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Rule 9 (1) and Rule 9 (2) submission to the Committee of Ministers of the Council of Europe concerning the implementation of A. D and others v. Georgia (App. nos. 57864/17, 79087/17 and 55353/19)

By

The European Human Rights Advocacy Centre (EHRAC), the Women's Initiatives Support Group (WISG), the Georgian Young Lawyers' Association (GYLA), ILGA-Europe and Trans Europe and Central Asia (TGEU)

25 July 2025

I. Executive Summary

1. In September 2024, Georgia adopted the [Law "On the Protection of Family Values and Minors, \(also commonly known as anti-LGBTI law\)"](#), establishing complete ban of legal gender recognition and criminalising gender-affirming healthcare. The adoption of this regressive law, which essentially outlaws the existence and protection of trans people, runs counter to the Convention norms and the case law of the European Court of Human Rights (ECtHR) and contradicts, squarely, the findings of the Court in *A.D. and Others v Georgia*. In its decision of September 2024 on this group, the CM emphasized that the adoption of such legislation ‘could raise serious questions as to the compliance by Georgia with its obligation to abide by the final judgments of the Court’ and strongly urged the Parliament to not enact this law. Such a blatant dismissal of the CM call and the adoption of this highly repressive law is a clear refusal to comply with the respective judgment.
2. The government's April 2025 Action Plan, which represents open defiance, explicitly contesting the Court's findings and declaring that decisions should be taken in accordance with "national interests and traditional values", further indicates their refusal to comply with very clear, uncontested individual and general measures arising from the judgment.
3. This submission by the signatory organisations provides an update on the applicants' individual situations and on further regressive domestic developments affecting the whole trans community, and sets out recommendations to the CM in the context of a highly hostile domestic legal and political environment for trans people and the whole LGBT community in Georgia. This submission should be read together with our previous Rule 9 submissions made in this group of cases in [August 2024](#) and [October 2023](#).

1.1. Individual Measures

4. Georgia continues failing to ensure legal gender recognition with respect to all three applicants.

1.2. General Measures

5. It is becoming more evident that the prospects of positive reforms in this case are very unlikely. Georgia's most recent 2025 Action Plan represents open defiance of the judgement. Rather than outlining concrete implementation steps, the government explicitly contests the Court's findings favouring "national interests and traditional values." The adoption of the anti-LGBTI Law in September 2024 introduces a complete prohibition of legal gender recognition in Georgia, directly contradicting the Court's findings. This constitutes a direct challenge to the Court's authority and a fundamental violation of Article 46 ECHR.

1.3. Recommendations

Concerning Individual Measures:

- I. Urge the Government to ensure that the LEPL Public Service Development Agency amends, without further ado, name and gender marker of all three applicants according to their original request.

Concerning General Measures:

I. Schedule the case for the next examination at the Committee's earliest convenience;

"II. Adopt an interim resolution:

a. Recognising that the adoption of the anti LGBTI legislation, which bans legal gender recognition, amounts to a refusal to comply with the Court's judgment in the respective case;

b. urging the Government of Georgia to take immediate steps to reverse the new law, in particular Articles 2(c), 6, 7(2), 7(4), 8, and 9, and ensure other necessary legislative amendments as identified by the Court in *A.D. and Others*,

c. Publicly apologise to the LGBTI community and cease all further anti-LGBTI actions

III. Urge the adoption of an action plan realistically detailing the swift adoption of a legal gender recognition law aligned with Council of Europe standards, ensuring meaningful civil society involvement, the removal of any medical, procedural or discriminatory barriers; training relevant administrative staff, and public awareness campaigns.

II. Introduction & Background

6. This submission responds to Georgia's 16 April 2025 Action Plan concerning the *A.D. and Others v. Georgia* judgment and provides an update on the further regressive developments in the area of legal gender recognition and the broader LGBTI issues in Georgia.¹
7. The government's plan demonstrates open defiance of Georgia's obligations under Article 46 of the Convention, escalating a pattern of non-compliance since the judgment became final in March 2023. Rather than implementing measures, the government has explicitly contested the Court's findings by invoking "*national interests and traditional values*" and claiming there is "*no uniform European practice*" regarding legal gender recognition.²
8. This defiance culminated in December 2024. Despite the Committee of Ministers' strong condemnation of the initiative in September 2024 and its explicit calls for individual measures,³ the government adopted the Law "On the Protection of Family Values and Minors" (hereinafter „the Law“).⁴ The legal framework is now even more restrictive than it was at the time of the original violations, essentially outlawing legal gender recognition.

III. Individual Measures - Systematic Failures

9. All three applicants remain without having their legal gender officially recognised by the Georgian authorities and have no prospect of having it in the future, given the complete

¹ *A.D. and Others v. Georgia*, Application No. 57864/17, judgment of 1 December 2022, para. 1.

² *Ibid.*, paras. 6-7.

³ CM/Del/Dec(2024)1507/H46-8, 19 September 2024.

⁴ Law "On the Protection of Family Values and Minors," adopted 17 September 2024, available at: <https://matsne.gov.ge/en/document/view/6283110?publication=0>

prohibition of legal gender recognition by the new anti LGBTI law. We further note that the Government fails, in its action plan, to inform the CM that the legal gender recognition is now prohibited in Georgia.

10. **The first applicant, A.D.**, who remains in Georgia, has not received legal gender recognition in Georgia and continues living in increasing fear and anxiety and humiliation, particularly in the context of the new anti LGBTI Law. It is the Government's obligation to comply with the judgment and the obligations deriving from the individual measures required in this case. A.D. should not be required to pursue further the same futile domestic proceedings, having already exhausted the same remedies in the lead up to the Court's finding of an Article 8 violation.
11. Furthermore, the Ministry of Justice should have reprimanded the Agency for refusing to amend the sex marker as abusing its power and thus acting unlawfully. It could have instead issued an ordinance clarifying how the Agency is to interpret and implement section 78(g) of the Civil Status Act in compliance with the Court's findings. As a minimum, it should have instructed the Agency to rectify A.D.'s personal details in the official documents. Instead, the government is attempting to shift responsibility to the applicant rather than addressing, in good will, the blatant systemic violation identified by the Court.⁵
12. **The second applicant, A.K.**, as stated by the Government in its action plan, successfully obtained legal recognition of his gender identity in Belgium.⁶ This development, however, does not absolve Georgia of its obligations to recognise A.K.'s gender marker deriving from the European Court's judgment. A.K. is kept in a legal limbo with two contradicting sets of documents, showing him as male in his Belgian documents and female in the Georgian ones. He has to rely on his Georgian documents in all official communication with Georgia, or whenever the original Georgian birth certificate is required in Belgium, as well as when travelling internationally. It also affects his freedom of movement, as protected by Article 2 of Protocol 4 to the Convention, since he cannot use his Belgian documents to travel outside the EU. His right to return to Georgia is impeded as he can only enter his home-country with a Georgian passport contradicting his lived gender identity, exposing him to further scrutiny and likely discrimination and humiliation by border guards and/ or flight agents.
13. According to Article 7(4) of the new Law, Georgian courts are prohibited from "recognising such decision of a court of a foreign country which implies the assigning of a person to neither biological sex and/or to a sex different from his/her biological sex."⁷ The principle of international comity requires states to recognise valid legal acts performed by competent authorities of other states, particularly when such recognition would advance rather than undermine fundamental human rights.⁸ Moreover, the Georgian Supreme Court has established a precedent for recognising foreign legal gender recognition decisions, noting that "the absence of explicit criteria in the Georgian legislation does not justify the rejection of such recognition."⁹ The anti-LGBTI legislation directly contradicts this jurisprudence and eliminates any possibility of recognition regardless of the foreign court's

⁵ Ibid.

⁶ DH-DD(2023)1299, Rule 9 submission by applicants' representatives, and DH-DD(2025)455, para. 3.

⁷ Law of Georgia on the Protection of Family Values and Minors, adopted 17 September 2024, Article 7(4).

⁸ See Restatement (Third) of Foreign Relations Law § 481 (1987); see also *X v. Germany*, Application No. 8741/79, Commission decision of 9 May 1981, regarding recognition of foreign civil status changes. See also on the question of mutual recognition of LGR decisions: CJEU *Mirin*, ECLI:EU:C:2024:845, decision of 04 October 2024

⁹ Supreme Court of Georgia, judgment of 30 January 2023, case No. A-4985-SH-135-2022, as referenced in CM/Notes/1507/H46-8, footnote 10.

competence or the validity of its procedures.¹⁰ A.K. should not be required to initiate futile recognition proceedings in the current hostile legal environment, making it impossible to ensure such a recognition.

14. **The third applicant, Nikolo Ghviniashvili**, represents perhaps the most troubling example of the government's abdication of responsibility toward the applicants. Mr. Ghviniashvili has been forced to leave Georgia and seek asylum in Belgium due to the hostile environment for transgender persons. His departure directly demonstrates the consequences of Georgia's failure to implement the Court's judgment and steps to take hugely regressive reforms essentially outlawing the existence of trans people. Like the other two applicants, Mr Ghviniashvili should not be required to initiate a new set of domestic proceedings in the current context of the ban on legal gender recognition. The obligation is with the authorities to implement the judgment with respect to Mr. Ghviniashvili.
15. The government's respective failure and the adoption of the anti LGBTI law have led to the applicants losing their confidence and any meaning in pursuing domestic legal remedies in the current highly hostile anti-LGBT context in Georgia. The Committee of Ministers has explicitly emphasised the need to bring an end to the "*continued and distressing uncertainty*" faced by the applicants,¹¹ yet the government's inaction perpetuates exactly this type of uncertainty and effectively denies the applicants access to the restitution in integrum required by the European Court's judgment.

IV. General Measures - Open defiance to the ECtHR judgment and Article 46 obligations

4.1. Adoption of hostile anti-LGBTI legislation and disregard of international community's recommendations

16. General measures required by the Georgian Government in this case are very clear as they directly derive from the Court's judgment. The Court affirmed that legal recognition of transgender individuals' gender identity falls under the right to respect for private life in Article 8 and found the Georgian law lacking clarity on legal gender recognition procedures, particularly regarding medical requirements. It was this ambiguity in domestic law interpretation and imprecise legislation that undermined the accessibility of legal gender recognition and granted excessive discretion to authorities, potentially leading to arbitrary decisions. The Court unanimously ruled that the inability of three transgender men to obtain legal recognition of their gender identity was due to Georgia's failure to provide efficient, transparent, and accessible processes for legal gender recognition. In its decisions on this case, the CM in turn called upon Georgia to ensure 'the adoption of a clear legal framework putting in place quick, transparent and accessible procedures for changing gender markers in line with the Convention and the Court's case-law' (see CM decision of September 2024).
17. Georgia has failed and continues failing to implement the respective general measures required by the Court's judgment in *A.D. and Others v. Georgia*. No recognizable steps towards establishing clear, accessible procedures for legal gender recognition have been taken since the judgment became final. Quite the opposite, Georgia's 2025 Action Plan

¹⁰ Law of Georgia on the Protection of Family Values and Minors, adopted 17 September 2024, Article 7(4).

¹¹ CM/Del/Dec(2024)1507/H46-8, para. 2.

explicitly contests the Court's findings by asserting that *"there is no uniform European practice and standard concerning the legal change of gender" and declaring that "any decision with respect to this matter should be taken in accordance with the national interests and traditional values, including interests of the minors."*¹²

18. In direct defiance of the European Court's judgment, Georgia adopted aggressive anti-LGBTI legislation that introduces a complete prohibition on legal gender recognition. The Law of Georgia on the Protection of Family Values and Minors, adopted on 17 September 2024 and entered into force in November 2024, mandates that biological sex be determined "on the basis of hereditary genetic characteristics" (Article 2(c)) and forbids indicating "a person's sex that is different from his/her biological sex" in civil status records (Article 7(1)) or identity documents (Article 7(2)). Most significantly, Article 7(4) explicitly prohibits Georgian courts from *"granting such claim and/or recognising such decision of a court of a foreign country which implies the assigning of a person to neither biological sex and/or to a sex different from his/her biological sex."*¹³
19. This legislative package was adopted despite the Committee of Ministers' explicit warning in September 2024 that *"the enactment of such legislation could raise serious questions as to the compliance by Georgia with its obligation to abide by the final judgments of the Court"* and its strong urging that the authorities do *"not enact the adopted legislative package."*¹⁴ The government's decision to proceed with this legislation, in direct contravention of both the European Court's judgment and the Committee of Ministers' explicit directions, demonstrates not merely non-compliance, but active resistance to the Convention system itself.
20. The legislation extends beyond legal gender recognition to criminalize gender-affirming healthcare. Article 6 explicitly prohibits *"surgery on a person or use of any other type of medical manipulation with regard to such person in order to assign him/her to a sex different from his/her biological sex,"* effectively criminalizing medical treatment that is internationally recognized as medically necessary.¹⁵ This represents a significant escalation from the previously proposed draft legislation, as the final version includes explicit criminal sanctions for healthcare providers offering gender-affirming treatment.
21. The law also prohibits broadcasting, educational content, and direct communication with minors of information *"aimed at popularising a person's assignment to neither biological sex, and/or a sex that is different from his/her biological sex"* (Articles 8 and 9).¹⁶ The legislation further prohibits *"public assemblies, distribution of production, programme or any other material promoting same-sex families or intimate relationships"* and extends these restrictions to *"providing information during the education process in public or private institutions."*¹⁷
22. The Venice Commission, in its opinion of June 2024, explicitly concluded that the provisions of the draft Constitutional Law *"are not compliant with European and international standards, notably with the provisions of the European Convention on*

¹² DH-DD(2025)455, paras. 6-7.

¹³ Law of Georgia on the Protection of Family Values and Minors, adopted 17 September 2024, Articles 2(c), 7(1), 7(2), and 7(4).

¹⁴ CM/Del/Dec(2024)1507/H46-8, para. 3.

¹⁵ World Professional Association for Transgender Health, Standards of Care for the Health of Transgender and Gender Diverse People, Version 8 (2022).

¹⁶ Law of Georgia on the Protection of Family Values and Minors, adopted 17 September 2024, Articles 8 and 9.

¹⁷ CM/Notes/1507/H46-8, p. 2.

Human Rights and the Court's case-law," and warned that *"the mere proposal of adopting this text risks (further) fuelling a hostile and stigmatising atmosphere against LGBTI people in Georgia."*¹⁸ The Georgian government proceeded with adoption despite this authoritative legal assessment, demonstrating deliberate disregard for European human rights standards.

23. The Council of Europe Commissioner for Human Rights issued multiple statements expressing grave concern about the legislation's potential impact on LGBTI rights and explicitly called upon Parliament not to adopt the discriminatory measures.¹⁹ The European Parliament, in its resolution of 9 July 2025, *"strongly condemns the adoption of anti-LGBTI legislation by the Georgian parliament in October 2024, which mirrors authoritarian, Russian-style policies and violates the EU Charter of Fundamental Rights, and calls for it to be repealed."*²⁰ The Parliament further characterized Georgia as now having *"one of the most repressive anti-LGBTI laws in Europe"* and called on EU Member States to adequately consider this fact when assessing asylum applications from Georgian nationals.²¹

4.2. Open defiance to the Court's findings and the refusal to comply

24. The lack of political will to implement the *A.D. and Others v. Georgia* judgment is demonstrated through three specific actions: (i) the explicit contestation of the Court's findings in the 2025 Action Plan; (ii) the adoption of legislation that establishes an absolute ban on legal gender recognition (rather than establishing the required procedures); and (iii) the systematic rejection of all Council of Europe assistance and expertise offered to facilitate implementation of this case. These actions reveal that Georgia's non-compliance is not due to capacity constraints or competing priorities, but rather represents a deliberate and calculated refusal to comply with binding Article 46 obligations.
25. The stark contrast between Georgia's commitments communicated to the CM in 2023 and its 2025 Action Plan strongly suggests a growing political unwillingness to comply with the judgment. In August 2023, the government assured the Committee that it was studying legal gender recognition legislation and expressed readiness to cooperate with the Council of Europe.²² However, in the 2025 Action Plan, the government explicitly rejects the Court's findings and contests its obligation to provide legal gender recognition procedures.
26. Georgia's conduct represents a direct violation of Article 46 of the European Convention on Human Rights, which establishes the binding nature of the Court's judgments and requires states to *"abide by the final judgment of the Court in any case to which they are parties."*²³ The government's explicit contestation of the Court's findings in its 2025 Action Plan, combined with its adoption of legislation that completely prohibits the remedy identified by the Court as necessary, constitutes a clear non-compliance with Article 46. The government's apparent belief that it can invoke *"national interests and traditional values"* to override binding international judgments fundamentally misunderstands, or

¹⁸ Venice Commission, Opinion on the Draft Constitutional Law on Protecting Family Values and Minors, CDL-AD(2024)021, 25 June 2024, para. 104.

¹⁹ Council of Europe Commissioner for Human Rights, "Georgian parliament should not adopt anti-LGBTI law and should refrain from using stigmatising rhetoric," 10 September 2024.

²⁰ European Parliament resolution of 9 July 2025 on the 2023 and 2024 Commission reports on Georgia, P10_TA(2025)0158, para. 19.

²¹ Ibid.

²² DH-DD(2023)1042, paras. 3-5.

²³ European Convention on Human Rights, Article 46(1).

refuses to accept, the hierarchical nature of international human rights law, wherein domestic preferences cannot justify non-compliance with established violations of fundamental rights.

27. This systemic refusal to comply with the judgment extends beyond this case and forms a part of a broader pattern of systematic non-compliance with European Court judgments concerning LGBTI rights, particularly within the Identoba group of cases,²⁴ where the adoption of the anti-LGBTI legislative package directly undermines implementation efforts by criminalizing the very activities - LGBTI advocacy, education, and public expression - that are essential to changing societal attitudes and preventing future violations.
28. Despite repeated offers of assistance from Council of Europe institutions, the Georgian government has consistently refused to engage constructively in developing implementation measures. The 2023 Action Plan specifically acknowledged ongoing consultations with the Department for the Execution of Judgments and expressed readiness to *"use the Council of Europe expertise,"* yet no meaningful engagement has occurred.²⁵ The Council of Europe's cooperation project *"Enhancing Equality and Non-Discrimination in Georgia"* and the Sexual Orientation and Gender Identity Unit made resources available to assist with legislative development, but these were deliberately ignored in favor of regressive measures that contradict international standards.²⁶ This refusal to cooperate, combined with the adoption of contradictory legislation and systematic exclusion of civil society, demonstrates a coordinated strategy to resist implementation of the Court's judgment.
29. The European Parliament, in its resolution of 9 July 2025, noted that Georgia under Georgian Dream *"rejects more generally international human rights law and democratic standards,"* demonstrating that the government's defiance extends far beyond the specific A.D. case.²⁷ The government's approach fundamentally mischaracterizes the nature of human rights obligations, which by definition cannot be subordinated to majoritarian preferences or cultural traditions when they conflict with the fundamental dignity and equality of all persons. The margin of appreciation doctrine cannot be invoked to justify complete non-compliance with established violations. The government's invocation of *"traditional values"* as grounds for rejecting international human rights obligations represents precisely the type of cultural relativism that the European Convention system was designed to overcome. The government's reference to *"the interest of minors"* in justifying these measures perpetuates harmful myths that have been repeatedly debunked by authoritative sources.²⁸
30. The government's claim that there is *"no uniform European practice"* regarding legal gender recognition is demonstrably false and appears designed to justify inaction rather than reflect genuine uncertainty about available models. Thirty-six Council of Europe member States have successfully implemented procedures for legal gender recognition,

²⁴ Identoba and Others v. Georgia, Application No. 73235/12, judgment of 12 May 2015, under enhanced supervision since CM/Del/Dec(2016)1258/H46-13. See also DH-DD(2024)729, Rule 9 submission documenting ongoing violations across the Identoba group cases.

²⁵ DH-DD(2023)1042, paras. 4-5.

²⁶ CM/Notes/1507/H46-8, p. 4, referencing cooperation project VC 3589.

²⁷ European Parliament resolution of 9 July 2025 on the 2023 and 2024 Commission reports on Georgia, P10_TA(2025)0158, para. 19.

²⁸ See references made to the interventions by EU Commission, EU Member States and the Parliament in para 106 of the Opinion of General Advocate Čapeta in Commission v Hungary, C-769/22, 05 June 2025.

providing different options and readily available templates that Georgia could adapt to its domestic context.²⁹ Rather than engaging with these resources to develop appropriate implementation measures, the government deliberately mischaracterizes the existence of different approaches among member States as justification for complete non-compliance.

31. Georgia's explicit contestation of the European Court's judgment, adoption of directly contradictory legislation, dismissal of authoritative Council of Europe guidance, and systematic rejection of all assistance create an unprecedented situation that threatens the integrity of the entire Convention system. This coordinated resistance demonstrates not merely a disagreement with a specific judgment, but a fundamental rejection of the multilateral human rights framework that Georgia voluntarily joined and from which it continues to benefit in other respects. The severity of Georgia's defiance is underscored by the European Parliament's decision to effectively suspend recognition of Georgian authorities, stating that it *"does not recognise the self-proclaimed authorities established by the Georgian Dream party"* and noting that *Georgia's EU integration process has been "effectively suspended as a result of the continued democratic backsliding."*³⁰

5. Recommendations to the Committee of Ministers

We reiterate our submissions and recommendations made in our submission dated July 2023. In addition, the Committee is requested to adopt an interim resolution that would address the following issues:

Concerning Individual Measures:

- I. Urge the Government to ensure that the LEPL Public Service Development Agency amends, without further ado, name and gender marker of all three applicants according to their original request.

Concerning General Measures:

- I. Schedule the case for the next examination at the Committee's earliest convenience;

"II. Adopt an interim resolution:

a. Recognising that the adoption of the anti LGBTI legislation, which bans legal gender recognition, amounts to a refusal to comply with the Court's judgment in the respective case;

b. urging the Government of Georgia to take immediate steps to reverse the new law, in particular Articles 2(c), 6, 7(2), 7(4), 8, and 9, and ensure other necessary legislative amendments as identified by the Court in *A.D. and Others*,

c. Publicly apologise to the LGBTI community and cease all further anti-LGBTI actions

III. Urge the adoption of an action plan realistically detailing the swift adoption of a legal gender recognition law aligned with Council of Europe standards, ensuring meaningful

²⁹ TGEU, Trans Rights Map, 2025, available at: <https://transrightsmap.tgeu.org/>

³⁰ European Parliament resolution of 9 July 2025 on the 2023 and 2024 Commission reports on Georgia, P10_TA(2025)0158, paras. 2, 8.

civil society involvement, the removal of any medical, procedural or discriminatory barriers; training relevant administrative staff, and public awareness campaigns.

On behalf of the signatory organisations,

Ketevan Bakhtadze

A handwritten signature in blue ink, appearing to read 'K. Bakhtadze', with a stylized, cursive script.

Strategic Litigation Lawyer

Women's Initiatives Supporting Group (WISG)