

**Addition to the responses from Georgia -  
Missing answer to question 7**

**7. Do laws on the protection of public order, national security or anti-terrorism have safeguards for the right to freedom of expression? What are these safeguards?**

Freedom of speech and expression is one of the fundamental human rights recognized by the supreme law of Georgia - Constitution of Georgia. Article 24 of the Constitution guarantees freedom of speech and expression as well as regulates grounds for its restriction, including state security, ensuring territorial integrity and preventing dissemination of confidential information. It is noteworthy, that the provisions of the Constitution are among the legal basis of activities of the State Security Service of Georgia (SSSG) (Article 3 of the Law of Georgia on the State Security Service of Georgia). In the light of the questionnaire, the SSSG activities, *inter alia*, cover the protection of constitutional order, sovereignty, territorial integrity and military potential of Georgia against illegal acts of special services and certain individuals of foreign countries; protection of state secrets, conducting measures to ensure the protection of state secrets as provided by the legislation of Georgia and monitoring their implementation; fight against terrorism (Article 5 of the Law of Georgia on the State Security Service of Georgia).

Furthermore, provisions of freedom of speech and expression enunciated in the Constitution are specified in *lex specialis* Law of Georgia on Freedom of Speech and Expression. This Law, *inter alia*, covers relationship between state secrets and freedom of speech and expression, namely, according to Article 9 of the Law, regulation of the content of speech and expression may be defined by the law, if it concerns state secrets.

Furthermore, it is noteworthy that, in the light of freedom of speech and expression, the Law of Georgia on State Secrets stipulates safeguards regarding the publication of information containing state secrets in the press and other means of mass media, and in the web space. More precisely, according to the Article 32, paragraph 3, the preliminary control over the publication of state secrets in the press and other means of mass media, or in the Internet, is prohibited. Moreover, Article 42, paragraph 5 provides that publication of information containing state secrets in the press and other means of mass media, or in the Internet, the disclosure of which is important to protect public safety or which has already been published, shall not be considered as a crime.

Furthermore, as already mentioned above, one of the directions of activities of the SSSG is fight against terrorism. Article 3 of the Law of Georgia on Combating Terrorism stipulates the main principles of activities in this direction and, among them are, protection and respect of rights and freedoms of natural and legal persons. Moreover, Article 13 of the Law envisages provision of information about terrorist acts to the public.

In terms of bylaws guarantying freedom of speech and expression within the framework of activities of the SSSG, the Code of Conduct of Employees of the State Security Service of Georgia (Order №5 of

August 1, 2015 of the Head of the State Security Service of Georgia) should be emphasized. More precisely, Paragraph 1.6 of the Code of Conduct explicitly requires that the Service employees comply with fundamental human rights and freedoms, including freedom of expression.

See below the relevant legal provisions from the Georgian legislation.

## **Annex**

### **Constitution of Georgia**

#### **Article 24**

1. Everyone shall be free to receive and disseminate information, to express and disseminate his/her opinion orally, in writing, or otherwise.
2. Mass media shall be free. Censorship shall be inadmissible.
3. Neither the State nor particular individuals shall have the right to monopolise mass media or the means of dissemination of information.
4. Exercise of rights listed in the first and second paragraphs of this article may be restricted by law, to the extent and insofar as is necessary in a democratic society, in order to guarantee state security, territorial integrity or public safety, to prevent crime, to safeguard rights and dignity of others, to prevent the disclosure of information acknowledged as confidential, or to ensure the independence and impartiality of justice.

### **Law of Georgia on the State Security Service of Georgia**

#### **Article 3. Legal Grounds for the Activities of the Service**

Legal grounds for the activities of the Service shall be: the Constitution of Georgia, international treaties of Georgia, this Law, other laws of Georgia, legal acts of the Parliament of Georgia, of the Government of Georgia, of the Head of Service and other normative acts.

#### **Article 5. Directions for the Activities of the Service**

In order to ensure state security, directions for the activities of the Service shall be:

- a) to protect constitutional order, sovereignty, territorial integrity and military potential of Georgia from illegal acts of special services and certain individuals of foreign countries;
- b) to detect unconstitutional, violent change of constitutional order and state authority of Georgia and ensure their protection;
- c) to ensure economic security of the country;
- d) to fight against terrorism;
- e) to fight against transnational organized crime and international crime, containing threat to the state security;
- f) to carry out measures towards prevention, detection and suppression of corruption;
- g) to protect state secrets, conduct measures to ensure the protection of state secrets as provided by the legislation of Georgia and monitor their implementation;
- h) to protect the country from foreign threats.

## **Law of Georgia on Combating Terrorism**

### **Article 3.** Main principles of combating terrorism

The main principles of combating terrorism in Georgia are:

...

- b) Protection and respect of rights and freedoms of natural and legal persons;

...

### **Article 13.** Informing the public about terrorist acts

1. When performing a counter-terrorist operation, information about an anti-terrorist act shall be provided to the public via mass media or by other means accessible for the public. The extent of information shall be defined by the head of the counter-terrorist operation in accordance with the Law of Georgia on State Secrets. Disclosure of information considered to be a state secret shall entail liability in accordance with the procedure established by the legislation of Georgia.

2. In counter-terrorist operation zones, the presence of reporters from televisions, broadcast mobile stations and/or mass media shall be restricted by decision of the emergency operations center.

## **Law of Georgia on State Secrets**

### **Article 32.** Restricting the publication of information containing state secrets in the press and in other mass media, and in the web space

3. The preliminary control over the publication of state secrets in the press and in other mass media, or in the Internet, is prohibited.

**Article 42.** Liability for the violation of this Law

5. Publication of information containing a state secret in the press and other mass media, or in the Internet, the disclosure of which is important to protect public safety or which has already been published shall not be considered as a crime.

**Law of Georgia on Freedom of Speech and Expression**

**Article 9.** Content regulation

1. Regulation of the content of speech and expression may be established by law, if it concerns:

f) Personal data, a state, trade or professional secret.

**Code of Conduct of Employees of the State Security Service of Georgia (Order №5 of August 1, 2015 of the Head of the State Security Service of Georgia)**

1.6. Employee shall comply with the following fundamental human rights and freedoms:

- Freedom of expression.