

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ref.: AL GEO 3/2025
(Please use this reference in your reply)

24 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **administrative charges against human rights defenders, journalists and politicians, including Ms. Baia Pataraiia; and the legal and administrative harassment of CSOs in Georgia.**

Ms. **Babutsa (Baia) Pataraiia** is a woman human rights defender, lawyer, and the Director of the human rights NGO Sapari.

Special Procedures mandate holders have previously expressed their concerns about the intimidation of human rights defenders in Georgia, including opponents of the Foreign Agents Law ([GEO 2/2024](#), dated 29 August 2024). We regret that, up to date, no reply to this communication has been provided by Your Excellency's Government.

Special Procedures mandate holders have also previously expressed their concerns about the re-introduction to Parliament and subsequent adoption on 28 May 2024 of the so-called 'Foreign Agent Law' ([AL GEO 1/2024](#), dated 10 May 2024). The communication also addressed allegations of excessive use of force against demonstrators in Georgia, who were protesting against the reintroduction and subsequent adoption of the law. We regret that, up to date, no reply to this communication has been provided by Your Excellency's Government.

According to the information received:

Application of article 173 of the Administrative Offenses Code

On 11 June 2025, twenty activists, journalists and politicians were summoned for court hearings scheduled to take place the following day. These individuals, including Ms. Baia Pataraiia, were accused of insulting members of the Georgian Dream Party through their Facebook posts.

Ms. Pataraiia's lawyer was informed that she was charged under article 173 of the Administrative Offenses Code of Georgia. This relatively new provision was introduced to the Administrative Offenses Code on 6 February 2025. Article 173 prohibits 'Verbal abuse, insult, or offensive conduct toward a public

official' and carries penalties of a fine from 1.500 to 4.000 GEL (500 to 1300 Euros), or administrative detention or up to 45 days.

The evidence presented against Ms. Pataria consisted of screenshots of her three Facebook posts, in which she criticized Mr. Mamuka Mdinardze, Tea Tsulukiani and Mariam Lashkhi, MPs from the ruling Georgian Dream party.

The case was brought by the Ministry of Internal Affairs, which argued that Ms. Pataria's posts were offensive due to their overall tone and context, claiming that they were 'written with hate'.

On 18 June 2025, the Tbilisi City Court fined Ms. Pataria 4.000 GEL for her three Facebook posts criticizing the three MPs. The judge reportedly did not provide the reasoning for the ruling, only the outcome of the decision.

The judge disregarded the request of Ms. Pataria's legal representatives to suspend the process while the Constitutional Court considers the constitutionality of article 173.

Legal and administrative harassment of civil society organizations

On 17 June 2025, the Anti-Corruption Bureau sent requests through a court order to several civil society organizations, including Transparency International Georgia, Media Development Foundation, SAPARI, the Civil Society Foundation, the Economic Policy Research Center, and the Future Academy of Georgia.

These inquiries appear to be the first application of recently adopted pieces of legislation targeting civil society in Georgia.

On 19 June 2025, the Social Justice Center received a court order notifying them that the Anti-Corruption Bureau has initiated an inspection of the organization's activities and is demanding unrestricted access to information relating to the work of the Social Justice Center.

The request covers comprehensive legal, technical and financial data relating to their activities between 1 January 2024 and 10 June 2025. Furthermore, it also demands detailed information regarding the support provided to their beneficiaries within the framework of legal aid and human rights defence services. The Anti-Corruption Bureau has given the NGO three days to comply.

The court order cites the Laws on Combating Corruption, Political Associations of Citizens and Grants as the legal basis for the request, rather than the Foreign Agents Registration Act (FARA).

Furthermore, the order requests all types of information for the specified period without establishing any limits related to the purpose of the inspection. The request also extends to the personal data of their beneficiaries, organizational correspondence and communications, representing severe and unlawful interference in the advocacy and legal defence work of the Social Justice Center.

During a briefing on 18 June 2025, the head of the Anti-Corruption Bureau claimed that the information requested from civil society organizations was intended to examine the purpose of the activities of grant recipients or politically active organizations, and that full protection of professional and personal data would be assured.

Without wishing to prejudge the accuracy of the information received, we wish to express our serious concerns about the use of the newly introduced article 173 of the Administrative Offenses Code of Georgia to criminalize and sanction human rights defenders and journalists for their posts on social media, including Facebook.

We note that, if confirmed, these allegations could be contrary to human rights norms and standards contained in the International Covenant on Civil and Political Rights (ICCPR), acceded by Georgia on 3 May 1994, notably the right to freedom of expression enshrined in article 19 of the Covenant. We recall that such right includes political discourse and commentary on public affairs and can only be restricted under the carefully crafted restrictions in articles 19(3) and 20 ICCPR. We note that the allegations above do not seem to fall under any of these restrictions allowed under international law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned observations.
2. Please explain whether and how article 173 of the Administrative Offenses Code is in compliance with the obligations of Georgia under international human rights law, in particular with the right to freedom of expression under article 19 of the International Covenant on Civil and Political Rights.
3. Please provide information about the functioning of the Anti-Corruption Bureau, including about the scope of data sought from civil society organizations, and how these are compatible with the right to privacy and the right to freedom of assembly and of association.
4. Please explain what measures have been taken to ensure that civil society and human rights defenders in Georgia, including Ms. Baia Pataraiia, are able to carry out their legitimate human rights work without undue interference, administrative or judicial harassment of any kind, in an enabling environment.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by Georgia on 3 May 1994, which guarantee the rights to freedom of opinion and expression.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and protects the freedom of the press as one of its core elements.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat" (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be "the least intrusive instrument among those which might achieve their protective function" (CCPR/C/GC/34, para. 34).

We also wish to refer your Excellency's Government to the fundamental principles set forth in 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, also known as the UN Declaration on Human

Rights Defenders. In particular, articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We also wish to refer to Human Rights Council resolution 22/6, which reiterates that domestic law should create a safe and enabling environment for the work of human rights defenders (PPs 10-13).

Additionally, during the 3rd UPR cycle (November 2020), the Government of Georgia supported a number of recommendations relating to civil society and human rights defenders, including to ‘increase the efforts of political leaders to publicly acknowledge and protect the important role of human rights defenders and independent human rights institutions in the democratization process’; to ‘further develop measures to ensure a safe environment for human rights defenders, including protection measures, as part of the national human rights action plan’; to ‘continue to allow and safely facilitate peaceful protests without discrimination’; and to ‘ensure prompt and impartial investigations into all incidents of excessive use of force by law enforcement authorities against protesters and journalists’; and to ‘strengthen the representation of civil society in the decision-making processes of the country’, among others.