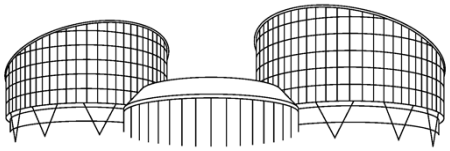

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF MILADZE v. GEORGIA

(Application no. 41585/23)

JUDGMENT

Art 10 • Freedom of expression • Proportionate administrative conviction and fine imposed on applicant for posting a TikTok video containing extremely crude and sexually explicit insults directed at identifiable public officials in the context of public debate on urban transport reform in Tbilisi • Violent verbal aggression aimed primarily at the wanton denigration of the public officials concerned • No element of political or social satire and no indication that the language used served any stylistic, rhetorical or literary purposes • Choice of medium significant due to its rapid algorithmic amplification and particularly high youth engagement • Viral dissemination of the video • Domestic courts carried out a structured and appropriately thorough balancing exercise • Limited severity of the sanction – minimum fine imposed • Relevant and sufficient reasons • Interference "necessary in a democratic society"

Prepared by the Registry. Does not bind the Court.

STRASBOURG

19 May 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Miladze v. Georgia,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Lorraine Schembri Orland*, President*,
Lado Chanturia,
Faris Vehabović,
Anja Seibert-Fohr,
Anne Louise Bormann,
Sebastian Răduleţu,
András Jakab*, judges*,
and Hasan Bakırcı, *Section Registrar,*

Having regard to:

the application (no. 41585/23) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Georgian national, Mr Irakli Miladze ("the applicant"), on 17 November 2023;

the decision to give notice to the Georgian Government ("the Government") of the application under Article 10 of the Convention;

the parties' observations;

Having deliberated in private on 28 April 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The application concerns the applicant's conviction for an administrative offence on account of the offensive manner in which he publicly expressed his opinions. The applicant complained that his conviction had amounted to a violation of Article 10 of the Convention.

THE FACTS

2. The applicant was born in 1993 and lives in Tbilisi. He was represented by Mr D. Javakhishvili and Ms S. Tsiklauri, lawyers practising in Tbilisi.

3. The Government were represented by their Agent, Mr B. Dzamashvili, of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

I. CONTEXT: URBAN TRANSPORT REFORM IN TBILISI

5. According to the material available in the case file, including reports prepared by independent environmental and urban policy observers in Tbilisi, in 2018 the Tbilisi City authorities announced a shift in transport policy in response to public debate and concerns regarding car-oriented urban planning. The reform aimed to reduce car dependency by prioritising public

transport and improving infrastructure for pedestrians and cyclists. In the years that followed, car ownership continued to increase, while public transport services faced challenges in meeting growing demand. In autumn 2022, the reform process reportedly accelerated, leading to several initiatives, including the redevelopment of major avenues, the installation of bus lanes, and the purchase of bi-articulated buses to address overcrowding.

6. Public opinion surveys conducted in 2021 and 2022 indicated that a proportion of Tbilisi residents considered the reform process to have been implemented ineffectively and without sufficient regard to their needs. Discussions also arose concerning the extent of political consensus and commitment within city hall to comprehensive and sustainability-oriented transport reform.

7. The use of bus lanes has likewise been the subject of public debate. The informal term "Škoda-lanes" has been used in public discourse to refer to allegations that certain government vehicles – white "Škodas" often driven by law-enforcement officers – use bus lanes in a manner perceived by some members of the public as inconsistent with applicable traffic and priority rules. Those concerns have been reflected in public commentary, including on various social media platforms.

II. INDIVIDUAL CIRCUMSTANCES OF THE CASE

8. On 5 December 2022 the applicant, a food courier who describes himself as a civil activist and maintains an active presence on several social media platforms, uploaded a short video to TikTok. He posted the video in public mode, making it accessible to anyone, without restrictions. It quickly went viral and received more than 100,000 views and then was also "shared" 600 times.

9. In the video, the applicant used obscene language directed at the mayor of Tbilisi and, more broadly, at staff members of Tbilisi City Hall and officials of the Ministry of the Interior. He criticised urban transport policies and what he viewed as the arbitrary exemption of certain law-enforcement officers from compliance with traffic regulations. At the beginning of the video, the applicant warned viewers that his speech would contain obscene language and advised those unwilling to hear such language not to watch it.

10. Below is an excerpt from the applicant's video, first in the original Georgian (with punctuation and minor grammar adjustments for better readability), followed by an English translation. The translation seeks to preserve the vulgar tone and repetitive insults of the original while rendering them in natural (idiomatic) English. Where appropriate, and in order to retain the aggression and emotional intensity, the original expressions have been

adapted to their closest English equivalents so that the text reads as an authentic spoken outburst rather than a literal translation[1]:

> "მოკლედ, რისი თქმა მინდა ეხლა რა: დღეს მთელი დღეა სკუტერით დავდივარ. მინიმუმ 10 საათი ვიმუშავე დღეს. ... ყოველდღე ვხედავ ამას, მაგრამ დღეს იყო რაღაც პიკი, იმიტომ რომ მთელი დღე თოვდა. ... მითუმეტეს ვაკეში, ჭავჭავაძეზე, ის რა სიმახინჯეც არის, რომელიც თბილისის მერმა გააკეთა და გვიმტკიცებს, რომ თურმე ყველაზე მოწესრიგებული სატრანსპორტო პოლიტიკა თბილისშია.
>
> ამაზე შემიძლია ერთი რაღაც ვთქვა – მტყუანის დედას შევეცი! ჩვენში მტყუანს, რომ თბილისში მოწესრიგებული მოძრაობაა, შეეწეროს თავიდან ბოლომდე!
>
> ეს შენი [თბილისის მერის] დამსახურებაა, რომ სამზოლიან ჭავჭავაძის ქუჩაზე ერთი ზოლი დატოვე, და ამ ერთ ზოლშიც კი თქვენი თანამშრომლები - მერიის თანამშრომლები, სამინისტროების თანამშრომლები თუ სუს-ის თანამშრომლები - ჩაბურული შუშებით რომ გავარდებით ამ ბასლაინში, აი თქვენი დედას შევეცი მე!
>
> ასეთი ნაბოზრები ხართ და საკუთარი თავი [დანარჩენებზე უკეთესი] გგონიათ. რით ხართ ჩვენზე [უკეთესები], თქვენი დედას შევეცი მე! აი რით ხართ ჩვენზე [უკეთესები]?
>
> სკუტერი [საკურიერო მომსახურებაში დასაქმებული ადამიანი] რომ გადადის იქ [ავტობუსის ზოლში], ის ადამიანები, [ვინც] 12 საათს წვიმა[სა] და ქარში მუშაობენ, ჯარიმებს რომ უწერთ ასეთ ადამიანებს - პოლიციას მივმართავ ეხლა - თქვენი დედას შევეცი მე! რატომ არ უწერთ [მსგავს] ჯარიმებს [ავტობუსის ზოლში მოსიარულე] სუს-ის თანამშრომლებსაც? სამსახურიდან გაყრის გეშინიათ, თქვე ნაბოზრებო? თქვენი დედას შევეცი მე და თქვენს მუნდირს დააჯვას კ[.] [თბილისი მერმა] და მისმა ბანდამ, თქვენი დედა მოვტყან მე!
>
> თუ ასეთი მაგარი სატრანსპორტო პოლიტიკაა [თბილისში], მაშინ თქვენ რატომ არ დადიხართ ავტობუსებით? რატომ არ მგზავრობთ გადაჭედილ მეტროში, თქვე ნაბოზრებო, თქვენა? ვისზე [უკეთესები] ხართ? თქვენ არავისზე [უკეთესები] არ ხართ და თქვენი აღსასრულის დასაწყისი მალე დადგება, თქვენი დედას შევეცი!"

> "In short, here is what I want to say. Today I have been riding my scooter all day. I worked at least 10 hours today. I see this every single day, but today was the worst yet, because it snowed the whole day. And especially in Vake, on Tchavtchavadze Avenue, the kind of ugly mess that is there now – the one created by the mayor of Tbilisi, who keeps insisting that Tbilisi supposedly has the most well-organised transport system.

[1] For example, in the original rant the applicant uses the Georgian slang term *nabozari* (*ნაბოზარი*), which, if translated literally, would correspond to "whore's offspring". In the English translation, however, this term has been rendered as "motherfucker" in order to convey more accurately the intensity and vulgarity of the original Georgian expression.

I will say one thing about that: go fuck the mother of whoever is lying. Whoever among us is saying that traffic in Tbilisi is orderly can take that from start to finish – all of it[2].

This is your [mayor's] doing. You turned a three-lane Tchavtchavadze Street into a single lane, and even in that one lane your own people – city hall employees, ministry employees, State Security Service employees – flying down the bus lane with tinted windows like they own the road. Go fuck your mothers.

You are acting like a bunch of motherfuckers who think you are better than everyone else. How exactly are you better than us? You are not better than us at all. Go fuck your mothers. Tell me, what makes you better than us?

But when a scooter driver [someone working delivery] – someone working a twelve-hour shift in the rain and wind – uses that same lane just to do their job, you fine them. I am talking to the [patrol] police now: go fuck your mothers. Why don't you write the same fines to those State Security Service employees? Are you afraid of getting fired, you motherfuckers? Go fuck your mothers. May [the Tbilisi mayor] and his gang shit all over your uniforms. Go fuck your mothers.

And if the transport policy is really so great, then why don't you use buses yourselves? Why don't you ride the overcrowded metro? Who the hell do you think you are? You are no better than anyone else, and the beginning of your end is coming soon. Go fuck your mothers."

11. On 10 December 2022 the Tbilisi Police Department instituted administrative-offence proceedings against the applicant under Article 166 § 1 of the Code of Administrative Offences (disorderly conduct) and Article 173 § 1 (disobeying or insulting a law-enforcement officer) of the same Code in relation to the video posted on TikTok ("the TikTok video case"). The administrative-offence indictment mentioned that, in the video at issue, the applicant had insulted in an obscene manner the Tbilisi mayor, staff members of Tbilisi City Hall and officers of the State Security Service and of the patrol police, and that TikTok was viewed to be a "public place".

12. On 12 December 2022 three police officers from the Tbilisi Police Department visited the applicant at his place of residence to serve a summons requiring him to appear before the police for a formal interview concerning the TikTok video case. The attempt to serve the summons allegedly resulted in the applicant verbally insulting the visiting officers and attempting to flee on his scooter. The officers pursued him in their vehicle and apprehended him several blocks away. They immediately drew up a report concerning the alleged commission of a separate administrative offence under Article 173 § 1 of the Code of Administrative Offences (disobeying or insulting a law-enforcement officer in the line of duty), arrested him in connection with

[2] In this part of the rant (the second paragraph of the citation), the applicant used the so-called "conditional form" of swearing, known in colloquial Georgian as *dagineba* (დაგინება) (which resembles conditional self-oath or self-cursing structures). In this form, the target of the insult depends on the outcome of the assertion being made: the speaker effectively directs the insult at himself if the statement proves incorrect, or at the opposing party if it proves correct.

that new charge and placed him in administrative detention at the Tbilisi Police Department's preliminary detention centre ("the summons-service case").

A. The summons-service case

13. On 14 December 2022 the applicant was brought before the Tbilisi City Court for trial in relation to the summons-service case. The court postponed the hearing in order to obtain additional evidence, including CCTV recordings capable of capturing the alleged police pursuit, but ordered the applicant's release from administrative detention.

14. By a decision of 9 February 2023, the Tbilisi City Court, relying on the evidence before it, including the CCTV footage, found the applicant guilty of insulting a law-enforcement officer in the line of duty in connection with the events of 12 December 2022, the summons-service case, and sentenced him to a fine of 2,000 Georgian laris ((GEL), approximately 720 euros (EUR) at the material time). In its reasoning, the court confirmed, *inter alia*, that the applicant's arrest on 12 December 2022 and his detention until 14 December 2022 had been carried out within the framework of those specific administrative-offence proceedings.

15. The applicant appealed against the decision of 9 February 2023, contesting the City Court's assessment of the facts. Following a full rehearing of the case, the Tbilisi Court of Appeal upheld on 23 May 2023 the impugned decision in its entirety, thereby maintaining the applicant's conviction under Article 173 § 1 of the Code of Administrative Offences.

B. The TikTok video case

16. As regards the TikTok video case, namely the initial charges brought under Article 166 § 1 and Article 173 § 1 of the Code of Administrative Offences (see paragraph 11 above), the Tbilisi City Court began its examination of the case on 27 January 2023. Several hearings were subsequently held before the Tbilisi City Court. They were attended by representatives of the police, acting as the prosecuting authority in the case, and by the applicant, who was represented by a lawyer.

17. The police argued that TikTok should be regarded as a place of public gathering within the meaning of Article 166 § 1 of the Code of Administrative Offences (see paragraph 34 below). They further submitted that the obscene language used by the applicant deprived his statements of any protection that might otherwise arise under the right to freedom of expression and thus constituted a punishable conduct within the meaning of both Article 166 § 1 and Article 173 §1 of the Code of Administrative Offences.

18. The applicant contended that, at the beginning of the video, he had included a disclaimer warning viewers that he would use obscene language.

Viewers therefore had had a choice whether or not to continue watching. In his view, a video posted on TikTok in those circumstances could not be considered a "public place" within the meaning of Article 166 § 1.

19. While the applicant did not deny that he had recorded and uploaded the video, he relied on his right to freedom of expression. He argued that his criticism of Tbilisi's urban transport policy and of what he described as the impunity enjoyed by certain law-enforcement officers in relation to traffic rules remained protected, regardless of the language used. He also submitted that his swearing had not been directed at any specific individual but had been expressed in general terms. Part of the offensive language, he added, had been phrased in the so-called "conditional form" of colloquial Georgian, meaning that he himself could theoretically have been the addressee if his criticism had proved unfounded.

20. As regards the charge under Article 173 § 1 of the Code of Administrative Offences, the applicant argued that his statements could not be regarded as having been addressed to any identifiable law-enforcement officer. It would therefore be unlawful, in his view, to classify his conduct as an offence under that provision.

21. By a decision of 10 March 2023, the Tbilisi City Court convicted the applicant of both offences and imposed a fine of GEL 2,000 (approximately EUR 720 at the material time).

22. The Tbilisi City Court began its reasoning by noting that TikTok was classified as a public space within the meaning of Article 166 § 1 of the Code of Administrative Offences. The court stated that "social media platforms, including TikTok, play a prominent role in the public life of society and therefore fall within the concept of a space where public order may be affected". In reaching that conclusion, the court relied on two judicial precedents. Firstly, it referred to the Supreme Court of Georgia's decision of 9 January 2014 (no. 1559-1462-2012), which confirmed in general terms that social media platforms should be regarded as public forums for the transmission of information and communication (see paragraph 40 below). Secondly, it cited the decision of 7 May 2020 by the Kutaisi Court of Appeal, which, in a more specific context, had already held that public order could be breached through the use of TikTok, within the meaning of Article 166 § 1 of the Code of Administrative Offences. As regards the definition of "public order and peace" within the meaning of the same provision, the Tbilisi City Court held that those concepts depended to a large extent on whether members of the public "acted in a dignified manner in their public dealings," in compliance with established "moral and ethical rules", emphasising the importance of "dignified conduct" in a public space. Other relevant parts from the reasoning concerning the nature of social media platforms read as follows:

> "By means of social media, the dissemination of information and the expression of opinions by citizens is carried out freely and without hindrance. Social media networks nowadays represent one of the main means for communication, expression of opinion

> and exchange of ideas. At the same time, the dissemination of information through social media networks may cause significant harm to a person's honour, dignity, business reputation, as well as other legally protected interests ...
>
> Considering the specificity of social media networks, it is evident that opinions disseminated through such platforms may, within a short period of time, reach a wide circle of persons ... including minors. However, the fact that information is disseminated through a popular social media network does not in itself exempt a person from legal responsibility. The dissemination of unlawful content, including insults or other forms of expression that infringe legally protected interests, may entail liability."

23. The City Court continued by explicitly acknowledging the need to protect the applicant's freedom of expression and sought to balance the competing interests under both the Constitution of Georgia and Article 10 of the Convention. In that connection, it noted the following:

> "When assessing whether a specific expression falls within the sphere of protected speech, the context, content and form of the statement must be taken into account ... The Constitutional Court [of Georgia] has explained that even sharp, exaggerated or emotionally coloured expressions may fall within the protection of freedom of expression, especially when they concern matters of public interest. Public officials, by virtue of their position, are required to demonstrate a higher degree of tolerance toward criticism ...
>
> Nevertheless, freedom of expression does not protect statements that constitute direct insult, incitement to violence or other unlawful actions ... The relevant weighing-up of factors must determine whether the expression in question served to contribute to public discussion or whether it represented an unjustified attack on the dignity and reputation of a person."

24. The City Court concluded that, by using "obscene language directed at the mayor of Tbilisi, city hall staff and law-enforcement authorities," the applicant had exceeded "the scope of protection afforded to freedom of speech." It held that his conduct had therefore "disturbed public peace and order" and constituted a punishable offence under Article 166 § 1 of the Code of Administrative Offences. In reaching that conclusion, the court examined "the purpose of the expression, its form, the identity of the person concerned and the possible impact upon public order and the rights of others." It determined that obscene language did not fall within the protected sphere of expression, either in terms of style or content, and that its sole purpose had been to denigrate public officials in a public setting. The profane rant was considered to be verbal aggression rather than political criticism. The court also emphasised the need to prevent the normalisation of sexually explicit personal insults on widely used social media platforms, particularly those popular among minors.

25. As regards the offence under Article 173 § 1 of the Code of Administrative Offences, the Tbilisi City Court held that the applicant's obscene swearing was clearly directed at a number of identifiable law-enforcement officers. It further found that his remarks had been prompted precisely by the fact that those individuals were law-enforcement

officers. In those circumstances, the court concluded that all the necessary elements for the legal classification of the administrative offence were present.

26. On 10 April 2023 the applicant lodged an appeal against the decision of 10 March 2023, mainly repeating his previous arguments (see paragraph 19 above).

27. By a final decision of 11 May 2023, the Tbilisi Court of Appeal partly allowed the applicant's appeal. It amended the lower court's judgment, upheld the conviction under Article 166 § 1 of the Code of Administrative Offences and dismissed the charge under Article 173 § 1 as unsubstantiated. The fine was therefore reduced from GEL 2,000 to GEL 500 (approximately EUR 180 at the material time).

28. In its reasoning, the appellate court confirmed that its main task was, similarly to the first-instance court, to carry out a proper balancing exercise between the applicant's freedom of expression and the need to protect "public order and peace". In that context, it accepted that the applicant's TikTok video had contributed to a debate on a matter of public interest. At the same time, it endorsed the lower court's findings on the importance of maintaining ethical standards on social media platforms, reaffirming that such platforms constituted places of public gathering (see paragraphs 22 and 24 above).

29. In conducting that balancing exercise, the appellate court referred to the applicable domestic law, in particular Sections 1(f) and 9(1)(b) of the Freedom of Expression Act, noting that "obscene" expression could be subject to regulation and might even fall outside the scope of protection afforded by freedom of expression.

30. The court proceeded to examine the relevant case-law under Article 10 of the Convention, including judgments in which the use of obscene or vulgar language or symbols had nonetheless led to a finding of a violation of Article 10. It referred in particular to the Court's recent judgment in *Peradze and Others v. Georgia* (no. 5631/16, 15 December 2022). Distinguishing the present case from those authorities, the appellate court held that the obscene language used by the applicant went beyond serving "merely stylistic purposes". In its view, the offensive expressions were intended not to contribute to public debate but to insult and denigrate the public officials concerned. In reaching that conclusion, the court contrasted the factual circumstances of the present case with those examined by the Court in *Peradze and Others* (cited above) and *Uj v. Hungary* (no. 23954/10, 19 July 2011). It also analysed the circumstances of the case through the lens of the relevant general principles contained in cases such as *Delfi AS v. Estonia* ([GC], no. 64569/09, ECHR 2015) and *Skałka v. Poland* (no. 43425/98, 27 May 2003). Further relevant passages of the appellate court's reasoning read as follows:

> "Noting that the relevant case-law of the [Court] states that freedom of expression also applies to information and ideas that offend, shock or disturb ... however, this

protection does not extend to expressions that amount to gratuitous insult without any factual basis or contribution to public discourse ...

Social media networks such as TikTok provide a platform for the rapid dissemination of content to a wide audience, and therefore the potential impact of such content must be taken into account ... Dissemination of such content through a social media network does not exclude liability if the content is open and publicly accessible to all and thus capable of affecting an indefinite number of persons ...

Thus, assessing the purpose of the applicant's statements, their content and form ... as well as the possible impact upon public morals and order and the rights of others, the court concludes that the [first-instance] court concluded that the applicant's expressions had not been aimed at engaging in public debate but rather at insulting the public officials in question.

The severity of the sanction must also be taken into account, and [in this regard] the applicant's prosecution for disorderly conduct under the Code of Administrative Offences is a proportionate course of action."

31. As regards the annulment of the applicant's conviction under Article 173 § 1 of the Code of Administrative Offences, the appellate court found that the lower court had erred in establishing a key element of the offence in question, namely that the insult had to have been directed at a law-enforcement officer acting in the line of duty at the time of the impugned conduct. The appellate court observed that the TikTok video contained insults aimed at law-enforcement officers in general, on account of their status as such, and was not directed at any specific officers performing their duties at the relevant time. It therefore concluded that the legal elements of the offence had not been made out and that the charge under Article 173 § 1 was unsubstantiated.

32. A reasoned copy of the Tbilisi Court of Appeal's final decision of 11 May 2023 was served on the applicant on 19 July 2023.

33. Apart from the above-mentioned administrative-offence proceedings instituted against the applicant, the authorities did not attempt to impose any broader or preventive measures, such as seeking the removal of the video at issue or restricting access to his social media accounts. Furthermore, even after the incident concerning the TikTok video, the applicant continued his political activism. He remained active on his social media accounts, including TikTok and Facebook, where he continued to criticise the authorities and publish other political content.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. CODE OF ADMINISTRATIVE OFFENCES

34. Article 166 of the Code of Administrative Offences reads as follows:

Disorderly conduct

"1. Disorderly conduct, that is, swearing and cursing in public places, insulting or harassing a person, or similar actions that disturb public order and peace shall be

> sanctioned by a fine from GEL 500 to GEL 1000 or, if the fine is considered to be insufficient in the light of the particular circumstances of the case, up to 15 days' administrative detention."

35. Article 173 § 1 of the Code provides that "disobeying a lawful instruction or order [issued by] a law-enforcement officer in the line of duty ... or insulting [the latter] in the line of duty" is punishable by a fine of between GEL 2,000 (GEL) and GEL 3,000 or up to 15 days' administrative detention.

II. FREEDOM OF EXPRESSIONS ACT

36. Section 1(f) of the Freedom of Expression Act defines "obscenity" (*ლხამსოზა*) as "content which has no political, cultural, educational or scientific value and which transgresses widely held ethical standards." Section 9(1)(b) of the same Act further states that obscene content can be regulated and excluded from the scope of protection of freedom of expression.

III. CASE-LAW OF THE CONSTITUTIONAL COURT

37. The Constitutional Court of Georgia addressed the right to freedom of expression in a number of judgments. In a judgment of 10 November 2009 (no. 1/3/421,422), it stated as follows:

> "The right to freedom of expression is guaranteed by Georgian law, but legislative guarantees are insufficient for the full implementation of such rights, [as] it is necessary that society itself tolerates an individual's right to express his or her opinion freely and without fear. In a democratic society, people have an obligation to tolerate opinions which they do not share or even consider ethically unjustified. It is impermissible to impose ethical norms or the world view [held by] a specific person or group of persons on other groups of society through State institutions, including the courts ...
>
> It should be noted that relatively broad discretion may be afforded to a State to limit the right to freedom of expression when the expression subject to limitation is of an offensive nature. The European Convention on Human Rights also allows for a limitation of freedom of expression when the expression goes against established moral norms. While a State may have the right to impose such a limitation, [it is not its obligation to do so, as per] the Constitution of Georgia and the European Convention [on Human Rights]. It should also be noted that any ... such limitation must comply with the Constitution ..."

38. In a judgment of 14 May 2013 (no. 2/2/516,542), the Constitutional Court noted as follows:

> "The right to freedom of expression is not an absolute right and may be subject to limitations in order to achieve the legitimate aims specified in the Constitution, using means proportionate to [such] aims ... A democratic State should treat an individual's freedom of expression with respect; the limitation [of this right] should be reasoned, necessary and essential for the existence of a democratic society, for the coexistence of

people ... [Interference] with freedom of expression should only be effected with strict adherence to the principle of proportionality."

39. In a judgment of 30 September 2016 (no. 1/6/561,568), the Constitutional Court stated as follows:

"In general, speech should be made an object of justice as a measure of last resort, when it is objectively necessary. Freedom of expression cannot be limited through [judicial proceedings] just because we disagree, are afraid, hate, [or] believe that [it] is contrary to public morals and traditions ... The best way to balance freedom of expression is to express [yourself again] – because any opinion or expression, which you disagree with, dislike or, in your opinion, is not true, can be refuted by opposing opinions and ideas which you share, like or consider right."

IV. CASE-LAW OF COURTS OF COMMON JURISDICTION

40. In its decision of 9 January 2014 (no. 1559-1462-2012 – see paragraph 22 above), the Supreme Court of Georgia stated the following:

"In the context of freedom of expression, 'public dissemination' does not imply that information must be made public solely through the press or television, particularly in circumstances where social media, blogging and microblogging play an increasingly significant role in contemporary society. Any medium capable of delivering information to an indefinite circle of persons should be regarded as a means of public dissemination.

The Supreme Court draws attention to the nature and purpose of social media networks. A social media network is a platform designed to create online social connections among individuals who share common interests, professional activities, hobbies or real-life relationships (such as family, kinship, professional or other ties). Each social media network consists of a user representation (a so-called 'profile'), the user's connections and additional services. One of the largest and most popular social media networks is Facebook, which brings together millions of users worldwide. Information disseminated by a particular user on Facebook becomes accessible either to persons connected with that user or to all users, depending on the author's chosen settings.

Any user who has access to such information may further share it with their own contacts or with an indefinite circle of persons, as well as quote it in private conversations, the press or online publications. Taking these characteristics of social media networks into account, the publication by a user of a so-called status or comment must therefore be regarded as the public dissemination of information."

41. In its decision of 7 May 2020 (no. 4/a-183-20 – see paragraph 22 above), the Kutaisi Court of Appeal stated the following:

"A social media network differs from an ordinary place of public gathering in that individuals are able to communicate with one another through technical means (such as computers, telephones and smartphones), which may serve as a space for interaction, including communication with an audience through the uploading of videos or personal broadcasts. By contrast, in places where members of society gather physically, such interaction takes place face-to-face, through visual, verbal and other forms of communication, without the use of technical means.

> Accordingly, the legal interest protected under Article 166 § 1 of the Code of Administrative Offences of Georgia, namely public order and peace, may be infringed both in places of public gathering and on social media (which, as already noted, should likewise be regarded as a place of public gathering), where, as in the present case, the use of TikTok, a platform widely used among members of society, involved conduct that was inappropriate, inconsistent with and contrary to the standards of behaviour established in society ... thereby clearly disturbing public order and peace."

42. In a decision of 29 September 2021 (no. 4/a-400-21), concerning administrative-offence proceedings instituted under Article 173 of the Code of Administrative Offences in relation to a verbal insult directed at a police patrol officer and published on Facebook, the Kutaisi Court of Appeal held that social media platforms should be regarded as a "public place" within the meaning of the Code of Administrative Offences. The court observed that "public order and peace could be disturbed both in traditional public places and on social media platforms", the principal difference being that communication and interaction among members of society on social media are carried out through technical means. Accordingly, "every user of a platform such as Facebook", which the court explicitly considered to constitute a place of public gathering, "was required to comply with ethical standards and behave decently online, particularly in the light of Facebook's own rules imposing certain standards of conduct." At the same time, the appellate court noted that, unlike conduct occurring in physical public places, indecent behaviour on Facebook could not be regarded "as having the same immediate or sweeping effect, since other users required time to become aware of the relevant post". The court further emphasised, as a matter of principle, "the need to distinguish between content shared publicly and content shared under restricted or private settings", the latter significantly limiting any potential harmful impact.

THE LAW

ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

43. The applicant complained that his conviction in the administrative-offence proceedings for posting the video at issue on TikTok had constituted a violation of Article 10 the Convention, which reads, in its relevant parts, as follows:

> "1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to ... impart information and ideas without interference by public authority ...
>
> 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others ..."

A. Admissibility

44. The Government submitted that the applicant had not suffered a significant disadvantage as a result of the administrative-offence proceedings, for which reason the application was inadmissible within the meaning of Article 35 § 3 (b) of the Convention. They argued that (i) the fine imposed, approximately EUR 180, had been modest; (ii) no particular public interest had been at stake; and (iii) the domestic courts had examined the case with due diligence. In the alternative, they contended that the application was manifestly ill-founded.

45. The applicant disagreed. He argued, among other things, that the case concerned one of the fundamental values of a democratic society and that an unjustified interference would have a chilling effect on his own exercise of that right, as well as on other members of Georgian society, particularly given the significant media coverage the case had received at the domestic level. He maintained that the non-pecuniary aspect of his complaint under Article 10 of the Convention raised an important question of principle, rather than merely a financial issue, and therefore warranted examination by the Court.

46. The Court reiterates that a violation of the Convention may raise important questions of principle and thus constitute a significant disadvantage, irrespective of any pecuniary interest involved (see *Korolev v. Russia* (dec.), no. 25551/05, ECHR 2010-V). In cases concerning freedom of expression, the admissibility criterion set out in Article 35 § 3 (b) of the Convention must be applied with due regard to the importance of that freedom (see, for example, *Roşiianu v. Romania*, no. 27329/06, § 56, 24 June 2014) and is subject to careful scrutiny by the Court.

47. In the present case, the domestic courts' assessment of the limits of obscene speech on social media platforms raises, in the Court's view, important questions of principle that go beyond the applicant's individual situation. Having regard to the nature of the issues raised and the scope of the limitations imposed, the Court does not consider it appropriate to declare the application inadmissible under Article 35 § 3 (b) of the Convention (compare *Gachechiladze v. Georgia*, no. 2591/19, §§ 40-41, 22 July 2021; *Amaghlobeli and Others v. Georgia*, no. 41192/11, § 24 *in fine*, 20 May 2021; and *Peradze and Others v. Georgia*, no. 5631/16, § 29 *in fine*, 15 December 2022).

48. As regards the objections concerning the alleged lack of public interest, the Court considers that the arguments put forward in relation to these objections raise issues which require an examination on the merits of the complaint under Article 10 of the Convention, rather than an assessment of their admissibility (see *B.A. v. Iceland*, no. 17006/20, § 41, 26 August 2025, and *Mehmet Çiftci v. Turkey*, no. 53208/19, § 26, 16 November 2021, and the authorities cited therein).

49. The Court further notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The applicant's submissions

50. The applicant submitted that his administrative conviction for disorderly conduct in public under Article 166 § 1 of the Code of Administrative Offences had constituted an interference with his freedom of expression which had not been "prescribed by law." He argued that Article 166 had been incorrectly applied, as it should have been interpreted as covering conduct occurring only in a physical public place. The provision referred to a "place," rather than a broader "space", and Georgian legislation had been amended on several occasions without extending the scope of the Article to cyberspace. Applying Article 166 to social media had therefore amounted, in his view, to an impermissible extension of the law. He further maintained that online expression differed fundamentally from conduct in physical environments, since engagement was voluntary, and users could easily avoid unwanted content. In that regard, he noted that the video had included a disclaimer at the outset warning viewers not to continue watching if they did not wish to hear offensive language.

51. The applicant further contended that the interference had not pursued a legitimate aim. In his view, the domestic authorities had failed to demonstrate how the video, which had criticised transport policies and alleged misconduct by public officials, had threatened either the rights of others or public safety. He argued that reliance solely on the use of harsh language could not justify administrative liability. He also emphasised that, if the video had genuinely posed a threat to public peace, the authorities would reasonably have sought its removal or requested restrictions on his social media account by reporting the video to TikTok for breach of the platform's Community Guidelines, which they had not done. That, he argued, confirmed the absence of any genuine risk capable of justifying the interference.

52. In addition, the applicant argued that the interference had not been necessary in a democratic society. He maintained that the case did not concern hate speech, as his remarks had been directed against alleged impunity, injustice and abuse of power rather than against any group protected from intolerance-based hatred. He submitted that the domestic courts had failed to provide relevant and sufficient reasons for convicting him under Article 166, focusing largely on abstract claims about social media as a "public place" and on the harshness of his language, without properly examining whether the statutory elements of disorderly conduct, including any disruption of public order or peace, had been satisfied in the circumstances of the case. He argued

that the courts had reduced the assessment to the tone of his expression while disregarding context, intent and contribution to public debate. In that connection, he emphasised that he had used "conditional swearing" in part of the video (see paragraph 10 above), which supported the view that his purpose had not simply been to insult public officials but to convey emphasis, stimulate public discussion and lend credibility to the account he had been presenting. He stressed that viewers' exposure had been voluntary, that he had warned about offensive language and that platform tools allowed users to avoid unwanted content. Lastly, he contended that the fine had been disproportionate and had not been the least restrictive measure available, as domestic law permitted less severe responses such as a warning. He argued that sanctioning emotionally charged criticism of public authorities created a chilling effect, particularly where online speech served as an important channel for civic scrutiny and accountability.

2. The Government's submissions

53. Without disputing the existence of an interference, the Government submitted that the restriction on the applicant's right to freedom of expression had been "prescribed by law" within the meaning of Article 10 § 2 of the Convention. They relied on Article 166 § 1 of the Code of Administrative Offences, arguing that the provision was formulated with sufficient clarity and precision and, as confirmed by the domestic courts, was directly applicable to individuals' conduct in cyberspace, including blogs and social media platforms. The Government further referred to judicial precedents supporting that established interpretation of the domestic legal provision.

54. The Government further argued that the interference pursued the legitimate aims of protecting the rights of others and public safety. They also referred to the concern expressed by the domestic courts about the need to protect public morals in cyberspace (see paragraph 22 above).

55. As regards the necessity of the interference, the Government submitted that, even assuming that the applicant's statements concerned matters of public interest relating to municipal policies, the measure was prompted not by the substance of his criticism but by the degrading and humiliating language used. Referring to the Court's case-law, they argued that sanctions might be justified where liability arose from insulting expressions rather than criticism of public authorities. The administrative-offence proceedings were therefore initiated in response to abusive language disseminated through a publicly accessible social media platform, including content accessible to minors.

56. The Government further submitted that, although freedom of expression protected statements that might offend, shock or disturb, such protection did not extend to expressions amounting to wanton denigration whose sole purpose was to insult. In their view, a contextual assessment distinguished legitimate criticism from abusive expression incompatible with

democratic tolerance. The applicant's repeated use of explicitly abusive phrases had exceeded acceptable limits of expression and had not contributed to public debate. They also emphasised that, while the internet constituted an important means of exercising freedom of expression, it increased the potential harm caused by unlawful or abusive speech owing to its speed of dissemination, wide reach and lasting accessibility. In the present case, the statements had been published on TikTok and, according to the applicant's own submissions, had reached more than 100,000 viewers. Having regard to the scale of dissemination, including the possible exposure of minors to vulgar language, the interference had sought to address a significant impact on the rights of others.

57. The Government further argued that the domestic courts at both levels of jurisdiction had provided adequate reasons justifying the interference with the applicant's freedom of expression and applied standards consistent with the principles established under Article 10 of the Convention. Having carefully examined the applicant's arguments and the circumstances of the case, the courts had justified the imposition of the fine and exercised their margin of appreciation reasonably and in good faith.

58. Lastly, the Government argued that the form and severity of the interference were relevant in assessing its necessity and proportionality and that the authorities had chosen the least restrictive measure available when limiting the applicant's rights. Unlike criminal sanctions, which called for strict scrutiny, the present case concerned administrative-offence proceedings resulting in a modest fine for disorderly conduct. The interference had therefore been limited in nature, as the sanction imposed had only amounted to an administrative penalty of approximately EUR 180, without any deprivation of liberty or criminal conviction. Moreover, apart from the payment of the fine, there was no indication that the applicant had suffered significant adverse consequences. In particular, the authorities had not sought the removal of the video at issue or to report the content to TikTok for a breach of the platform's Community Guidelines, although such a possibility had been available to them. The applicant's social media account had not been restricted, and he continued to publish content, including criticism of government policies. The Government therefore maintained that the measure had produced no chilling effect on the exercise of his freedom of expression.

59. In view of the foregoing, the Government submitted that the interference had been limited in severity, pursued a legitimate aim and remained proportionate in a democratic society.

3. The Court's assessment

(a) Existence of an interference

60. It is undisputed between the parties that the applicant's prosecution for the administrative offence and imposition of the fine constituted an

interference with the applicant's right to freedom of expression under Article 10 of the Convention. The Court sees no reason to decide otherwise.

(b) Whether the interference was prescribed by law

61. The Court reiterates that the expression "prescribed by law" in the second paragraph of Article 10 not only requires that the impugned measure should have a legal basis in domestic law, but also refers to the quality of the law in question, which should be accessible to the person concerned and foreseeable as to its effects (see the relevant general principles in *Perinçek v. Switzerland* [GC], no. 27510/08, §§ 131-33, ECHR 2015 (extracts), and *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, §§ 143-45, ECHR 2017 (extracts)).

62. In the present case, the applicant's prosecution for the administrative offence was conducted in accordance with Article 166 § 1 of the Code of Administrative Offences. The Court has already confirmed in a number of previous judgments that this provision – which expressly prohibits the use of profane language in a public place – satisfies the "quality of law" requirement (see, for example, *Peradze and Others*, cited above, § 39, with further references therein). In the specific circumstances of the present case, the Court notes that the domestic courts clearly explained, with reference to established domestic judicial practice (see paragraphs 22, 40 and 41 above), that it was a matter of common legal understanding that the notion of a "public place" encompassed cyberspace, including social media platforms and internet blogs.

63. Accordingly, the Court sees no reason to question the lawfulness of the interference in the present case.

(c) Whether the interference pursued a legitimate aim

64. Being mindful of its supervisory role, the Court further subscribes to the domestic courts' finding that, in the circumstances of the present case, the interference in question pursued the legitimate aim of protecting morals and the rights of others (compare *Peradze and Others*, cited above, § 40).

(d) Whether the interference was necessary in a democratic society

(i) General principles

65. The test of "necessity in a democratic society" requires the Court to determine whether the interference complained of corresponded to a "pressing social need". The Contracting States have a certain margin of appreciation in assessing whether such a need exists, but it goes hand in hand with European supervision, embracing both the legislation and the decisions applying it, even those given by an independent court. The Court is therefore empowered to give the final ruling on whether a "restriction" is reconcilable with freedom of expression as protected by Article 10 (see, among many other

authorities, *Perna v. Italy* [GC], no. 48898/99, § 39, ECHR 2003-V, and *Association Ekin v. France*, no. 39288/98, § 56, ECHR 2001-VIII). There is little scope under Article 10 § 2 of the Convention for restrictions on political speech or on debate on questions of public interest (see *Sürek v. Turkey (no. 1)* [GC], no. 26682/95, § 61, ECHR 1999-IV). Although freedom of expression may be subject to exceptions, they must be narrowly interpreted and the necessity for any restrictions must be convincingly established (see *Observer and Guardian v. the United Kingdom*, 26 November 1991, § 59, Series A no. 216).

66. The Court's task in exercising its supervisory function is not to take the place of the competent domestic courts but rather to review under Article 10 the decisions they have taken pursuant to their margin of appreciation (see *Fressoz and Roire v. France* [GC], no. 29183/95, § 45, ECHR 1999-I). This does not mean that the supervision is limited to ascertaining whether the respondent State exercised its discretion reasonably, carefully or in good faith; the Court looks at the interference complained of in the light of the case as a whole, including the content of the statement held against the applicant and its context (see *News Verlags GmbH & CoKG v. Austria*, no. 31457/96, § 52, ECHR 2000-I).

67. In particular, the Court must determine whether the reasons adduced by the national authorities to justify the interference were "relevant and sufficient", and whether the measure taken was "proportionate to the legitimate aims pursued" (see *Chauvy and Others v. France*, no. 64915/01, § 70, ECHR 2004-VI). In doing so, the Court has to satisfy itself that the national authorities, basing themselves on an acceptable assessment of the relevant facts, applied standards which were in conformity with the principles embodied in Article 10 (see *Zana v. Turkey*, 25 November 1997, § 51, *Reports of Judgments and Decisions* 1997-VII). Article 10 is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb; such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society" (see *Oberschlick v. Austria (no. 1)*, 23 May 1991, § 57, Series A no. 204). If the reasoning of the domestic courts' decisions concerning the limits of freedom of expression in cases involving a person's reputation is sufficient and consistent with the criteria established by the Court's case-law, the Court would require strong reasons to substitute its view for that of the domestic courts (see *Palomo Sánchez and Others v. Spain* [GC], nos. 28955/06 and 3 others, § 57, ECHR 2011).

68. Offensive language may fall outside the protection of freedom of expression if it amounts to wanton denigration, for example where the sole intent of the offensive statement is to insult (see *Savva Terentyev v. Russia*, no. 10692/09, § 68, 28 August 2018). However, the use of vulgar phrases in itself is not decisive in the assessment of an offensive expression as it may

well serve merely stylistic purposes. For the Court, style constitutes part of the communication as the form of expression and is as such protected together with the content of the expression (see *Uj v. Hungary*, no. 23954/10, § 20, 19 July 2011, and *Grebneva and Alisimchik v. Russia*, no. 8918/05, § 52, 22 November 2016). Satire is also a form of artistic expression and social commentary which, by its inherent features of exaggeration and distortion of reality, naturally aims to provoke and agitate. Accordingly, any interference with the right to use this means of expression should be examined with particular care (see *Ziembiński v. Poland (no. 2)*, no. 1799/07, § 45, 5 July 2016).

69. The Court reiterates that Contracting States enjoy, under Article 10, a certain margin of appreciation in assessing the need for and extent of an interference in the freedom of expression protected by that Article. However, this margin goes hand in hand with a European supervision, embracing both the legislation and the decisions applying it, even those given by an independent court. The breadth of such a margin of appreciation varies depending on a number of factors, among which the type of speech at issue is of particular importance.

(ii) Application of those principles to the circumstances of the present case

70. At the outset, the Court notes that the present case concerns an interference with expressive activity on social media. Such interference must be examined in the light of the following criteria: the content of the impugned statements, the context in which they were made, their reach and potential impact, the reasoning of the domestic courts, and the proportionality of the sanction imposed (see, for examples of this approach in comparable cases, *Melike v. Turkey*, no. 35786/19, §§ 46-54, 15 June 2021; *Străisteanu v. the Republic of Moldova*, no. 9989/20, §§ 66-75, 5 June 2025; *Avagyan v. Russia*, no. 36911/20, §§ 31-37, 29 April 2025; and *Kilin v. Russia*, no. 10271/12, § 71-94, 11 May 2021).

71. The Court accepts that the applicant's video formed part of a broader public discussion on transport reform in Tbilisi. Nevertheless, a substantial portion of the recording consisted of extremely crude and sexually explicit verbal attacks, including repeated references to "go fuck your mother" and other degrading remarks (for example, "motherfuckers" and "may the mayor and his gang shit all over your uniforms") personally directed at the mayor and at unnamed police and security officers. Large segments of the video contained no argument or criticism but rather sustained verbal aggression devoid of informational value (see paragraph 10 above). In this connection, the Court reiterates that statements which assume the character of targeted and degrading attacks on identifiable individuals may fall outside the protection of Article 10, which does not safeguard gratuitous personal insults. Moreover, civil servants must enjoy public confidence in conditions free of undue perturbation if they are to be successful in performing their tasks. It

may therefore prove necessary to protect them from offensive and abusive verbal attacks in the course of their duties (see *Janowski v. Poland* [GC], no. 25716/94, § 33, ECHR 1999-I; and *Wojczuk v. Poland*, no. 52969/13, § 96, 9 December 2021).

72. The Court notes that the present case is clearly distinguishable from *Peradze and Others* (cited above), which also concerned the use of obscene language in a public debate. In that case, the expression in question was not directed at any identifiable individual, but rather referred to a construction project (ibid., §§ 5, 11 and 45). In the present case, by contrast, the domestic courts found that the offending phrases were aimed at specific public officials and constituted primarily a form of public insult, and that assessment cannot be regarded as manifestly unreasonable. Indeed, the Court reiterates that even when abusive language is used out of genuine concern for the well-being of fellow citizens in a heated discussion, this does not give the author *carte blanche* for outright and wanton personal denigration of officials in a public setting (compare *Janowski*, cited above, § 34).

73. With reference to the Georgian cultural and linguistic context, the Court notes the domestic courts' findings that the repeated kinship-based sexual profanity employed by the applicant in his TikTok video (see paragraph 10 above) clearly amounted to an attack on the personal dignity of the individuals concerned and constituted violent verbal aggression rather than political criticism. In this regard, the Court reiterates that, by reason of their direct and continuous contact with the "vital forces" of their country, their assessment of evolving moral standards and their familiarity with the expressive features of the Georgian language, the domestic courts were obviously better placed than an international tribunal to assess the meaning and tone of the form chosen by the applicant (compare *Peradze and Others*, cited above, § 44).

74. The Court is unable to discern any indication that the highly obscene language used by the applicant served any stylistic, rhetorical or literary purposes. The Court's case-law demonstrates that offensive expressions may, in certain circumstances, amount to satirical exaggeration or artistic provocation. This was the case, for example, where a vulgar term was used to describe a low-quality product, particularly where such language was commonly employed in that context within the relevant linguistic setting (see *Uj*, cited above, § 24), or where public figures were portrayed albeit in sexually explicit but nevertheless still artistic works imbued with a manifestly visible satirical element (see *Vereinigung Bildender Künstler v. Austria*, no. 68354/01, §§ 33-35, 25 January 2007, and *Patrício Monteiro Telo de Abreu v. Portugal*, no. 42713/15, §§ 42-44, 7 June 2022). By contrast, in the present case, the applicant used the most extreme form of colloquial swearing, which is linguistically regarded as a form of violent speech in Georgia, to denigrate the mayor of Tbilisi and representatives of several law-enforcement agencies. The Court sees no element of political or social

satire in the applicant's speech, nor any stylistic purpose that could justify the choice of such coarse, aggressive and deliberately abrasive language, devoid of any intent or expressive value.

75. The Court further considers the medium selected by the applicant to be significant. He published the video publicly and without audience restrictions on TikTok, a platform characterised by rapid algorithmic amplification and particularly high youth engagement. The video attracted more than 100,000 views within a short period and was furthermore "shared" 600 times (see paragraph 8 above and contrast *Savva Terentyev*, cited above, §§ 80-81, concerning limited dissemination within a small readership). Given TikTok's design – short, easily consumed content with heavy circulation among minors – the domestic courts were fully entitled, in the Court's opinion, to consider that the scale and speed of dissemination aggravated the impact of the applicant's language (contrast *Patrício Monteiro Telo de Abreu*, cited above, § 45, where the domestic courts failed to examine the reach of online dissemination). Indeed, the Court reiterates that the internet's capacity for instantaneous and wide dissemination may justify a stricter regulatory approach, including liability for defamatory or otherwise unlawful speech, because online content poses heightened risks to the enjoyment of human rights, particularly the right to respect for private life (compare *Delfi AS v. Estonia* [GC], no. 64569/09, §§ 110-12, ECHR 2015; *Sanchez v. France* [GC], no. 45581/15, § 162, 15 May 2023; and *Egill Einarsson v. Iceland*, no. 24703/15, § 46, 7 November 2017). Although the applicant warned viewers that the video contained obscene language, the disclaimer did not restrict access, impose age limitations or prevent the content from appearing on non-voluntary algorithmic feeds ("For Your Feed"). The disclaimer therefore did not, in the eyes of the Court, significantly mitigate the risk of exposure to unwilling viewers or minors.

76. The Court attaches particular importance to the relevance and sufficiency of the reasons set out by both the Tbilisi City Court and the Court of Appeal. The domestic courts expressly acknowledged the applicability of Article 10 and carried out a structured balancing exercise (contrast *Mătăsaru v. the Republic of Moldova*, nos. 69714/16 and 71685/16, § 35, 15 January 2019, where the courts did not even find Article 10 applicable). They examined the content, tone, purpose and potential impact of the applicant's statements; recognised the public-interest dimension of the underlying debate; and clearly distinguished robust political criticism from hostile personal denigration. The courts also emphasised the need to prevent the normalisation of sexually explicit personal insults on widely used social media platforms, particularly those frequented by minors. It is additionally relevant that the appellate court conducted a comparative analysis with this Court's case-law, explaining in detail why it considered the precedents distinguishable (see paragraph 30 above). Reiterating that its task is not to substitute its assessment for that of the domestic courts but to examine

whether those courts applied standards consistent with Article 10 and based their decisions on an acceptable assessment of the facts (see *News Verlags GmbH & Co KG*, cited above, § 52), the Court finds that, in the present case, the domestic courts' reasoning was sufficiently detailed and contextualised. The Court is therefore satisfied that the required balancing exercise was conducted with appropriate thoroughness.

77. The Court further observes that the applicant was fined GEL 500 (EUR 180), the minimum amount under Article 166 of the Code of Administrative Offences for an administrative offence. No criminal proceedings were instituted (contrast *Gaspari v. Armenia (no. 2)*, no. 67783/13, § 31, 11 July 2023, and *Savva Terentyev*, cited above, § 89), he did not receive a custodial sentence (contrast *Chkhartishvili v. Georgia*, no. 31349/20, § 60, 11 May 2023, and *Bouton v. France*, no. 22636/19, §§ 53-54, 13 October 2022), and the authorities did not seek the removal of the video, a restriction of his social media account or any form of broader censorship; the imposed sanction did not prevent the applicant from continuing his political activism. Such a limited severity of the sanction is indeed an important factor in the proportionality assessment (see *Stoll v. Switzerland* [GC], no. 69698/01, § 153, ECHR 2007-V; *Bédat v. Switzerland* [GC], no. 56925/08, § 79, 29 March 2016; and *Le Pen v. France* (dec.), no. 18788/09, 20 April 2010). It is further relevant that the appellate court acquitted the applicant of the parallel charge under Article 173 of the Code of Administrative Offences, reducing the fine and demonstrating a calibrated approach targeting only those elements of the speech constituting extreme personal insult.

78. Having regard to the margin of appreciation afforded to Contracting States (see paragraph 69 above), the particularly aggressive nature of the vulgar language used, the extensive dissemination of the video in question on a social media platform aimed at young people, the thoroughness of the balancing exercise conducted by the domestic courts, and the limited severity of the sanction imposed, the Court concludes that the respondent State provided "relevant and sufficient" reasons for the interference with the applicant's freedom of expression.

79. The interference was therefore "necessary in a democratic society" within the meaning of Article 10 § 2 of the Convention, and accordingly, there has been no violation of Article 10.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been no violation of Article 10 of the Convention.

Done in English, and notified in writing on 19 May 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar	Lorraine Schembri Orland President