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### DH-DD(2025)133

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Meeting: 1521<sup>st</sup> meeting (March 2025) (DH)

Communication from NGOs (Social Justice Centre, European Human Rights Advocacy centre (EHRAC)) (27/01/2025) in the cases of Georgian Muslim Relations and Others and Mikeladze and Others v. Georgia (Applications No. 24225/19, 54217/16) (Identoba and Others group) (appendices in Georgian are available at the Secretariat upon request).

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

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Réunion : 1521<sup>e</sup> réunion (mars 2025) (DH)

Communication d'ONG (Social Justice Centre, European Human Rights Advocacy centre (EHRAC)) (27/01/2025) dans les affaires Georgian Muslim Relations et autres et Mikeladze et autres c. Géorgie (requêtes n° 24225/19, 54217/16) (groupe Identoba et autres) (des annexes en géorgien sont disponibles auprès du Secrétariat sur demande) **[anglais uniquement]**

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

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DGI

27 JAN. 2025

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

*Sent by e-mail*

27 January 2024

**Rule 9(2) submission to the Committee of Ministers of the Council of Europe concerning the implementation of Mikeladze & Others v. Georgia (no. 54217/16) and Georgian Muslim Relations and Others v. Georgia (no. 24225/19), as a part of the Identoba Group of Cases (no. 73235/12) for the CM-DH meeting 1521 (4-6 March 2025) by the Social Justice Center and the European Human Rights Advocacy Centre**

## **I. Introduction**

1. The Social Justice Center and the European Human Rights Advocacy Centre, as the representatives of the applicants in these cases, submit updated information to the Committee of Ministers concerning the implementation of the judgments in the cases of *Mikeladze & Others v. Georgia* (no. 54217/16) and *Georgian Muslim Relations and Others v. Georgia* (no. 24225/19), in terms of individual and general measures.
2. We welcome the decision of the CM to examine the Identoba group of cases at its 1521<sup>st</sup> meeting on 4-6 March 2025 as well as its heightened attention to the critical situation regarding minority rights in Georgia. In this regard, the present submission highlights the alarming human rights situation in the country, including marginalization of minorities, the crackdown on civil society, state propaganda targeting LGBTQ+ community and legalizing hatred towards minorities, mass

practices of ill-treatment and torture of peaceful demonstrators in the streets of Tbilisi by law enforcement officers, arbitrary arrest and detention of hundreds of peaceful protesters, widespread impunity and dramatic deterioration of rule of law standards. These issues are undoubtedly intertwined with the exercise of freedom of religion by religious minorities in Georgia. Finally, we present our recommendations necessary for the effective implementation of the judgments and adequate protection of freedom of religion in Georgia.

3. Given the Government's failure to adequately address the CM's recommendations made at its 1507th meeting, this submission should be read in conjunction with our previous communications to the Committee of Ministers in 2024.<sup>1</sup>

## **II. The summary of cases and the Court's findings**

4. The case of *Mikeladze and Others v. Georgia* (no. 54217/16) concerns the religiously motivated ill-treatment of the applicants by the police during their arrest and detention at a peaceful gathering in 2014 aimed at protesting the reconstruction of remnants of an alleged Muslim Mosque into a public library, and ineffective criminal investigation into their complaints. The Court found a violation of the substantive aspect of Article 3 of the Convention in respect of the first applicant and a violation of the procedural limb of Article 3 taken alone and in conjunction with Article 14 in respect of all four applicants. Regarding the procedural aspect of Article 3, the Court established that the investigation lacked institutional and practical independence, as well as requisite promptness on account of unreasonable periods of inactivity. It also concluded that the substantial and personal scope of the investigation was limited and the authorities failed to take all reasonable steps to investigate any possible religious prejudice in the police officers' actions towards the applicants.
5. The case of *Georgian Muslim Relations v. Georgia* (no. 24225/19), concerns the State's failure to protect the applicants from unlawful mob action, hate speech and other discriminatory actions by the local Orthodox Christian population against their attempt to open a Muslim boarding school in the city of Kobuleti. The Court found that the authorities failed to fulfil their positive obligations under Article 8 and Article 9 of the Convention in conjunction with Article 14 on account of the following reasons: As a result of the police's inaction, the applicants were subjected to hate speech and degrading treatment because of their membership of a religious minority; they felt deeply humiliated and had to endure continuous interference with their private life, dignity and religious beliefs. The passive attitude of the authorities, namely their failure to identify and punish the

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<sup>1</sup> Rule 9(2) submission to the Committee of Ministers of the Council of Europe concerning the implementation of *Mikeladze & Others v. Georgia* (no. 54217/16) and *Georgian Muslim Relations and Others v. Georgia* (no. 24225/19), as a part of the Identoba Group of Cases (no. 73235/12) for the CM- DH meeting 1507 (17-19 September 2024) by the Social Justice Center and the European Human Rights Advocacy Centre [https://hudoc.exec.coe.int/?i=DH-DD\(2024\)913E](https://hudoc.exec.coe.int/?i=DH-DD(2024)913E)

perpetrators, contributed to exacerbating the discriminatory treatment of the applicants. The authorities failed to carry out an effective criminal investigation capable of revealing the possible hate motive and religious intolerance behind the violent incidents and identifying and punishing those responsible. While the domestic Courts found the private individuals responsible for discriminatory treatment, they did not consider it necessary to order the police to ensure the identification and punishment of the perpetrators or take any other measures to restore public order in the neighbourhood and to ensure that the applicants' religious rights were adequately protected.

6. The Court also found a violation of Article 1 of Protocol 1 of the Convention, as the applicants were denied access to the building for some time and the authorities failed to take proactive measures to stop the unlawful blockade of the building. As a result, the applicants were unable to use the building. In addition, the Kobuleti Water Ltd and Kobuleti Municipality failed to connect the building to the city's sewerage system. Finally, the decision of the domestic court on the connection of the building to the sewerage system was not enforced.

### **III. Update on Individual measures**

7. In its previous decision of 1507th meeting, the CM urged the State to take all necessary measures with utmost diligence and urgency and punish the perpetrators in all the investigations in the Identoba group of cases, take into consideration the Court's findings on the qualification of offences and identification of hate motives and promptly complete the investigations. The CM further called on the authorities to speed up the criminal trial in the Mikeladze and Others case and provide information whether the applicant organization was able to use the boarding school without any hinderance in the case of Georgian Muslim Relations and other v. Georgia.

#### ***Mikeladze and Others v. Georgia***

8. The criminal charges under Article 333 3 (b) of the Criminal Code of Georgia (exceeding official powers) were brought against two former police officers about allegations of ill-treatment toward the first applicant, T. Mikeladze on 13 April 2021. The case is being examined by the Akhaltsikhe District Court. By a letter dated 26 December 2024, the Akhaltsikhe District Court informed us that the Court has not yet delivered a judgment.<sup>2</sup> Such a delay of the judgment indicates a lack of will to punish the alleged perpetrators.
9. The applicants' representative's continuous request on the changing of classification of the case under Article 144<sup>3</sup> of the CCG (inhuman and degrading treatment) was not taken into consideration. This problem of classification of instances of ill-treatment under more lenient

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<sup>2</sup> Annex 1, Letter of the Akhaltsikhe District Court to the applicants' representative, 26.12.2024

provisions of the Criminal Code has been a long-standing issue criticized by the CM in the Tsintsabadze group of cases.<sup>3</sup>

10. Regarding the remaining three applicants, a criminal investigation into their allegations has shown no progress: the motive of religious intolerance has not been revealed by the Prosecutor's Office (PO), and the three applicants have not been granted victim status even after ten years since the violence occurred. This prevents them from reviewing case files and monitoring the progress of the investigation, in violation of the principles of promptness and victims' effective involvement.
11. The Government's updated action report notes only one investigative activity carried out after April 2024, namely requesting information regarding the work performance of two police officers from the Department of Human Resources Management of the MIA. Such an investigative step cannot be considered relevant and/or sufficient to establishing the police officers' roles in the disputed events and reflects the perfunctory nature of the investigation.

### ***Georgian Muslim Relations and Others v. Georgia***

12. Under Article 29(3) the law on the Special Investigative Service, investigation of crimes in the cases where the Court has established a violation of Convention rights after 28 February 2022, falls in the jurisdiction of the Special Investigative Service (SIS). Accordingly, the SIS is responsible for carrying out an effective investigation into this case.<sup>4</sup> According to the Government's action plan, the SIS has decided to transfer the case from the MIA to itself and has developed a plan for the investigation of the case. However, as evident from the action report, no investigative measures have been undertaken by the SIS more than a year after the judgment was delivered. Given that more than ten years have passed since the events occurred, it is crucial to conduct all necessary activities swiftly and in a timely manner. Notable, the SIS failed to respond to our letter dated 17 July 2024, with the request to provide detailed information regarding the steps taken and/or planned to implement the judgement in accordance with the findings of the Court. At the time of sending this submission, the SIS has not replied to our repeated request for updated information.<sup>5</sup>
13. Despite the domestic court's decision ordering the connecting of the boarding school to the Kobuleti sewerage system, and the judgment of the ECtHR which found a violation of the applicant organization's property rights, the Municipality continues to refuse to connect the water supply. In its action report, the Government stated that since 2018, the Kobuleti Municipality has undertaken measures to promote public understanding of religious equality. It also claimed that a "one-time installation of the respective infrastructure to connect the boarding school to the water

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<sup>3</sup> 1390th meeting (1-3 December 2020) (DH) - H46-10 Tsintsabadze group v. Georgia (Application No. 35403/06), paragraph 10 [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2020\)1390/H46-10E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2020)1390/H46-10E)

<sup>4</sup> Law on Special Investigative Service, Article 29 (3)  
<https://matsne.gov.ge/ka/document/view/4276790?publication=11>

<sup>5</sup> Letter of the applicant's representative to the SIS, 14.01.2025 (annex #2)

supply (sewage) would not be effective and would not offer a lasting solution.” Such statements are wholly inappropriate and demonstrate ongoing disregard for the applicant organization’s property rights. Furthermore, by framing the issue in this manner, the Government legitimizes the suppression of religious minorities’ rights under the pretext of maintaining public peace. This underscores the Government’s failure to ensure the execution of the European Court’s Judgment and peaceful coexistence of different religious groups, prioritizing the dominant religious group’s influence over others.

14. The lack of progress in implementing the judgments illustrates that the investigations in these two cases remain deficient, failing to comply with the requirements of promptness, adequacy, and meaningful victim involvement. This indicates the Government’s unwillingness to hold perpetrators accountable and restore justice.

#### **IV. General measures**

##### **Investigation of hate-motivated crimes**

15. Under the Law on the Special Investigative Service, crimes under Article 155 (unlawful interference with the performance of religious rites) and Article 156 (persecution of persons, including on grounds of conscience, confession, and faith) fall under the SIS’s jurisdiction. As 2024 statistical data on the investigation of religiously motivated crimes is not publicly available, we requested information regarding the effectiveness of investigations into hate crimes against the Muslim minority from the SIS and the PO. At the time of sending this submission, we have not received a response.

##### **Response to the persecution of Georgian Muslims in the town of Adigeni**

16. Investigation into the acts of persecution of Georgian Muslims in the town of Adigeni during March and April in 2024 has not been initiated. As reported in our previous submission, local Orthodox priests and other Christians gathered several times in front of the premises of Imam Temur Mikeladze and demanded ceasing prayers in his house, using religiously framed hate speech and threatening with destroying the property and physical violence. Despite our request to the SIS to initiate investigation into these incidents, which fall under its investigative jurisdiction, it transferred our letter to the Ministry of Internal Affairs for administrative-law response, citing the absence of signs of crime in the case.<sup>6</sup>
17. To date, investigative authorities have not responded to our letters to provide information on their response to the acts of persecution. The Georgian Muslim community had to cease practicing their

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<sup>6</sup> Rule 9(2) submission to the Committee of Ministers by the Social Justice Center and the European Human Rights Advocacy Centre, paragraphs 16-18 [https://hudoc.exec.coe.int/?i=DH-DD\(2024\)913E](https://hudoc.exec.coe.int/?i=DH-DD(2024)913E)

religion in their property due to the inactivity of the police, and public statements of the representatives of the central and local governments, including the Head of the State Agency of Religious Affairs, justifying the demands of the Orthodox community while disparaging the Georgian Muslims by referring to them as Muslim sects.<sup>7</sup>

18. There is a continuous practice of persecution and harassment of the rights of Georgian Muslims in the Adigeni Municipality - in Chela (2013),<sup>8</sup> in Mokhe (2014),<sup>9</sup> in Adigeni (2016)<sup>10</sup> and Kvabijvari (2018)<sup>11</sup> - as well as in other regions of Georgia - Nigvziani (2012),<sup>12</sup> Samtatskaro (2013), Tsintskaro (2013),<sup>13</sup> and Buknari (2021).<sup>14</sup> Such incidents fuels discontent and feeling of injustice in the religious minorities, promotes a climate of impunity and deepens societal divisions, which in turn creates fertile ground for future conflicts on the grounds of religion.

### **Protracted civil proceedings in the case of Batumi Mosque**

19. As outlined in our previous communication before the CM, the dispute over the permission of Muslim community to build a Mosque in the city of Batumi has still not been decided and remains pending before the Kutaisi Appellate Court.<sup>15</sup> After annulling the Decision of the Kutaisi Appellate Court by the Supreme Court of Georgia on the discrimination of the Muslim community and returning the case for renewed examination on 25 May 2023 to the Court of Appeals, it has become evident that the domestic courts are reluctant to examine the case promptly and adequately. Due to the unjustified lengthy proceedings for more than eight years, the Muslim community in Batumi

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<sup>7</sup> Ibid, paragraphs 19-20

<sup>8</sup> Tolerance and Diversity Institute (TDI), Report on Freedom of Religion in Georgia, 2010-2019, pp. 90-91 [https://tdi.ge/sites/default/files/tdi-report-freedom\\_of\\_religion\\_in\\_georgia\\_2010-2019.pdf](https://tdi.ge/sites/default/files/tdi-report-freedom_of_religion_in_georgia_2010-2019.pdf)

<sup>9</sup> Public Defender of Georgia (PDO), Situation of Human Rights and Freedoms in Georgia, 2017, pp. 82, 101-102 <https://ombudsman.ge/res/docs/2019062409381039906.pdf>; PDO 2014 annual Report, pp. 269-270 <https://www.ombudsman.ge/res/docs/2019062409381078741.pdf> see also: PDO 2016 annual report, pp. 262-264 <https://ombudsman.ge/res/docs/2019062409381031243.pdf>

<sup>10</sup> Netgazeti, “Struggle of Muslims for Rights in Adigeni,” 02.03.2016 (available only in Georgian) <https://netgazeti.ge/news/98526/>

<sup>11</sup> SJC, the Land Which Was Used by Muslims in Adigeni, Was Handed Over to the Patriarchate, 11.10.2019 (available only in Georgian) <https://socialjustice.org.ge/ka/products/mitsa-romlitats-adigenshi-muslimi-mosakhleoba-sargeblobda-sapatriarkos-gadaetsa>

<sup>12</sup> PDO, Report on the Situation of Protection of Human Rights and Freedoms in Georgia, 2013, pp. 160-161 <https://www.ombudsman.ge/res/docs/2019062409162473497.pdf>

<sup>13</sup> Ibid

<sup>14</sup> PDO, Report on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021, p. 130 <https://ombudsman.ge/res/docs/2022070612391254904.pdf> see also: SJC, “Bukanri, Another Place of Religious Conflict”, 2021 <https://socialjustice.org.ge/ka/products/buknari-kidev-erti-religiuri-kontekstis-mkone-konfliktis-adgili>

<sup>15</sup> Statement of Social Justice Center and Tolerance and Diversity Institute Concerning the New Batumi Mosque, 28.06.2023 <https://socialjustice.org.ge/ka/products/batumis-akhali-mechetis-sakme>

continues to face artificial barriers to exercise their freedom of religion freely and has been praying outside the Mosque because of limited praying space in the existing Mosque.

### **Instrumentalization of religion by the ruling party and its exclusionist rhetoric**

20. In the run-up to the parliamentary elections on 31 October 2024, the ruling party, along with the highest state officials and the founder of Georgian Dream party, Bidzina Ivanishvili intensified ethnic-religious and nationalistic discourse in their public statements and speeches. For instance, in August 2024, the ruling party announced plans to declare Orthodox Christianity as the state religion.<sup>16</sup> According to Tolerance and Diversity Institute (TDI), under the pretext of protecting the Church and “faith,” the ruling party portrayed human rights defenders and NGOs, political opponents, and Western countries as Western “agents,” “fighters against the Church,” “anti-church, radical groups,” and “hostile forces.”<sup>17</sup> Conversely, Georgian Dream positioned itself as the defender of the “mother church” against perceived enemies.<sup>18</sup>
21. Similarly, when mass protests erupted in response to the ruling party’s decision to halt EU accession negotiations, state propaganda sought to characterize pro-European demonstrators and young activists as “Bolsheviks” opposing the Orthodox Church. The propaganda suggested that NGOs, allegedly supported by foreign states, were funding radicalism and extremism, attacking the Georgian Orthodox Church, the Patriarch, faith, and traditions. As observed by TDI, these narratives were marked by a pronounced anti-Western bias, framing Europe as the antithesis of Christianity, spirituality, and national values.<sup>19</sup>
22. Representatives of the Orthodox Church of Georgia echoed these narratives, accusing protesters of blasphemy. Certain members of the clergy engaged in campaigns of exaggeration and misinformation, equating demonstrators with Bolsheviks.<sup>20</sup> The unwavering support by the Georgian Orthodox Church to the ruling party is reciprocated through disproportionate financial assistance and the transfer of state property to the Church. For instance, in 2024, the government doubled the budget allocation for the Orthodox Church and its subordinate organizations, raising it to 67 million GEL. Notably, the Patriarchate is not required to ensure transparency in its spending of public funds, nor is it subject to state inspection, thereby increasing the risk of misuse or

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<sup>16</sup> OC-media, “Georgian Dream proposes to recognize Orthodox Christianity as state religion”, 28.08.2024 <https://oc-media.org/georgian-dream-proposes-to-recognise-orthodox-christianity-as-state-religion/>

<sup>17</sup> Tolerance and Diversity Institute (TDI), “Georgia: Pre-election environment in terms of freedom of religion or belief, equality and secularism Monitoring results from 25 August to 25 September 2024”, p. 15 [https://tdi.ge/sites/default/files/preelection\\_monitoring\\_forb\\_25aug-25september.pdf](https://tdi.ge/sites/default/files/preelection_monitoring_forb_25aug-25september.pdf)

<sup>18</sup> Ibid, pp. 4-5

<sup>19</sup> TDI, “Post-Election Environment: Freedom of Religion or Belief, Equality, and Secularity, 2024”, p.5 [https://tdi.ge/sites/default/files/postelection\\_environment\\_freedom\\_of\\_religion\\_or\\_belief\\_equality\\_and\\_secularity\\_november\\_26\\_-\\_december\\_26\\_2024.pdf](https://tdi.ge/sites/default/files/postelection_environment_freedom_of_religion_or_belief_equality_and_secularity_november_26_-_december_26_2024.pdf)

<sup>20</sup> Ibid, pp. 6-7



inappropriate allocation of these resources.<sup>21</sup> Furthermore, during the three-month period from September to November 2024, thousands of square meters of land were gifted to the Orthodox Church.<sup>22</sup>

23. Such close cooperation between the State and the most influential religious organization, in clear violation of the principle of secularism, underscores the State's intent to politically leverage the Church and its societal influence. Additionally, this relationship signals to other religious organizations and their followers their "secondary" status, while demonstrating the only acceptable form of relations between religious institutions and the State.

### **Alarming human rights crisis in Georgia**

24. The recent alarming developments in Georgia underscore a grave human rights crisis. This includes the adoption of homophobic, transphobic, and biphobic legislation; crackdown on civil society through adoption of Russian-style law on "Transparency of Foreign Influence", formation of a de-facto one-party rule in the Parliament of Georgia following mass breaches of voters' rights,<sup>23</sup> unfair<sup>24</sup> and rigged<sup>25</sup> elections; the termination of negotiations on EU accession;<sup>26</sup> mass torture and ill-treatment of peaceful demonstrators,<sup>27</sup> impunity of the perpetrators of mass violence, the imprisonment of critics of the ruling party and civic activists through the misuse of repressive criminal law tools,<sup>28</sup> the persecution and physical attacks against journalists and retaliation against

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<sup>21</sup> Social Justice Center, "Increasing Budget Allocation to the Patriarchate in the runup to the 2024 Elections Signals an intent to politically leverage the Church", 21.03.2024 <https://socialjustice.org.ge/en/products/archevnebamde-ramdenime-tvit-adre-sapatriarkos-dafinansebis-radikaluri-zrda-eklesiis-politikuri-gamoqenebis-mizans-atarebs>

<sup>22</sup> TDI, "Post-Election Environment: Freedom of Religion or Belief, Equality, and Secularity, October 26 to November 26, 2024", p. 10 [https://tdi.ge/sites/default/files/postelection\\_environment\\_forb\\_equality\\_and\\_secularity\\_26\\_oct\\_26\\_nov\\_2024\\_4.pdf](https://tdi.ge/sites/default/files/postelection_environment_forb_equality_and_secularity_26_oct_26_nov_2024_4.pdf)

<sup>23</sup> Georgian Young Lawyer's Association, "Assessment of the Parliamentary Election Voting Day on 26 October" 2024, 27.10.2024 <https://gyla.ge/en/post/gancxadeba-27octomberi-11saati>

<sup>24</sup> Organization for Security and Co-operation in Europe/ODIHR, Georgia, Parliamentary elections, 26 October 2024: Final Report <https://www.osce.org/odihr/elections/georgia/584029>

<sup>25</sup> Dr. Hans Gutbrod, "A Dozen Daggers: How Georgia's 2024 Elections Were Systematically Rigged", 04.11.2024 <https://civil.ge/wp-content/uploads/2024/11/A-Dozen-Daggers-How-Georgias-2024-Elections-Were-Rigged-Gutbrod.pdf>

<sup>26</sup> Civil.ge, "GD Aborts EU Accession", 28.11.2024 <https://civil.ge/archives/638801>

<sup>27</sup> OMCT, Georgia: Preliminary Findings on the Investigation of Torture and Ill-Treatment Against Protesters from 28 November to 20 December 2024", 24.12.2024 <https://www.omct.org/en/resources/statements/georgia-preliminary-findings-on-the-investigation-of-torture-and-ill-treatment-against-protesters-from-28-november-to-20-december-2024-2>

<sup>28</sup> Radio Free, "Those Who are Arrested Under Criminal-Law Proceedings" <https://www.radiotavisupleba.ge/p/10451.html>

political opponents,<sup>29</sup> and shrinking the democratic spaces via criminalizing peaceful protests,<sup>30</sup> signal an unprecedented risk of authoritarian consolidation.

25. The above authoritarian trends are established and reinforced through taming and capture of all the state institutions, including Public Defender of Georgia, Special Investigative Service,<sup>31</sup> Constitutional Court of Georgia<sup>32</sup> and common courts which are no longer able check the unlimited powers of the ruling party. Recent legislative amendments will further “clean” civil service from civil servants who openly supported EU integration, through abolishing legislative guarantees and exemplary dismissal of civil servants, including managerial positions.<sup>33</sup>
26. In this unprecedented hostile environment, and in light of the fact that the law “on Foreign Influence” is in force, civil society continues to operate under a realistic and imminent threat of repression. On 7 January 2025, Zurab Kadagidze, the member of “People’s Power” - the radical fraction of the ruling party Georgian Dream, announced that after 20 January 2025, the Open Society Foundation and all the related organizations will be expelled from Georgian society as the “creators of the main evil – liberal fascism”.<sup>34</sup> Enforcement of the law which designates NGOs as “organizations pursuing the interests of foreign powers”, imposes excessively harsh financial penalties on legal and natural persons, including the employees of targeted organizations. Failure to pay the penalties will result in the seizure of property and bank accounts, posing a serious threat to the very existence of the NGOs in Georgia and their ability to continue protecting human rights and monitoring the implementation of the Court’s judgments.
27. In its previous decision on the Identoba group of cases, the CM called on the State not to enact legislative package on “Protecting Family Values and Minors” which restricts freedom of expression and assembly related to LGBTI issues. Despite this, on 17 September 2024, the Chairman of the

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<sup>29</sup> Civil.ge, “Opposition Leader, TI-Georgia Executive Assaulted in Batumi”, 15.01.2025 <https://civil.ge/archives/652141>

<sup>30</sup> Social Justice Center, “Systematic Analysis of Legislative Amendments Adopted Against Protests”, <https://socialjustice.org.ge/en/products/protetebis-tsinaagmdeg-mighebuli-sakanonmdeblo-tsvilebebis-sistemuri-analizi>

<sup>31</sup> Georgian Young Lawyers Association, “We Urge the Special Investigative Service to Present Information on the Facts of Abuse of Power by the Police”, 18.04.2024 <https://www.gyla.ge/post/movutsodebt-specialuri-sagamodziebo-samsakhuris-ufross-tsarmoadginos-informacia-16-17-aprils-samartaldamacavebis-mier-dzalis-gadametebis-faqtebz>

<sup>32</sup> Social Justice Center, “Criticism of the Constitutional Court's Ruling on the Constitutionality of the Parliamentary Elections”, 05.12.2024 <https://socialjustice.org.ge/en/products/archevnebis-arakonstitutsiurad-tsnobis-taobaze-sakonstitutsio-sasamartlos-ganchinebis-kritika>

<sup>33</sup> Social Justice Center, “The Politicization of Public Service and the Dramatic Weakening of Labor Guarantees for Public Servants is Alarming”, 16.01.2025 <https://socialjustice.org.ge/en/products/sajaro-samsakhuris-politizireba-da-mokheleebis-shromiti-garantiebis-dramatuli-dasustebe-sagangashoa>

<sup>34</sup> People’s Power, Statement of Zurab Kadagidze, 07.01.2025 [https://www.facebook.com/photo.php?fbid=596110326648790&set=a.157097030550124&type=3&rdid=6pD3bW4pA8POGuhi&share\\_url=https%3A%2F%2Fwww.facebook.com%2Fshare%2F1CgTniKYa2%2F#](https://www.facebook.com/photo.php?fbid=596110326648790&set=a.157097030550124&type=3&rdid=6pD3bW4pA8POGuhi&share_url=https%3A%2F%2Fwww.facebook.com%2Fshare%2F1CgTniKYa2%2F#)

Parliament of Georgia, Shalva Papuashvili signed the laws which came into force in December 2024.<sup>35</sup> Alarming, homophobia has become a central propaganda tool for the ruling party, encouraging future hate crimes in the country in blatant disregard of the State's positive obligations to respect and promote equality, and take proactive measures to combat hate crimes.

28. Amid this severe human rights crisis, where the right to equality is completely disregarded, minorities – including the Muslim minority - are increasingly marginalized at the expense of consolidating and maintaining the GD's powers. This marginalization renders them more vulnerable to hate crimes and propaganda designed to appease Orthodox population. Consequently, the protection of their rights becomes increasingly challenging. Unfortunately, due to the evident and dangerous process of erosion of state institutions, especially law enforcement agencies - which operate under the effective control of a single political party, and adhere to its political directives - their ability to address hate crimes effectively is severely undermined. In such a context, the proper implementation of the Court's judgments becomes highly unlikely which underscores the critical need for stringent supervision of the Committee of Ministers over the execution process.

## **Conclusion**

29. Despite the CM's strong criticism and repeated calls to the authorities, it is evident that no meaningful measures have been taken to comply with the CM's recommendations following its decision of 17–19 September regarding the proper implementation of the above judgments and other rulings in the Identoba group of cases. Such disregard by the Contracting State for its obligation to abide by the Court's judgments must not be tolerated and necessitates an appropriate and decisive response from the Council of Europe.
30. In the light of above considerations, and the previous submissions communicated by the Social Justice Center and the European Human Rights Advocacy Centre, we reiterate the following recommendations on individual and general measures for the adequate implementation of the aforementioned judgments.

## **Individual measures in the case of Mikeladze and Others v. Georgia**

- The Akhaltsikhe District Court must speedily finalize the criminal proceedings in the case of the first applicant;
- The Prosecutor's Office must grant victim status to the remaining three applicants enabling them to be effectively involved in the investigation, identify the hate motive in the case and take all measures to reach a conclusive decision.

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<sup>35</sup> Parliament of Georgia, Law of Georgian on the Protection of Family Values and Minors <https://matsne.gov.ge/en/document/view/6283110?publication=0>

### **Individual measures in the case of Georgian Muslim Relations and Others v. Georgia**

- The authorities must provide a detailed timeline for the conduct of investigative measures to the CM;
- The Special Investigative Service must promptly carry out concrete investigative measures necessary for the execution of the judgment through the effective investigation and duly inform the applicants about the progress in this process;
- The City Hall of Kobuleti must enforce the judgment of the Batumi City Court and connect the building of the boarding school to the sewerage system without delay.

### **General Measures**

- The investigative authorities should effectively investigate crimes committed based on religious intolerance, reveal the possible motives of religious intolerance and enable proper participation of the victims in the investigation;
- The investigative authorities should carry out specialized training and awareness-raising activities to enhance the capacity of law enforcement officers in investigating hate crimes, and managing inter-community conflicts;
- Authorities should develop effective preventive policies to combat hate crimes by addressing the structural causes of religious intolerance in society and by coordinating various agencies, including those responsible for education, information policy and religious freedom policy;
- The unified statistics should enable tracking the progress of each case and incorporate data on the number of refusals by investigative authorities to initiate investigations into alleged crimes, as well as the reasons behind difficulties in identifying the hate motive. Such comprehensive data should be publicly available;
- The State should review its institutional practices and policies on freedom of religion and take into account the criticism from the PDO, CSOs, and religious organizations regarding the mandate and practices of the State Agency for Religious Issues, which addresses religious issues from a security perspective, hierarchizes religious organizations, and has vague competencies in managing religious issues;
- The State should take effective measures to mitigate local conflicts by ensuring a free, equal and secure environment for the exercise of religious freedom by Muslim communities in Georgia, facilitating the peaceful and equitable coexistence of different religious groups, and strengthening the role of various State institutions in developing conflict transformation strategies and cooperation between religious communities.

- The State officials should include equality rhetoric in their public statements, address negative societal attitudes towards religious minorities through inclusive educational and information programs and campaigns, and uphold the principles of religious neutrality and inclusiveness.

The Committee of Ministers should ask the authorities to provide concrete evidence regarding implementation of and compliance with the above recommendations.



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