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The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and in response to the joint urgent letter from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on the situation of human rights defenders and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, dated 20 June 2019 has the honour to convey the response prepared by the Ministry of Internal Affairs of Georgia, Ministry of Justice of Georgia and the Prosecutor's Office of Georgia.

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Encl: 8 pages

Geneva, 23 July 2019

Office of the United Nations
High Commissioner for Human Rights
Geneva



Fight against discrimination by the Ministry of Internal Affairs of Georgia

Protection of human rights and equality, including fight against crimes committed based on discrimination and effective investigation thereof, are the priorities of the Ministry of Internal Affairs of Georgia (MIA).

In January 2018, **Human Rights Protection Department (HRPD)** was created. The non-operative department **monitors timely response and effective investigation of specific crimes**, such as: domestic violence; violence against women; crimes committed on grounds of discrimination; hate crime; trafficking of human beings; crimes committed by/towards minors. Additionally, **Department serves as a consultative body for the police and stands as a contact point for civil society and pertinent public agencies.**

The main aim of this department is to introduce completely **new standards** for human rights protection within the Ministry and beyond, and also address **major shortcomings** in the human rights' field, that were identified over the years by relevant local and international organizations.

With this department, MIA has started **changing the attitudes of the police officers towards “sensitive” groups and specific crimes.**

In 2018-2019, HRPD implemented a number of measures and activities to fight and prevent discriminatory crimes. Namely:

- **Investigators and police managers were trained** on the issues of identification of the motive of discrimination and effective communication with victims;
- **Special guidebook and guidelines** were created on the issues of identification of the motive in the crimes committed based on discrimination and qualification of the crimes;
- **Special training program** was established in close cooperation with OSCE ODIHR on the issues of investigation of the crimes committed based on discrimination. This training program helps law enforcement to rapidly react and effectively investigate crimes committed based on discrimination;¹
- Upon initiative of the MIA, **liability for the crimes committed based on discrimination became stricter.** Moreover, gender based discrimination was

¹ MIA implements the TAHCLE (Training against Hate Crimes for Law Enforcement) Program together with the OSCE ODIHR. Based on the recently signed MOU between the Ministry and the OSCE ODIHR, the TAHCLE program has been developed jointly by the HRPD, the Academy of the MIA, the Prosecutor's Office, the Public Defender's Office and relevant NGOs. Within the frames of the programme, the TAHCLE curriculum on hate crimes was translated and adapted for Georgia.

included as an aggravate condition for the crime in certain articles of the Criminal Code of Georgia;

- Currently, work is ongoing in partnership with the Council of Europe to further **develop criminal law** with regards to crimes committed based on discrimination;
- The process of **gathering statistical information was further improved**. The MIA actively works with international organizations in this direction.

Due to improved qualifications of investigators and increased quality of investigation, **in 2018, identification of discriminatory motive in the criminal cases increased significantly**.

In 2018 (compared to 2017), number of persons **criminally charged** for the crimes committed based on discrimination **tripled**.

In order to protect the interests of victims and witnesses, also to avoid re-victimization, **Victim/witness Coordination Service was established**. The coordinator prioritizes the communication with the victims of crime committed based on discrimination.

Creation and results of work of the HRPD, increased indicator of investigations of the crimes committed based on discrimination has been **positively assessed by number of EU resolutions** and other international assessment reports.

Tbilisi Pride

The outmost aim of the Ministry of Internal Affairs of Georgia is to **ensure public order and protect citizen's safety, as well as to** protect the right of assembly and freedom of expression of each citizen irrespective of their political views, religious belief, sexual orientation and any other signs.

In 2018, the international day against **homophobia, transphobia and biphobia (May 17) was celebrated in a peaceful and coordinative manner**. Police managed to maintain public safety and preserve security of demonstrators **through arresting more than 30 counterdemonstrators**. One juvenile was arrested immediately upon attack on Gay activist, who was later charged for hate crime.

Additionally, due to outstanding performance of the police, other demonstrations organized by LGBT community **throughout year 2018 were conducted in peaceful manner**. Police has arrested in total 4 persons (counterdemonstrators) during March 8 and May 1 demonstration held in front of public service Hall and parliament building, organized by LGBT community.

On May 17, 2019 the international day against **homophobia, transphobia and biphobia** was **not marked, although MIA stated it would ensure security and freedom of expression for participants.**

Roughly in February, 2019, the LGBT community announced to organize **first ever Tbilisi Pride Week** to be held between 18-23 June, 2019. This announcement immediately caused serious outrage. As the organizers of the Pride later approached the Ministry and presented possible locations and the form of the foreseen event, they were explained all the risks associated with holding Pride in the proposed locations. They were offered certain alternatives which they refused.

As the things progressed, following the condemning announcement by Georgian Patriarchate, the LGBT activists gathered in front of the Government Chancellery on June 14, 2019. At the same time, some **radical groups held counterdemonstrations.** Police managed to ensure public order and security on the ground, including by **detaining 28 persons administratively for resistance to police** and for petty hooliganism. Those counterdemonstrators tried to break the police cordon and expressed their aggression by throwing eggs against the peaceful participants of the manifestation, their supporters and also against the journalists.

The next day, investigation was launched on the facts of creation, joining and management of an illegal formation in accordance with the Paragraph 1 of the Article 223 of Criminal Code of Georgia against leaders of radical groups.

Tbilisi Pride Week officially started on June 19, with the **social theatre performance,** which was attended by over 100 people, among those by several EUMS Ambassadors.

Within Pride Week on June 21 International **LGBTQ Conference 'Equality in Public Space'** took place in the hotel Tbilisi Rooms. Up to 100 people participated in the event, among those delegates from UK, Armenia, China, Turkey and EU Member States.

Both events passed peacefully without any incidents.

In advance of March of Dignity, Ministry held additional several meeting with the organizers of the Pride. However, as of today, **organizers decided to postpone the March planned within a Pride Week,** due to already existing other tensions in the Capital of Georgia.

The fight against crime committed on the grounds of discriminatory motive and their effective investigation is one of the priorities of the Ministry of Internal Affairs of Georgia. This kind of **violence and threat of violence on the grounds of discrimination is unacceptable**. The Ministry has been responding to each fact and will respond in the future as well.

Information on Awareness raising Activities on Discrimination

On 2 May 2014, the Law of Georgia on Elimination of all Forms of Discrimination was adopted by the Parliament of Georgia. The adoption of the Law was accompanied with a set of amendments to other legislative acts, including Law on Gender Equality, Criminal Code of Georgia, etc. to harmonize provisions of all relevant statutory acts that serve to elimination of discrimination and ensuring equality.

Purpose of the law is the elimination of all forms of discrimination and ensure for every person equal enjoyment of rights prescribed by law irrespective of race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, **sexual orientation, gender identity** and expression, political or other opinions, or other characteristics (Article 1 of the Law).

Apart from direct and indirect discrimination, Georgia has introduced the novelty in the anti-discrimination law - **principle of multiple discrimination** as sexual minorities like other disadvantaged groups might be especially susceptible to multiple and concurrent forms of discrimination.

The Law imposes responsibilities not only on public institutions, but also on any legal entity or individual. The Law obliges all institutions that function within the jurisdiction of Georgia to conduct concrete measures for eliminating discrimination, in particular any institution shall be obliged to: a) bring its activity, legal acts and internal regulations, if any, into conformity with the requirement of the Law and other anti-discrimination legislation; b) respond promptly and efficiently to any alleged act of discrimination and c) if an act of discrimination is confirmed, impose liability on offenders under its control according to the legislation of Georgia and internal regulations, and ensure that the consequences of discrimination are eliminated without prejudice to the rights and legitimate interests of third persons. (Article 4 of the Law)

The law envisages empowerment of Public Defender's Office (*hereinafter* – PDO). It is authorized to monitor the implementation of law, prepare reports and recommendations on it and to hear the case of discrimination based on the application/complaint submitted to the PDO.

Promotion of raising awareness of general population on Discrimination is one of the priorities for the Government of Georgia. In this regard, the LEPL Training Center of Justice of Georgia permanently organizes information meetings for students, schoolchildren, ethnic minorities and local population on prohibition of discrimination on any grounds prescribed under the Law, including sexual orientation and gender identity. In 2016-2018 in total up to

800 persons participated (direct participation) in the information meetings organized by the Ministry of Justice of Georgia.

Apart from it, since 2019 Ministry of Justice of Georgia started trainings on different topics of human rights, including discrimination for newly appointed escorting officers of the Special Penitentiary Service operating under the Ministry of Justice of Georgia. As of 10 July 2019 in total 106 escorting officers were trained on Prohibition of Discrimination on any grounds, including sexual exploitation and Gender Identity. The aim of the training is to raise the awareness of escorting officers on the forms and grounds of discrimination, legal mechanisms in place against discrimination, and the role of State on elimination of discriminatory attitudes and to increase sensitivity of the participants towards different groups, including LGBT community.

1. Introduction

Under the Criminal Procedure Code of Georgia the Prosecutor's Office of Georgia is a prosecuting authority. To ensure the performance of this function, the Prosecutor's Office of Georgia exercises procedural supervision of the investigation. The Prosecution Service supports the state prosecution in court.

2. Statistics

In 2018 hate motives were examined in 210 criminal cases: Sexual orientation element was examined in 28 criminal cases; Gender identity element was examined in 29 criminal cases; In 2018 criminal prosecutions were launched against 151 individuals for hate-motivated crimes: 15 individuals were charged for the crimes motivated by sexual orientation; 12 individuals were charged for the crimes motivated by gender identity;

In 2019 hate motives were examined in 91 criminal cases (to this date): Sexual orientation element was examined in 11 criminal cases; Gender identity element was examined in 6 criminal cases; Both of these elements were examined in 6 criminal cases; In 2019 criminal prosecutions were launched against 62 individuals for hate-motivated crimes: 6 individuals were charged for the crimes motivated by sexual orientation; 2 individuals were charged for the crimes motivated by gender identity; 1 individual was charged for the crimes motivated by Sexual orientation and gender identity together.

3. Specialization

It should be noted, that in 2018 prosecution service conducted specialization, 28 selected prosecutors underwent intensive retraining course and they will deal with hate crimes. Specialization of prosecutors continued in 2019 and will cover all territorial units of the prosecution service. To this date there are around 50 specialized prosecutors.

For the time being, there are 180 prosecutors and the investigators of the prosecution service specialized on domestic crimes.

4. Trainings on hate crimes (sexual orientation-based and gender-based)

In 2018, 6 trainings were conducted on identification and prosecution of hate crimes involving 128 participants (prosecutors and the investigators of the prosecution service) from various structural and territorial units of the prosecution service of Georgia.

In 2018 4 trainings, involving 65 participants were conducted on the issue of identification and effective prosecution of hate crimes for the prosecutors and the investigators of the prosecution service.

Furthermore, In 2018 a training was conducted on the issue of hate crime and hate speech, which involved 13 representatives of the prosecution service, as well as journalists, representatives of the NGOs and Public Defender's Office of Georgia.

In 2019 (to this date), 12 training activities were carried out on identification and effective prosecution of hate crimes involving 154 participants (managers, prosecutors and the investigators of the prosecution service).

5. Trainings on domestic crimes (sexual orientation-based and gender-based)

In 2018, 3 specialization courses were conducted on domestic crimes within the ambit of which 83 participants (prosecutors and the investigators of the prosecution service) were retrained. Same year, in addition 11 training activities were carried out on violence against women, gender-based discrimination and domestic violence involving 118 participants (prosecutors and the investigators of the prosecution service, advisors).

In 2019, 2 specialization courses were conducted on domestic crimes within the ambit of which 58 participants (prosecutors and the investigators of the prosecution service) were retrained. Moreover, 5 training activities were carried out on violence against women, gender-based discrimination and domestic violence involving 48 participants (prosecutors and the investigators of the prosecution service, witness and victim coordinators).

6. Data collection

In 2019, with the co-operation of the Prosecution Service of Georgia and the Ministry of Internal Affairs and the expert assistance of the Council of Europe, statistical module is being improved. As a result, both agencies will be able to perfectly process segregated statistical data on investigation and prosecution of hate crimes.

7. Awareness Raising Campaigns

In order to inform society on the hate crime offences proactively and raise public awareness, in 2018, information on prosecution and conviction of perpetrators committing crimes against sexual and religious minorities was actively published on the official webpage and social network page of the Prosecution Service of Georgia. This practice is being carried out actively in 2019.

On 6 February 2019 a conference was held at the General Prosecutor's Office of Georgia on the topic of hate crimes. The participants of the conference discussed report on the measures undertaken by the prosecution service of Georgia with regard of combating hate crimes. The analysis of investigation and prosecution of hate crimes committed in 2016-2018 was presented at the conference.

In 2019 with the involvement of the Prosecution Service of Georgia and campaign "I choose equality", launched under the aegis of the European Council project "Fight against discrimination, hate crime and hate speech in Georgia", a variety of activities are planned aiming at raising public awareness on discrimination, hate speech and hate crime.