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**Communication of the Public Defender of Georgia  
concerning Identoba group cases**

**Made 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**

**Introduction**

1. The Public Defender's (Ombudsman's) Office of Georgia (hereinafter the PDO) presents this submission pursuant to Rule 9.2 of the Rules of Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

2. The present communication evaluates the state of implementation of the Identoba group cases. It comments on the matters referred to in the decision adopted by the Committee of Ministers during the 1451st meeting in December 2022 (CM/Del/Dec(2022)1451/H46-13) (hereinafter the decision). The communication also replies to some parts of the Action Reports dated 27.10.2022 and 16.10.2023 submitted by the Government of Georgia.

**General Measures**

3. In the decision, the Deputies "repeatedly urged the authorities to convey an unambiguous zero-tolerance message at the highest level towards any form of discrimination and hate crime, in particular against the LGBTI persons".<sup>1</sup> In contravention of this call, the representatives of the government of Georgia have continued to engage in homophobic rhetoric, even directly using the homophobic phrase "LGBT propaganda".<sup>2</sup> It is especially concerning that some of the official statements with homophobic connotations were made during the Pride Month (June 2023) and in the period preceding the 2023 Pride Week organized by Tbilisi pride<sup>3</sup> – i.e., at the time when homophobic tension and aggression

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<sup>1</sup> The decision adopted by the Committee of Ministers during the 1451st meeting in December 2022 (CM/Del/Dec(2022)1451/H46-13), paragraph 4.

<sup>2</sup> Georgian Dream ramps up homophobic rhetoric as Pride Week approaches, article available at: <https://tinyurl.com/4834k373> [last accessed 27.07.2023]; Pride Week marked in Georgia as government escalates homophobia, article available at: <https://tinyurl.com/376jmvhw> [last accessed 27.07.2023].

<sup>3</sup> Georgian Dream ramps up homophobic rhetoric as Pride Week approaches, article available at: <https://tinyurl.com/4834k373> [last accessed 27.07.2023]; Pride Week marked in Georgia as government escalates homophobia, article available at: <https://tinyurl.com/376jmvhw> [last accessed 27.07.2023].

usually spike. Thus, such statements were again made in disregard of the potential of such words to encourage or legitimize homophobia and aggression.

4. After referring to the safe conduct of the closed event during the Tbilisi Pride Week of 2022, the decision “underlined however that the freedom of assembly implies also a possibility to hold public demonstrations and marches without fear of any form of violence and called upon the authorities to reinforce their efforts to enable the LGBTI community to fully enjoy their right to peaceful assemblies”.<sup>4</sup> In this connection, the LGBTI community was not only unable to hold a public march/demonstration in 2023, but it was also unable to conduct a festival – an open-air, private event on an enclosed private territory - as the police provided little protection from hate groups violently storming the festival site near Lisi Lake in Tbilisi on July 8, 2023. In particular, the statement of Ministry of Internal Affairs (MIA) published on July 7 read that MIA representatives were in communication with festival organizers to ensure safety for the festival and that police units would be mobilized on every needed location and would ensure order and safety.<sup>5</sup> Moreover, the MIA statement itself mentioned the plans of several groups to gather at a specific location, go to the festival territory and hold a counter-demonstration and warned the counter-demonstration organizers and participants to respect the law.<sup>6</sup> Thus, the MIA was aware of the risk and possibility of aggression and commission of offences by the counter-demonstrators and yet it failed to ensure the holding of the festival in a secure environment. Unfortunately, the event was cancelled even before it began. In particular, the counter-demonstrators gathered on the Vazha Pshavela Avenue and near the Lisi Lake in advance at 12 pm and announced that they would not let the festival to take place.<sup>7</sup> From the Vazha Pshavela Avenue, they walked through the Nutsbidze Plateau to the festival territory while the police simply followed them despite the risk of escalation of the situation on the festival site.<sup>8</sup> Indeed, after they reached the festival territory, the festival organizers had to be evacuated by the police as the counter-demonstrators easily broke the police cordon, damaged installations and technic/equipment and looted the festival grounds.<sup>9</sup> According to the media, the police simply watched on and offered little to no resistance.<sup>10</sup> A video and a report by one media outlet even depict some counter-demonstration leaders being accompanied by the police officers and freely moving around the already

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<sup>4</sup> The decision adopted by the Committee of Ministers during the 1451st meeting in December 2022 (CM/Del/Dec(2022)1451/H46-13), paragraph 5.

<sup>5</sup> The 07.07.2023 statement of the Ministry of Internal Affairs, available at: <https://shorturl.at/gpsD4> [last accessed 27.07.2023].

<sup>6</sup> Ibid.

<sup>7</sup> The chronology of the disrupted Pride which the police did not or could not protect from violent perpetrators, article available at: <https://netgazeti.ge/life/679030/> [last accessed 27.07.2023]; Tbilisi Pride Festival cancelled after police fail to confront extremists, article available at: <https://shorturl.at/krEXY> [last accessed 27.07.2023]; Police Stands by as Far-Right Groups Attack Tbilisi Pride Festival, available at: <https://civil.ge/archives/551380> [last accessed 27.07.2023].

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

vandalized territory in order to check and make sure that all the festival organizers had really left the festival venue.<sup>11</sup>

5. In this connection, the following part of the ECtHR judgement regarding the 2013 homophobic counter-demonstration in Tbilisi is relevant: “as regards the question of the connivance and/or acquiescence of some police officers in the acts of the counter-demonstrators, the Court observes that the images available in the case file (see paragraphs 18-24 above) show the counter-demonstrators passing through the police cordons at the moment when the participants in the IDAHO event were still in Pushkin Square. There are also images filmed by independent journalists which suggest that not only did the police not resist the breaking of the cordons in some instances, but a number of police officers also even encouraged the counter-demonstrators to do so. Furthermore, the Court finds it particularly striking how certain senior officials of the Ministry of the Interior remained passive in the face of the threats to public order and even constitutional order unabashedly proffered by the organisers of the counterdemonstration. Thus, on the basis of the available video evidence, as well as the individual accounts of each of the twenty-seven applicants, the Court finds it established beyond reasonable doubt that the police in some places opened up the cordon for the counter-demonstrators and in others remained passive when the counter-demonstrators started to break the cordon”.<sup>12</sup> In light of this ECtHR case law, the ease with which the counter-demonstrators approached, entered and vandalized the festival territory on 8 July indicates the failure of the authorities to ensure holding of the festival in a safe environment in accordance with their positive obligation. The disruption of the festival and clear inadequacy of police measures was criticized by the UN, the EU representatives, several embassies, local and international CSOs.<sup>13</sup>

6. According to the Ministry of Internal Affairs (MIA), in response to the PDO’s letter inquiring about the 8 July events, the event place was being maximally protected and the counter-demonstrators’ movement was being limited by physical police forces but they could not be stopped due to openness

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<sup>11</sup> The video by Publika is available at: <https://shorturl.at/aqtH8> [last accessed 27.07.2023]; Civil society organizations respond to the events that took place on July 8, 2023, available at: <https://shorturl.at/ackpK> [last accessed 27.07.2023].

<sup>12</sup> Judgement in the Case of Women’s Initiatives Supporting Group and others v Georgia, paragraph 75.

<sup>13</sup> Civil society organizations respond to the events that took place on July 8, 2023, available at: <https://shorturl.at/ackpK> [last accessed 27.07.2023]; 40+ organisations’ joint statement on the 8 July attack against the Tbilisi Pride festival, available at: <https://tinyurl.com/4ecpsn2> [last accessed 27.07.2023]; 6 members of the European Parliament ask for sanctions on Alt-info and Konstantine Morgoshia, article available at: <https://netgazeti.ge/news/680787/> [last accessed 27.07.2023] Degnan criticizes the inaction of the police during disruption of the Pride, article available at: <https://netgazeti.ge/news/679857/> [last accessed 27.07.2023]; Metsola condemned the disruption of the Pride Festival and expressed solidarity for the queer community <https://netgazeti.ge/news/679312/> [last accessed 27.07.2023]; Organizers: Attack on Pride Fest was “Jointly Orchestrated” by Violent Groups, Police, article available at: <https://civil.ge/archives/551395> [last accessed 27.07.2023]; Tbilisi Pride festival canceled after violent anti-LGBTQ protests, article available at: <https://tinyurl.com/442eva4d> [last accessed 27.07.2023].

of the territory and increase in the counter-demonstrators' numbers.<sup>14</sup> In particular, the letter reads that the number of the counter-demonstrators (over 8000) was more than expected.<sup>15</sup>

7. The PDO finds that the argument on turnout of the counter-demonstration cannot justify the authorities' failure to prevent the disruption of the Festival. The ECtHR's judgment on similar homophobic events reads that, "as regards the Government's argument that the high turnout of counter-demonstrators was unexpected, the Court finds this hardly convincing, given that during the preparatory meetings of 13 and 15 April 2013 between the Ministry of the Interior and applicants nos. 1 and 17 the authority's representatives already knew that more than 10,000 counter-demonstrators were expected to attend. Furthermore, various media outlets publicly reported that "thousands of people" were expected to join the counter-demonstration. Moreover, serious threats targeting the lives of the participants in the IDAHO event were circulating on social media (see paragraph 12 above), yet the authorities did not attach sufficient importance to them".<sup>16</sup>

8. The ECtHR also considered that "on the basis of the mismanagement of the previous year's IDAHO event (see *Identoba and Others*, cited above), it was open to the relevant domestic authorities to foresee more easily all the relevant risks".<sup>17</sup> Similarly/analogously to circumstances of that case, the MIA ought to have known that the 8 July counter-demonstration participants would likely reach huge numbers. In particular, the aforesaid MIA letter itself reads that the counter-demonstrators' calls and mobilization, including from regions, became significantly more active and the MIA representatives informed Tbilisi Pride organizers at the last coordination/preparatory meeting that large number of the counter-demonstrators' could hinder implementation of the MIA's prior plan.<sup>18</sup> Thus, the MIA ought to have known the risk of the counter-demonstrators gathering in such large numbers that its prior protection/prevention plan and the Festival could be obstructed. This risk was also evident in light of public announcements made in advance by the leaders of the ultra-conservatist homophobic group Alt Info. On June 29, 2023, one of the media outlets reported a statement of Zura Makharadze (one of the leaders of Alt Info) calling on everyone to gather near the Vazha Pshavela statute at 12 pm on 8 July in order to move together and disrupt the "gay festival".<sup>19</sup> In the YouTube video of this statement, Zura Makharadze also said that they were beginning to mobilize money to ensure transportation of people and money could be transferred to the indicated bank accounts.<sup>20</sup> The plan to transport people to ensure their participation in the counter-demonstration indicates that counter-demonstrators would likely gather in huge numbers. Moreover, Konstantine Morgoshia, another leader of Alt Info, stated that 8 July would not "fall short of" 5 July (2021) and would put the "last nail in the coffin which was placed

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<sup>14</sup> №13/6725 Letter of the Public Defender's Office, dated 11/07/2023 and sent to the Head of Administration of the Ministry of Internal Affairs; № MIA 2 23 02343316 Letter of the Ministry of Internal Affairs, dated 11/08/2023.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Judgement in the Case of Women's Initiatives Supporting Group and others v Georgia*, paragraph 71.

<sup>17</sup> *Ibid.*, paragraph 72.

<sup>18</sup> № MIA 2 23 02343316 Letter of the Ministry of Internal Affairs, dated 11/08/2023.

<sup>19</sup> The violent group Alt-Info announces another homophobic gathering, article available at: <https://bit.ly/4004lXB> [last accessed 12.10.2023].

<sup>20</sup> For the video, please view: <https://www.youtube.com/watch?v=FYYMZpjQhjo> [last accessed 06.10.2023].

on 5 July”.<sup>21</sup> It can be inferred from his words that the size of counter-demonstration on 8 July was likely to be similar to the size of the large mob/crowd that violently disrupted the Pride March on 5 July, 2021. In light of these public statements described above and the mismanagement of the previous Pride events (such as large-scale violence in 2013 and 2021), the risks associated with the 2023 Pride Festival were clear.

9. Moreover, even if the number of gathered counterdemonstrators was more than expected, this still did not necessarily preclude the possibility of taking additional action by the MIA. In this connection, the ECtHR noted with respect to the disruption of the IDAHO event in 2013 that “the counterdemonstrators already started gathering on Rustaveli Avenue on the evening of 16 May 2013, and by the early afternoon of 17 May had already surpassed 20,000. Therefore, the Court considers that, even assuming that the authorities did not expect such a high number of counter-demonstrators, they still had time to implement changes at the eleventh hour by rearranging their security plans as necessary, for instance by deploying squads of riot police in sufficient numbers”.<sup>22</sup> Similarly, the counter-demonstrators began to gather at 12 pm on 8 July, 2023 on the pre-announced meeting location on Vazha Pshavela Avenue where they made public threats, announcing their plan to disrupt the Festival.<sup>23</sup> From Vazha Pshavela avenue, they marched through the Nutsubidze Plateau for over 4 kilometers uphill towards the Festival venue.<sup>24</sup> Thus, the law enforcement authorities had time to adapt their security plan and to deploy reinforcements while the counter-demonstrators were marching. Instead of doing so, the police merely followed the counterdemonstrators and let them walk towards the Festival territory with little to no resistance, as mentioned above. Indeed, the media reported that weak police cordons “were easily overpowered and breached”<sup>25</sup> on the way/road to the festival territory. According to one journalist, she even saw that 2 large groups of MIA officers let the marching counterdemonstrators pass without opposition instead of blocking their way.<sup>26</sup>

10. As to the MIA’s argument referring to the open landscape of the Festival territory,<sup>27</sup> this argument is weakened and undermined by the fact that the MIA reply letter itself reads that the MIA representatives attending preparatory meetings with the Festival organizers emphasized the difficulty

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<sup>21</sup> Video: “8 July will put the last nail in the coffin placed on 5 July” – Morgoshia, article with the video available at: <https://bit.ly/3ZQOjiA> [last accessed 12.10.2023]; “8 July will put the last nail in the coffin placed on 5 July” – Morgoshia, article available at: <https://bit.ly/48SSv5y> [last accessed 23.10.2023].

<sup>22</sup> Judgement in the Case of Women’s Initiatives Supporting Group and others v Georgia, paragraph 72.

<sup>23</sup> The chronology of the disrupted Pride which the police did not or could not protect from violent perpetrators, article available at: <https://netgazeti.ge/life/679030/> [last accessed 06.10.2023]; Tbilisi Pride Festival cancelled after police fail to confront extremists, article available at: <https://shorturl.at/krEXY> [last accessed 06.10.2023]; Police Stands by as Far-Right Groups Attack Tbilisi Pride Festival, available at: <https://civil.ge/archives/551380> [last accessed 06.10.2023].

<sup>24</sup> Ibid.

<sup>25</sup> Police Stands by as Far-Right Groups Attack Tbilisi Pride Festival, available at: <https://civil.ge/archives/551380> [last accessed 06.10.2023].

<sup>26</sup> What the journalists saw and what they witnessed on the day of disruption of the Pride Festival, article available at: <https://rb.gy/056zb> [last accessed 13.10.2023].

<sup>27</sup> № MIA 2 23 02343316 Letter of the Ministry of Internal Affairs, dated 11/08/2023.

of protecting the Festival venue due to its open landscape.<sup>28</sup> However, if the MIA expected challenges in protecting the Festival place, then it is even more problematic and concerning that the MIA failed to take sufficient action to stop the counter-demonstrators' movement/march towards the very same territory which the MIA claimed to be difficult to protect.

11. In light of the foregoing considerations, the level of protection of freedom of assembly of the LGBTI community deteriorated in 2023 compared to the previous year. As also noted by the Committee of Ministers in its last decision, the LGBTI community and its supporters were at least able to hold closed events of the Pride Week, including the Pride Festival, in a relatively safe environment in 2022. **Therefore, the PDO finds the Committee of Ministers should not accept the government's request to close supervision of the cases of Identoba and Others and 97 Members of the Gldani Congregation of Jehovah's witnesses and 4 Others.**<sup>29</sup>

12. It should also be emphasized that leaders and supporters/members of Alt-info – the group involved in organizing the counterdemonstration and the storming of the festival on 8 July – were also involved in organizing and conducting large-scale homophobic violence on 5 July 2021. Ineffective preventive and reactive police measures against the 5 July violence, failure to launch persecution or bring charges for its organization and for public calls for violence on 5 July, shortcomings in investigation and judgements concerning the 5 July events have probably contributed to a sense of impunity and repetition of the homophobic aggression on 8 July 2023. At least, this probability is feasible in light of the ECtHR judgement, which reads as follows: “the Court cannot exclude the possibility that the unprecedented scale of violence committed against the participants in the IDAHO event on 17 May 2013 was conditioned, at least in part, by the domestic authorities' failure to secure a timely and objective criminal investigation and punishment of the perpetrators of comparatively less violent attacks on the LGBT community during the previous year's IDAHO event on 17 May 2012 (see *Identoba and Others*, cited above, §§ 75-78). The passivity of the authorities in the face of the violent acts committed on 17 May 2013 is regarded as having contributed to the subsequent proliferation, which is well-documented, of hate crimes against the LGBT community (see paragraph 44 above)”.<sup>30</sup>

13. In its latest decision the Committee of Ministers required the investigation to be “capable of leading to the identification and punishment of those responsible, in particular organisers and instigators”.<sup>31</sup> In respect of the investigation into and judgments on the crimes committed on July 5, 2021, probably its most serious shortcoming is that no one has been prosecuted or charged for organization of violence and public calls for violent actions so far.<sup>32</sup> The PDO once again notes that the Prosecutor's Office rejected the PDO's proposal to launch prosecution for organizing group violence despite the standard

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<sup>28</sup> № MIA 2 23 02343316 Letter of the Ministry of Internal Affairs, dated 11/08/2023.

<sup>29</sup> Action Report (27/10/2022) Communication from Georgia concerning the group of cases of IDENTOBA AND OTHERS v. Georgia (Application No. 73235/12), paragraph 72.

<sup>30</sup> Judgement in the Case of Women's Initiatives Supporting Group and others v Georgia, paragraph 76.

<sup>31</sup> The decision adopted by the Committee of Ministers during the 1451st meeting in December 2022 (CM/Del/Dec(2022)1451/H46-13), paragraph 6.

<sup>32</sup> The Public Defender of Georgia, the 2022 Special Report on Combating and Preventing Discrimination and the Situation of Equality, page 15.

for bringing charges against at least 2 individuals being met by publicly available evidence according to the PDO's assessment. Other shortcomings in the investigation of the 5 July events include delays in conducting forensic medical examinations and obtaining all of the medical documents.<sup>33</sup>

14. As to judicial proceeding concerning the crimes committed on July 5, 2021, the first instance court delivered judgments in 3 cases in which it convicted 20 individuals in total under various articles of the Criminal Code of Georgia.<sup>34</sup> As the PDO's previous communication mentioned, only 6 persons were found guilty for participation in organized group violence because, with respect to the other accused, the court found the evidence submitted by the Prosecutor's Office insufficient to prove that the accused were part of a group organized in a structural and firm manner.<sup>35</sup> However, as an update of this information, the appellate court changed the judgement of the first instance court by acquitting the aforesaid 6 individuals of participation in organized group violence due to lack of evidence and sentencing them to 4 years in prison instead of 5.<sup>36</sup> The appellate court similarly reasoned that guilty verdict for participation in organized group violence required the prosecutor to prove the fact of organizing or directing a group action and the fact of a specific individual participating in the action organized by this group.<sup>37</sup> In light of this reasoning, the PDO finds that the charge for participating in group violence could have been more convincing if the prosecution had been launched for organizing and directing group violence by individuals against "Tbilisi Pride" and LGBT+ community and/or a judgment of conviction had been delivered.<sup>38</sup>

15. Generally, with respect to investigation of hate crimes, in its latest decision adopted in December 2022, the Committee of Ministers once again called upon the authorities "to examine prospects for the establishment of a specialised investigative unit"<sup>39</sup> for hate crimes. Despite past recommendations by the Committee of Ministers<sup>40</sup> and other international actors<sup>41</sup> to establish such a unit, the latter has not been created against the background of "continued challenges in ensuring effective investigations of hate crimes committed on the grounds of sexual orientation, gender identity and religion, along with

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<sup>33</sup> The 2022 Activity Report of the Department of Criminal Justice of the Public Defender's Office, page 82, available at: <https://tinyurl.com/5t2tw85h> [last accessed 02.10.2023].

<sup>34</sup> Ibid, page 81.

<sup>35</sup> Communication from an NHRI (Public Defender of Georgia) (21/10/2022) in the case of IDENTOBA AND OTHERS v. Georgia (Application No. 73235/12), paragraphs 6-7.

<sup>36</sup> The 2022 Activity Report of the Department of Criminal Justice of the Public Defender's Office, page 81.

<sup>37</sup> Ibid, page 83.

<sup>38</sup> Ibid.

<sup>39</sup> The decision adopted by the Committee of Ministers during the 1451st meeting in December 2022 (CM/Del/Dec(2022)1451/H46-13), paragraph 7.

<sup>40</sup> The decision adopted by the Committee of Ministers during the 1419th meeting in December 2021 (CM/Del/Dec(2021)1419/H46-14), paragraph 6.

<sup>41</sup> Committee on the Elimination of Racial Discrimination, Concluding observations on the combined ninth and tenth periodic reports of Georgia, Adopted by the Committee at its 108th session (14 November–2 December 2022), CERD/C/GEO/CO/9-10, paragraph 10; Second Cycle of the UN Universal Periodic Review, recommendation 118.10; Third Cycle of the UN Universal Periodic Review, recommendation 148.73; Commissioner for Human Rights of the Council of Europe Dunja Mijatovic, Report following her Visit to Georgia from 21 to 24 February 2022, Strasbourg, 15 July 2022, paragraph 51.

a regrettable increase in the scale of violence”.<sup>42</sup> Regarding investigations into hate crimes committed on religious grounds, the PDO would like to note the cases from 2013-2014 concerning persecution due to religious activities in Kobuleti, illegal interference in performance of religious activities in the village Samtatskaro and the arson/causing fire in Tbilisi Sports Palace.<sup>43</sup> Investigations into these cases are still ongoing <sup>44</sup>

16. As to investigation of the 8 July events described above, the PDO sent the MIA a letter asking whether investigative activities were being carried out to identify a hate motive in actions committed by the counterdemonstrators.<sup>45</sup> The MIA informed us that the investigation has been launched under articles 177 and 187 of the Criminal Code of Georgia (theft, damage or destruction of someone else's property). In addition, an investigation has been launched under Article 353 on the fact that counter-demonstrants assaulted police officers during the event, inflicting physical injuries. <sup>46</sup>

17. In the decision, the Deputies encouraged the authorities to continue with efforts regarding improvement in the data collection and analysis system.<sup>47</sup> In this connection, the data collection and analysis system has yet to include and assess important data, such as data on the number of incidents reported, the overall length of criminal proceedings, investigations by the Special Investigation Service (SIS)- - certain information regarding alleged perpetrators (e. g. whether they are law-enforcement officials). Moreover, as previously highlighted by the PDO,<sup>48</sup> the statistical methodology does not incorporate the analysis of possible causes of hate-motivated crimes and the reasons behind the difficulties in detecting the hate motive. Furthermore, the statistical reports mentioned in the government's Action Report do not contain a comprehensive narrative analyzing the statistics/figures depicted in them.<sup>49</sup> The reports merely contain a few slides on which trends and challenges are presented as bullet points instead of providing a fully-fledged evaluation. It is welcome that on 29-31 March meeting inclusion of the SIS in memorandum of understanding was also discussed, as well as

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<sup>42</sup> The decision adopted by the Committee of Ministers during the 1451st meeting in December 2022 (CM/Del/Dec(2022)1451/H46-13), paragraph 7.

<sup>43</sup> The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, pages 182-183.

<sup>44</sup> Ibid, page 183.

<sup>45</sup> №13/6725 Letter of the Public Defender's Office, dated 11/07/2023 and sent to the Head of Administration of the Ministry of Internal Affairs.

<sup>46</sup> № MIA 2 23 02343316 Letter of the Ministry of Internal Affairs, dated 11/08/2023.

<sup>47</sup> The decision adopted by the Committee of Ministers during the 1451st meeting in December 2022 (CM/Del/Dec(2022)1451/H46-13), paragraph 8.

<sup>48</sup> The Public Defender of Georgia, Special Report on the Positive Obligations of Law Enforcement Officials to Protect the Equality of Vulnerable Groups, 2021, pages 3-4, available at: <https://bit.ly/3yn95Kl> [last accessed 06.10.2023].

<sup>49</sup> Action Report (27/10/2022) Communication from Georgia concerning the group of cases of IDENTOBA AND OTHERS v. Georgia (Application No. 73235/12), paragraph 38.

improvement of the analytical aspect of the statistical data collected within the framework of the memorandum was planned.<sup>50</sup>

18. The decision expressed concern that “the draft National Strategy for the Protection of Human Rights for 2022-2030 does not address adequately the needs of the LGBTI community”<sup>51</sup> and “called upon the authorities to rectify these shortcomings”.<sup>52</sup> Unfortunately, these shortcomings were not corrected. The National Strategy for the Protection of Human Rights for 2022-2030 was adopted by the Parliament in March 2023,<sup>53</sup> without including the needs of the LGBTI community. Although the National Strategy separately refers to (the needs of) other vulnerable groups, such as persons with disabilities, ethnic and religious minorities, the document does not mention the LGBTI community at all in opposite to Government’s assertion that strategy addresses vulnerable groups, such as sexual minorities.<sup>54</sup> Thus, this National Strategy cannot be considered to be a comprehensive, fully-fledged policy document on equality which the PDO has been requesting to be adopted for years now.<sup>55</sup> Unfortunately, the new National Concept of Gender Equality also fails to mention the LGBTI community.<sup>56</sup>

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<sup>50</sup> Action Report (16/10/2022) Communication from Georgia concerning the group of cases of IDENTOBA AND OTHERS v. Georgia (Application No. 73235/12), paragraph 50.

<sup>51</sup> The decision adopted by the Committee of Ministers during the 1451st meeting in December 2022 (CM/Del/Dec(2022)1451/H46-13), paragraph 9.

<sup>52</sup> Ibid.

<sup>53</sup> Please view the resolution of the Parliament: <https://tinyurl.com/3jtwnze7> [last accessed 17.10.2023].

<sup>54</sup> Action Report (16/10/2023) Communication from Georgia concerning the group of cases of IDENTOBA AND OTHERS v. Georgia (Application No. 73235/12), paragraph 80; The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 192.

<sup>55</sup> Ibid, page 187.

<sup>56</sup> Ibid, page 192.