mentioned case is recorded as a crime committed with the motive of intolerance on the grounds of discrimination under the conditions stipulated in the above-mentioned memorandum.

“To the Ministry of Interior

164. *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.”*

Comment of the Georgian side:

165. It is noteworthy that, in matters concerning migration to Georgia (border crossing, VISA, Residence Permit, etc.), a number of relevant state agencies are involved, which

operate under the Law of Georgia on the Legal Status of Aliens and Stateless Persons, and other normative acts on the subject of maintaining and ensuring state security.

166. During the crossing of the Georgian border, individuals are checked by representatives of the Ministry of Internal Affairs of Georgia (hereinafter referred to as "MIA"). Checks are carried out in accordance to Georgian Legislation and international standards of human rights.

167. It is noteworthy that border crossings by foreign citizens are executed without any form of discrimination, in compliance with the number of legislative requirements, as well as, based on the assessment of existing factor(s) and circumstance(s) in each and every case. The above-mentioned procedure may include verification of documents. One must note that documentation must be in line with the purpose of the travel. Interviews conducted by authorized representatives of the MIA could be part of the previously mentioned procedures.

168. In light of that, foreign citizens who comply with all the requirements of Georgian Legislation are allowed to cross the country's border.

169. It must be noted that the Border Control Officer has discretionary power to make a positive or a negative decision in accordance with the law, regarding the entry of persons into the country.

"To the Ministry of Interior

170. d) ensure that anyone wishing to apply for asylum, including human rights defenders from foreign countries, is granted access to Georgian territory in line with international law standards."

Comment of the Georgian side:

171. Georgian asylum system guarantees access to the asylum to all aliens and stateless persons who claim for international protection either at the border or on the territory of Georgia.

172. The Law of Georgia on International Protection specifies general principles and strengthens procedural safeguards at all stages of the asylum procedure, including at the border. The Law enshrines conditions of entry, stay and standards of treatment on the territory of Georgia of aliens and stateless persons, who have requested international protection; their legal status, rights and obligations; the competencies of the state agencies and rules of coordination of their activities in establishment of fair and effective asylum procedure, etc.

"To the Ministry of Interior

173. f) provide the option of obtaining a residence permit on humanitarian grounds in order to close the protection gap for foreign HRDs without family links or work status."

Comment of the Georgian side:

174. Implementation of the mentioned recommendation does not fall within the competence of the Ministry. Accordingly, it is appropriate to remove the aforementioned paragraph from the list of recommendations issued to the Ministry.

"To the Ministry of Interior

175. g) take proactive steps to facilitate the registrations of NGOs and the opening of organisational bank accounts for foreign human rights defenders."

Comment of the Georgian side:

176. Implementation of the mentioned recommendation does not fall within the competence of the Ministry. Accordingly, it is appropriate to remove the aforementioned paragraph from the list of recommendations issued to the Ministry.

"To the Government

177. 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.”

Comment of the Georgian side:

178. The Office of the State Minister of Georgia for Reconciliation and Civic Equality (SMRCE) kindly clarifies that the Government of Georgia is committed that the Government of Georgia is committed to effectively implement the civic equality and integration policy. One of the key instruments of this policy */with respect to the ethnic minorities/* is the State Strategy for Civic Equality and Integration for 2021-2030 which aims to: - further strengthen democratic society based on equality; and - create equal opportunities for all citizens, regardless of their ethnicity, for full participation in all spheres of public life. The main interrelated priorities of the Strategy are: 1. State language for integration, 2. access to quality education, 3. equality, civic and political participation; 4. social and economic integration; 5. intercultural dialogue - with a special focus on further empowerment of women and youth.

179. The process of development and implementation of the State Strategy and the Action Plans is open and inclusive implying wide engagement of a large number of civil society organizations with various perspectives and diverse ideas; also experts, Public Defender's Office, representatives of ethnic minorities, international partners.

180. In order to achieve civic equality and integration policy goals, specifically tailored and state funded civic integration policy mechanisms are established and successfully function. Specifically,

- different special programs for state language comprehensive learning;
- quality education in mother tongues;
- facilitated access to vocational and higher education;
- internship opportunities in the public sector;
- teaching smaller minority groups' languages in schools upon request;
- access to information and media in native languages;
- large-scale information and awareness-raising campaigns in minority languages on state programs and services; etc.
- supporting the culture of ethnic minorities.

181. For smooth and efficient implementation of the Strategy, two-years Action Plans are designed under the leadership and coordination of the SMRCE in close cooperation with the relevant sectoral agencies within their competence and public consultations. Currently, implementation of the Action Plan for 2023-2024 is in progress; it includes a range of specific large-scale measures to further improve equal and full participation of ethnic minority representatives in various spheres of social life.