

European Court of Human Rights: *Miladze v. Georgia*

IRIS 2026-7:1/23

Tarlach McGonagle
Institute for Information Law (IViR), University of Amsterdam

In its judgment in *Miladze v. Georgia*, delivered on 19 May 2026, the European Court of Human Rights examined the permissibility of an instance of verbal violence targeting public officials on social media under Article 10 of the European Convention on Human Rights (ECHR). A fine imposed by the Georgian courts for an expletive-ridden tirade on TikTok did not – the Court held unanimously – violate the applicant’s right to freedom of expression.

The applicant, a food courier and activist, uploaded a short video to TikTok, protesting against changes in transport policy in the city of Tbilisi. He posted the video in public mode and without access restrictions. It went viral, achieving over 100 000 views and being shared 600 times. In the video, the applicant used “obscene language” directed at the mayor of Tbilisi, staff of Tbilisi City Hall and officials at the Ministry of the Interior. The applicant warned viewers at the start of his video that it would contain obscene language, this allowing them to stop or avoid watching it, should they so choose.

The applicant was subsequently convicted for using obscene language in a public place, pursuant to the Code of Administrative Offences. He was fined, but was not required to remove the video. Nor was his TikTok account restricted in any way as a result of the decision. Nevertheless, he felt his right to freedom of expression had been violated, so he appealed – unsuccessfully. He contended that a place of public gathering did not definitionally extend to online spaces or fora, but the national courts pointed to existing national case law in which the online dimension had indeed been considered as a public place in the sense of the code (i.e. spaces where public order can be affected). After exhausting all domestic remedies, the applicant took his case to Strasbourg.

The European Court of Human Rights dwelt on the nature of the language used, and in particular the repeated use of (variants of) a term that is particularly offensive in Georgia(n). It translated the term as “mother**cker” in an attempt to convey the vulgarity of the term in Georgian.

The Court was satisfied that the interference with the applicant’s right to freedom of expression was prescribed by law and that it met the requirement of “quality of law”. It accepted the national courts’ explanations that it was established domestic judicial practice and a matter of common legal understanding that

“‘public space’ encompassed cyberspace, including social media platforms”. It was also satisfied that the interference pursued a legitimate aim in the sense of Article 10(2) ECHR, and that the reasons adduced by the Georgian authorities for the interference were relevant and sufficient.

The Court recalled that the right to freedom of expression includes statements that may “offend, shock or disturb”, and that a person’s reputation is also protected under the ECHR. With references to existing case law, the Court further recalled that:

- offensive expression may not be protected if it “amounts to wanton denigration”, e.g. when its sole purpose is to insult;
- the use of vulgar phrases is not of itself decisive as such language could serve stylistic purposes and style and form are protected under Article 10; and
- “[s]atire 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” and as such, it is protected under Article 10.

For cases involving expressive activity on social media, the Court uses the following criteria for its examination: the content and context of the impugned statements, their reach and impact, the reasoning of the national courts and the proportionality of the sanction. The Court reiterated that targeted and degrading (verbal) attacks on identifiable individuals may not enjoy protection and that civil servants must moreover “enjoy public confidence in conditions free of undue perturbation” in order to carry out their tasks.

In its lengthy consideration of the “most extreme form of colloquial swearing, which is linguistically regarded as a form of violent speech in Georgia”, the Court deferred to the judgment of the Georgian authorities – due to their direct and continuous contact with the “vital forces” of their country. The Court could not see:

“any indication that the highly obscene language used by the applicant served any stylistic, rhetorical or literary purposes [...] that could justify the choice of such coarse, aggressive and deliberately abrasive language, devoid of any intent or expressive value”.

The video largely comprised “extremely crude and sexually explicit verbal attacks”; “large segments of the video contained no argument or criticism but rather sustained verbal aggression devoid of informational value”.

As for the medium used, the Court described TikTok as “a platform characterised by rapid algorithmic amplification and particularly high youth engagement”. The applicant did not restrict the accessibility of the video, which facilitated its wide

dissemination. Interestingly, despite a few references to minors' use of TikTok generally, there was no mention of the impugned video having specifically been watched by minors.

In light of the above considerations (which are neatly summarised in paragraph 78 of the judgment), the Court held unanimously that the applicant's right to freedom of expression had not been violated.

European Court of Human Rights, Miladze v. Georgia, Application No. 41585/23, 19 May 2026

<https://hudoc.echr.coe.int/?i=001-250113>

