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Date: 04/10/2024

**DH-DD(2024)1115**

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Meeting: 1514<sup>th</sup> meeting (December 2024) (DH)

Item reference: Action Plan (03/10/2024)

Communication from Georgia concerning the group of cases of Tkhelidze v. Georgia (Application No. 33056/17)

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Réunion : 1514<sup>e</sup> réunion (décembre 2024) (DH)

Référence du point : Plan d'action (03/10/2024)

Communication de la Géorgie concernant le groupe d'affaires Tkhelidze c. Géorgie (requête n° 33056/17)  
**(anglais uniquement)**

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**The Government of Georgia**

**Action Plan**

***Case of Tkhelidze v. Georgia***

No. 33056/17, Judgment of 08/07/2021, final on 08/10/2021

***Case of A and B v. Georgia***

No. 73975/16, Judgment of 10/02/2022, final on 10/05/2022

***Case of Gaidukevich v. Georgia***

No. 38650/18, Judgment of 15/06/2023, final on 15/09/2023

**I. INTRODUCTION**

1. These cases concern the State's failure to take preventive action with a view to protecting the domestic violence victims from murder and to investigate the law enforcement authorities' inaction and gender-based discrimination (violations of Article 2 in its substantive positive and procedural limbs taken in conjunction with Article 14 of the European Convention on Human Rights (*hereinafter* - "the Convention")).
2. The Committee of Ministers of the Council of Europe (*hereinafter* - "the Committee") on its 1451<sup>st</sup> and 1483<sup>rd</sup> meetings adopted decisions on *Tkhelidze Group*,<sup>1</sup> recalling the Court's finding that there existed an adequate legislative and administrative framework designed to combat domestic violence against women in Georgia in general.<sup>2</sup>

**II. INDIVIDUAL MEASURES**

**a) *Payment of just satisfaction***

3. By the action plans of 12 April 2022<sup>3</sup> and 27 October 2022<sup>4</sup> the Government informed the Committee that the just satisfaction was paid to the applicants in following cases: *Tkhelidze v. Georgia* and *A and B v. Georgia*.
4. Further information is provided below:

<b>Name and application number</b>	<b>Non-Pecuniary damage</b>	<b>Cost and expenses</b>	<b>Total</b>
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<sup>1</sup> Available at: [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2022\)1451/H46-14E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2022)1451/H46-14E) and [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2023\)1483/H46-14E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2023)1483/H46-14E)

<sup>2</sup> *Ibid.*, para. 1.

<sup>3</sup> Available at: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2022\)427E](https://hudoc.exec.coe.int/eng?i=DH-DD(2022)427E)

<sup>4</sup> Available at: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2022\)1152E](https://hudoc.exec.coe.int/eng?i=DH-DD(2022)1152E)

<i>Gaidukevich v. Georgia № <a href="#">38650/18</a></i>	20 000 euros	12 600 euros	32 600 euros Paid on: <b>25/10/2023</b>
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**b) Investigation**

➤ ***Tkheldze v. Georgia***

5. On 22 November 2021, the Office of the Prosecutor General of Georgia (*hereinafter* - “the OPG”) launched an investigation into the criminal case №074221121803 on the fact of neglect of official duty by employees of the Ministry of Internal Affairs (*hereinafter* - “the MIA”), under Article 342, paragraph 2 (neglect of official duty) of the Criminal Code of Georgia (*hereinafter* - “the CCG”).
6. Following the abovementioned judgment of the European Court of Human Rights (*hereinafter* - “the Court”) the ensuing investigative and procedural actions were carried out in the context of the investigation:
  - The applicant - Taliko Tkheldze was interrogated as a witness on 1 December 2021. She provided the investigation with information on the calls made to LEPL Public Security Management Center “112” (*hereinafter* - “112 service”) in 2014 regarding the illegal acts committed by deceased’s ex-husband L.M. against her daughter M.T.;
  - On 3 December 2021 the information was requested from the “112 service” of the MIA, as well as the administration of the MIA;
  - Based on the domestic court’s decision, certified copies of the materials of the criminal case on the murder of M.T. was obtained from the Tbilisi Police Department of the MIA on 11 February 2022 and the documents relevant to the case submitted by Taliko Tkheldze’s representative on 24 December 2021 were attached to the case;
  - By the letter of 3 December 2021, the copies of the administrative case were requested from the Tbilisi City Court, as well as the copies of the decision on granting compensation for moral damages based on the complaint of Taliko Tkheldze, which was provided by the domestic court on 25 March 2022;
  - In order to find out which telephone numbers were used by M.T., Taliko Tkheldze and L.M., web portal “pol.ge” was inspected on 14 June 2022;
  - Based on the motion filed, the court delivered ruling on requesting detailed information about the concrete telephone numbers from the telecommunication companies;
  - Following the abovementioned ruling, on 4 July 2022 the information from the LLC “MAGTICOM” was requested on the detailed list of incoming and outgoing calls, SMS and other information from M.T.’s and L.M.’s telephone numbers;
  - The information received from the LLC “MAGTICOM” was examined on 6 July 2022;

- Relevant information and documentation were requested from the First Unit of Didube-Chughureti police division of the MIA on 27 June 2022;
- By the ruling of 29 November 2022, Taliko Tkheldze, the mother of the deceased was recognised as a victim. On 30 November 2022, she was acquainted with the said ruling, she was explained the rights of the victim and was interviewed as a victim;
- In order to clarify the issue of the possible existence of audio/video recordings relevant to the case, information was requested from the MIA by the letter of 6 February 2023. According to the response received on 8 February 2023, due to the expiration of the deadlines established by the relevant acts, the mentioned information could not be found;
- 13 employees of the MIA were questioned as witnesses. In particular:
  - Sh.G. was interviewed on 15 November 2022, K.T. was interviewed on 17 November 2022, M.G. was interviewed on 29 November 2022, V.G. was interviewed on 23 January 2023, Z.Z. was interviewed on 26 January 2023, M.G. was interviewed on 27 January 2023. The mentioned persons worked as patrol officers of the Patrol Police Department of the MIA in 2014. They provided the investigation with information regarding their responses to relevant messages;
  - On 6 February 2023, G.A., who worked as a head of one of the departments of the MIA in 2014, was interviewed as a witness. He provided the investigation with information about the responses to the reports received in the department;
  - On 1 February 2023, R.K., who worked as a patrol-inspector of the Patrol Police Department and was an acting squad commander in 2014, was interviewed as a witness. On 8 February 2023, K.E., who worked as a patrol officer of the Patrol Police Department in 2014, was interviewed as a witness. They provided information to the investigation regarding the responses to the reports received by the patrol police.
- Following the abovementioned activities, the investigation continued interviewing of the employees of the MIA.
  - On 14 February 2023, N.Gh., who in 2014 worked as an assistant-investigator of one of the departments of the Rustavi City Division of the MIA, was interviewed as a witness; On 14 February 2023, D.B., who in 2014 worked as a detective-investigator in one of the departments of the Rustavi City Division of the MIA, was interviewed as a witness; On 17 February 2023, L.K., who also worked as a district inspector-investigator of one of the divisions of the Rustavi City Division of the MIA in 2014, was interviewed as a witness. They provided the investigation with information regarding their response to the report received at the Rustavi police station;
  - On 16 February 2023, K.M., who worked as a platoon commander of the MIA Patrol Police Department in 2014, was interviewed as a witness. He provided information to the investigation about the response made to the received message by the patrol inspectors under his authority;

- On 17 February 2023, L.K., who in 2014 worked as a district inspector-investigator of one of the units of the Rustavi City Division of the MIA, was interviewed as a witness. He provided the investigation with information regarding their response to the report received at the Rustavi police station.
7. On 7 August 2023, based on the written request of the lawyer representing the interests of the victim, the lawyer was given the opportunity to familiarise with the complete criminal case materials. As a result of the request, the lawyer was given copies of the materials of the criminal case.
  8. The investigation into the case is ongoing and final decision will be delivered shortly.

➤ *A and B v. Georgia*

9. On 13 April 2022, criminal case №088170215801 was transferred to the Investigation Unit of the OPG for further investigation. Subsequently, several investigative and procedural actions were carried out in the context of investigation. In particular:
  - A.J. (victim's relative), G.B. (victim's lawyer), P.Tch. (victim's mother) and K.J. (victim's father) were interrogated as witnesses;
  - Essential information about the investigation was requested and received from the MIA on several occasions;
  - The statement of the victim's lawyer (G.B.) was reviewed and corresponding answer was sent;
  - Inspection of the MIA's database was carried out;
  - A motion requesting the relevant information from communication network operators was filed with the Tbilisi City Court; After issuing and sending the ruling to the telephone operators, mentioned information was obtained by the subsequent investigative action;
  - P.Tch. (victim's mother) was recognised as a legal successor of the victim on 2 August 2022;
  - Information was requested from the archives of the Department of Common Courts (in two instances);
  - A motion to the archives of the Department of Common Courts was filed to request case files (in two instances);
    - The case files related to the administrative claim of P.Tch. was retrieved from the archive of the Department of Common Courts;
    - The criminal law cases on conviction of S.S. (victim's husband), who was tried for the murder of S.J. (victim), were requested from the archive of the Department of Common Courts.
  - Investigative action - inspection - was carried out in two instances;
  - A new criminal case № 074301122801 was separated from the criminal case № 088170215801 on the fact of alleged neglect by the employees of the Zestaponi

District Prosecutor's Office, the crime is provided for by Article 342, paragraph 1 of the CCG;

- The mentioned separate case was transferred to the General Inspection of the Office of General Prosecutor for further investigation;
- On 16 January 2023, the classification of the crime was changed in the criminal case № 088170215801 and the investigation is underway under Article 332, paragraph 3, sub-paragraph (c) of the CCG (abuse of official powers). Detailed clarification on the legal classification of the offence and the scope of the investigation was provided by the action plan of 6 October 2023.<sup>5</sup>
- Thus, as a result of change of classification, on 20 January 2023, P.Tch. (victim's mother) was recognised again as a legal successor of the victim;
- The statements of the lawyers of the successor of the victim - P.Tch., were considered and approved; In particular, the application on changing the classification in the criminal case and the request to receive detailed information on the criminal case, in order to familiarise with the case materials and transfer of its copy (material and electronic part) in full volume, was approved.

10. The investigation into the case is ongoing and final decision will be delivered shortly.

➤ *Gaidukevich v. Georgia*

11. According to the information provided by the Special Investigation Service (*hereinafter* - "the SIS"), a decision was made to transfer the case to the SIS. Therefore, the SIS will continue investigation of the case. The investigative plan will be developed and appropriate investigative/procedural actions will be taken to ensure thorough, comprehensive and impartial investigation.

### **III. GENERAL MEASURES**

12. From the outset, the Government note that the fight against domestic violence and violence against women represents one of the main priorities which constitutes an ongoing process. For that reason, Georgia has already undertaken significant multifaceted steps to combat domestic violence and ensure gender equality. Detailed information concerning those measures was provided by the Government in previous action plan.<sup>6</sup>

13. It should be emphasised that on 8 February 2023, the Committee on the Elimination of Discrimination against Women (CEDAW) considered the periodic report submitted by Georgia in accordance with the Convention on the Elimination of All Forms of Discrimination against Women and positively evaluated the measures implemented by the Government in the fight against domestic violence and violence against women.<sup>7</sup>

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<sup>5</sup> Available at: [https://hudoc.exec.coe.int/?i=DH-DD\(2023\)1193E](https://hudoc.exec.coe.int/?i=DH-DD(2023)1193E)

<sup>6</sup> *Ibid.*

<sup>7</sup> Available at: <https://myrights.gov.ge/ka/news/1946-2023-tslis-8-tebervals-gaeros-qalta-mimart>

14. On 11 July 2023 the Order of the Minister of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia on the “*Minimum Standards for the Arrangement and Functioning of the Temporary Accommodation (shelters) for Victims of Violence against Women and Domestic Violence*” was approved.<sup>8</sup> It determines the general issues related to the activities of the shelter, the minimum package of support services to be provided, the basic principles of service provision and general conditions. It has been prepared in accordance with modern international ethical principles and human rights standards in the field of health care, and its purpose is to provide free 24-hour shelter services for victims of violence against women and/or domestic violence and their dependents.
15. As the Committee was informed, on 5 September 2022 the Government approved the Second National Strategy for the Protection of Human Rights in Georgia for 2022-2030,<sup>9</sup> which was adopted by the Parliament of Georgia (*hereinafter* - “the Parliament”) on 23 March 2023.<sup>10</sup> On 28 December 2023, the Government of Georgia approved the National Human Rights Action Plan for 2024-2026.<sup>11</sup> These documents aim to increase the victim-orientated response in relation to hate crimes and strengthen victim protection mechanisms concerning facts of violence against women and domestic violence.
16. Furthermore, in the previous action plan it was noted that the draft of the “*National referral procedures for the identification, protection, support and rehabilitation of the victims of violence against women and/or domestic violence*” was in final phase. The Government would like to update the Committee that on 22 January 2024 this document was approved by the Government.<sup>12</sup> The main goal of the document is to improve coordination among the relevant State agencies for the better and efficient protection of the rights of the survivors, by focusing on the prevention of the re-victimisation and special need of survivors. In addition, the document obliges involved State agencies to elaborate internal SOPs (Standard Operating Procedures) on the base of the referral procedures.

❖ ***Decision, para. 3***

- ***noted with interest the measures taken to upgrade the risk assessment tool and the electronic surveillance system and encouraged the authorities to continue strengthening the effectiveness of their application in practice, including by increasing the relevant technical capacities, pursuing capacity building of police officers and communication with victims;***
- ***further encouraged them to provide more detailed statistical and analytical information on the application of the preventive and deterrent mechanisms, including restraining and protection orders.***

**Ministry of Internal Affairs**

17. The fight against domestic violence and violence against women is a priority for the MIA. To this end, the MIA implements a number of measures, which, on the one hand, are

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<sup>8</sup> Available at: <https://matsne.gov.ge/ka/document/view/5830803?publication=0>

<sup>9</sup> Available at: <https://www.interpressnews.ge/ka/article/724918-mtavrobam-adamianis-uplebata-dacvis-rigit-me-2-erovnuli-strategia-daamtkica/>

<sup>10</sup> Available at: <https://matsne.gov.ge/ka/document/view/5757268?publication=0>

<sup>11</sup> Available at: <https://www.matsne.gov.ge/ka/document/view/6053557?publication=0>

<sup>12</sup> Available at: <https://matsne.gov.ge/ka/document/view/6081714?publication=0>

necessary for the prevention of this category of crimes and, on the other hand, for an effective response to them.

18. The Human Rights Protection and Investigation Quality Monitoring Department of the MIA (*hereinafter* - “the MIAHR Department” or “the Department”) continuously monitors the ongoing proceedings in the police units regarding cases of domestic violence and violence against women. This unit also oversees that legal processes are conducted in a victim-oriented manner and most importantly, that all relevant services and protection mechanisms are offered to citizens involved in the process. Along with monitoring criminal cases, the MIAHR Department is actively involved in the process of issuing restraining orders and electronic surveillance by the police.
19. From 1 May 2024, the MIAHR Department continues to operate with an extended mandate. Its mandate is to ensure timely response and effective investigation of crimes against sexual freedom and integrity, domestic crimes, domestic violence, violence against women, crimes committed on the grounds of intolerance, human trafficking, crimes committed by/against minors. Furthermore, it monitors the quality of administrative proceedings related to domestic violence, violence against women, discrimination, sexual harassment and minors and identifies gaps in the process.
20. The Department has established the Main Division for ensuring the quality of judicial proceedings, in order to identify the gaps and subsequently analyse/eliminate them. The structural changes implemented in the Department serve to enhance the quality of legal proceedings within the MIA.
21. Along with structural changes, in order to improve the monitoring process, a special electronic program and monitoring implementation methodology were developed, which is used to systematise the information processed in the monitoring procedure. This software provides identification of gaps in the investigation process, trends and identification of existing needs, with the purpose of subsequently planning appropriate measures and activities.
22. One of the main tasks of the MIAHR Department is to coordinate the activities of the units of the MIA in the field of human rights protection and to promote the improvement of existing standards of human rights protection, the development of relevant proposals, recommendations and methodological materials. It provides research and analysis of the practice of conducting investigative and procedural actions, as well as various actions on administrative proceedings, in order to establish best and uniform practice in the system of the MIA and to develop relevant proposals to address the identified deficiencies.
23. Considering increased competence, the MIAHR Department has established a Personal Data Protection Division, within which the Personal Data Protection Officer monitors the fulfilment of the obligations under the “*Law of Georgia on Personal Data Protection*”. This will contribute to raising the standards of data processing within the Department, informing the relevant units of the MIA and the persons authorised to process information, providing them with consultative and methodological assistance and establishing a uniform practice in this regard.
24. The MIAHR Department’s mandate was also extended to ensure the implementation of an information security management system. The information security manager will monitor compliance with the information security policy requirements.



25. The Committee is informed that on 1 May 2023, updated restraining order and risk assessment tool was launched. The aim of the mentioned changes was to increase the effectiveness of combatting violence against women and/or domestic violence and domestic crime and to create an even more effective mechanism for supervising the abuser.
26. As a result of these changes, from 1 May 2023 to 1 May 2024, in 139 cases the decision was rendered to institute electronic surveillance with the consent of the victim, while from 2020 to May 2023, this number was only 44.
27. In the Report of the European Commission on Georgia of 8 November of 2023, the updating of the risk assessment tool and the increase in effectiveness by the MIA was positively assessed.<sup>13</sup>
28. From 2023, the MIA introduced a new form of statistical data production, according to which it counts and publishes on the official website of the Ministry quarterly the statistics of registered crimes and the opening rate, as well as the statistical data of restraining orders, both in cases of domestic violence and of violence committed against women (territorial distribution, number of participants (abuser/victim - gender/age) and types of violence).<sup>14</sup>
29. In 2023, 8 734 restraining orders were issued in cases of domestic violence and 791 - in cases of violence committed against women. In the first six months of 2024, 4 419 restraining orders were issued in cases of domestic violence and 455 - in cases concerning violence against women.<sup>15</sup>

#### Training Activities

30. In the MIA several different types of trainings are conducted on a permanent basis, including on the topic of domestic violence and violence against women, hate crimes, as well as access to justice for women with disabilities, crimes of a sexual nature, crimes committed by/against minors. For example, in 2023 more than 2000 law enforcement officers were trained in respect of the abovementioned issues through the active involvement of the MIAHR Department.
31. Since September 2023, the rule regarding the organisation of courses for improving the qualification of investigators in the system of the MIA has been approved. The Academy of the Ministry of Internal Affairs (*hereinafter* - “the Academy”) together with the MIAHR Department shall ensure the promotion of the upskilling of investigators in the system of the MIA in accordance with this rule.
32. The Department together with the Academy, was involved in the process of training investigators. It identified the current areas in which the training was needed and subsequently, advanced training courses were held with the participation of the Department’s employees.
33. In 2023, 1 440 researchers were trained in eight thematic areas. These courses provide training on priority issues such as domestic and gender-based violence, crimes against

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<sup>13</sup> Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/388e01b7-e283-4bc9-9d0a-5600ea49eda9\\_en?filename=SWD\\_2023\\_697%20Georgia%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/388e01b7-e283-4bc9-9d0a-5600ea49eda9_en?filename=SWD_2023_697%20Georgia%20report.pdf), p.38.

<sup>14</sup> Available at: <https://info.police.ge/page?id=115> and <https://info.police.ge/page?id=102>

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

sexual freedom and integrity, sexual harassment, the peculiarities of conducting separate investigations and prosecutions and other.

❖ *Decision, para. 4*

- *welcomed the authorities' efforts to raise victims' knowledge of their rights and simplify their access to state services, encouraged them to further scale up the awareness raising initiatives and strengthen mechanisms of interaction with victims, including by allocating the required resources and enhancing the capacities of the victim and witness coordination services.*

**The Office of the Prosecutor General of Georgia**

34. In the light of the importance of empowering victims and implementation of victim-oriented justice system, the Office of the Prosecutor General of Georgia regularly takes steps to strengthen victim and witness coordinators service. Helping victims and witnesses to make their involvement in the criminal justice procedures easier, reducing the stress caused by the crime, preventing re-victimisation and secondary victimisation and providing them adequate information during investigation and court proceeding is the main objective of the OPG.
35. In 2023, the coordinators supported 5 496 individuals. Moreover, the rate of involvement of the coordinators in domestic violence cases and domestic crimes has increased. Namely, in 2023 coordinators were involved in 1825 cases and supported 2560 victims/witnesses, among them 2169 were women and 391 were men. As for the violence against women, in 2023 coordinators were actively involved in 1982 criminal cases and supported 2050 adult victims.<sup>16</sup>
36. In 2023, the coordinators underwent professional training in various directions. Among them was “*Specialisation Course on Crimes against Sexual Freedom and Integrity*”. Within the framework of the course the participants improved their knowledge and skills on such important issues as: Legislation and international standards; Understanding sexual violence crimes from a gender perspective; Using victim-orientated approaches during interviews; Trauma-informed approaches to adult and juvenile victims and prevention of secondary victimisation of others.<sup>17</sup>
37. In 2023, similar to 2022, the Witness and Victim Coordinator Service published annual report on the official website of the OPG.<sup>18</sup>
38. In order to raise awareness about domestic violence and gender-based violence against women, the OPG was involved/organised numerous campaigns.
39. The OPG has been actively involved in the so called Global 16 Days Campaign for the past several years. Within the framework of the ongoing campaign from 25 November to 10 December 2023, a total of 31 events were organised by it to improve access to justice for women, ensure equality and raise awareness.
40. With the support of the US Embassy and the UN women, in 2022 the OPG launched campaign - “*No to Femicide*”. The information campaign aims to raise public awareness

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<sup>16</sup> Available at: <https://pog.gov.ge/uploads/ca98f09c-2023-wlis-angarishi-koordinatoris-samsaxuri-3.pdf>

<sup>17</sup> *Ibid.*, p.1.

<sup>18</sup> *Ibid.*

on violence against women and domestic violence and to prevent femicide. Within the scope of this campaign, a number of important events were planned to raise public awareness and up to 250 meetings were held. Moreover, special informational booklets were prepared in Georgian, Azerbaijani and Armenian languages. In addition, prosecutors and victim and witness coordinators met survivors of violence in crisis centres and shelters for victims of violence. The representatives of the OPG provided the beneficiaries with information on their rights and gender equality issues.

41. In 2023, within the framework of the Global 16 Days Campaign and “*No to Femicide*” campaign, the OPG organised local council meetings in 11 cities of Georgia on topic of combating violence against women and domestic crime.

**Ministry of Internal Affairs**

42. On 1 May 2024, the witness and victim coordinator office was established as a structural division of the MIAHR Department. The purpose of the mentioned change is to strengthen the service of the coordinator, to effectively ensure the coordination of their activities, to establish common approaches and standards.
43. This service also oversees the implementation of the issues provided for by the Order of the Minister of Internal Affairs “*On the approval of the rule of prevention and control of crimes against sexual freedom and integrity by the authorised bodies of the Ministry of Internal Affairs of Georgia*”,<sup>19</sup> in order to prevent and control the crime against sexual freedom and integrity. During 2023, the coordinators supported 2 307 persons, by providing psycho-emotional support to witnesses/victims/affected persons and information about the legal, psychological, medical and other available services in the State.
44. Furthermore, the MIA has been carrying out vital measures to raise public awareness and prevent violence against women/domestic violence and domestic crime.
45. The MIA also participates in the Global 16 Days Campaign. In 2023, the following events were planned and implemented as part of the campaign:
- The representatives of the MIAHR Department along with the employees of the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking and the Legal Aid Service met with local residents of different regions, including members of self-government, pupils, students and other interested persons. During the aforementioned meetings, they were informed about the existing preventive mechanisms and response measures to combat domestic violence and violence against women;
  - Furthermore, a multi-agency working meeting was held by the initiative of the MIA, including a working meeting with judges and managers of local police units on trends and challenges related to the risk assessment tool and electronic surveillance;
  - Representatives of the Department of Case Management and Organizational Support of the MIA were trained on the implementation of the UN Security Council Resolutions on Women, Peace and Security within the framework of 2022-2024 National Action Plan of Georgia for Implementation of the UN Security Council

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<sup>19</sup> Available at: <https://matsne.gov.ge/ka/document/view/5107276?publication=0>

Resolutions on Women, Peace and Security. In addition, the implementation of the commitments under the mentioned Action Plan as well as the activities defined within the competence of the office in this regard was also addressed;

- Moreover, on the same topics and including the recommendations issued by the European Commission in terms of gender, human rights and ensuring an equal environment, the employees of the MIAHR Department held an informative meeting with the students;
- Text messages were sent to over two million service provider customers, informing them how to contact the police in cases of violence against women and domestic violence;
- Representatives of the MIAHR Department have discussed the issues of violence against women and domestic violence in radio programs and various print media.

46. To raise public awareness, in July 2023, the MIA placed informational banners about sexual harassment on buses, at bus stops and in the Tbilisi Metro in Tbilisi and in the regions.

47. In 2023, the MIA has joined the Equality Week and as part of the campaign:

- The representatives of the MIA with the support of the Council of Europe (*hereinafter* - “the CoE”) and with the partner State agencies - the OPG and the Supreme Court, held a presentation of the Unified Analysis of the Statistics of Crimes Committed with the Motive of Intolerance on the Grounds of Discrimination. This document presents a comparative analysis of statistical data on crimes motivated by intolerance for the years 2021-2022.<sup>20</sup> The event was attended by the representatives of State agencies, international and non-governmental organisations;
- The MIAHR Department with the support of the CoE project - “*Promoting the effective Protection of Equality and Non-discrimination in Georgia*”, held a working meeting with the heads of the police units in order to discuss the current issues related to combating crimes motivated by intolerance and effectively carrying out judicial proceedings in this regard;
- The employees of the above mentioned Department held a meeting with the university students and talked about the importance and role of equality in the State, they acquainted the audience with the international and national legislation and the challenges in that regard.

48. In addition to the informative campaigns, the employees of the Department, in 2023 met with school children and their teachers at public schools.

49. As part of the aforementioned campaigns, 80 meetings were held in 2023, with more than 2 300 people attending.

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<sup>20</sup> Available at: <https://pog.gov.ge/uploads/f507894e-sheuwynareblobiT-motivirebuli-danashaulis-statistikis-erTiani.pdf>

❖ *Decision, para. 5*

- *noted with interest a significant increase in the number of prosecutions for gender-based crimes, underlined however that greater efforts are necessary to align judicial practice with the Convention requirements, among others by ensuring proper examination of a gender-based motive and appropriate imposition of more dissuasive sentences;*
- *called upon the authorities to redouble their efforts with a view to strengthening the overall response of the criminal justice system to violence against women and domestic violence;*
- *further called upon the authorities to foster their efforts aimed at combating discriminatory attitudes and practices among criminal justice stakeholders.*

*Ministry of Internal Affairs*

50. For the purposes of the “*Memorandum on Maintaining Statistics on Crimes Committed on Grounds of Intolerance with Discrimination Basis and Publishing a Joint Report*” the MIAHR Department is responsible for collecting the necessary information. It is noteworthy that in order to include the SIS, a new memorandum was signed under the CoE project “*Promoting the Effective Protection of Equality and Non-Discrimination in Georgia*”. Therefore, as of today, the SIS, the MIA, the OPG, the Supreme Court of Georgia and the National Statistics Office of Georgia participate in the process of data collection, processing, analysis, development and publication of a joint statistical report on crimes committed on grounds of intolerance with discrimination basis.<sup>21</sup>
51. The new memorandum reflects additional responsibilities of the parties to collect and publish even more detailed statistical data on hate crime. The involved parties are required to regularly exchange essential information during each reporting period, while the National Statistics Office of Georgia is responsible for annually publishing a joint statistical report. This procedure facilitates comprehensive monitoring of cases motivated by intolerance, thereby reducing the risk of such cases not being recorded in the data of both courts and investigative bodies. In March 2024, the National Statistics Office of Georgia, following the new memorandum, published a statistical report of 2023 on hate crimes.<sup>22</sup>
52. The units of observation for data collection by the MIA, as outlined in the new memorandum, include the number of investigations into crimes possibly motivated by intolerance, relevant articles under which the investigation is initiated, signs of discrimination, basis of discrimination segregated by territorial units, and the involvement of the witness and victim coordinator from the MIA in investigations.
53. In 2021 the MIAHR Department monitored 1 703 cases. Among them 1 394 cases concerned gender discrimination.<sup>23</sup> In 2022, the Department monitored 1 802 cases, out of which 1 579 cases concerned gender discrimination.<sup>24</sup> In 2023, 1 806 cases were monitored, including 1 653 cases about gender discrimination.<sup>25</sup>

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<sup>21</sup> Available at: <https://www.geostat.ge/media/57914/Memorandum-ENG-.pdf>

<sup>22</sup> Available at: [https://www.geostat.ge/media/60698/Hate\\_2023.pdf](https://www.geostat.ge/media/60698/Hate_2023.pdf)

<sup>23</sup> Available at: <https://www.geostat.ge/media/43559/Hate-crimes-2021.pdf>

<sup>24</sup> Available at: [https://www.geostat.ge/media/51738/Hate\\_2022.pdf](https://www.geostat.ge/media/51738/Hate_2022.pdf)

<sup>25</sup> Available at: [https://www.geostat.ge/media/60698/Hate\\_2023.pdf](https://www.geostat.ge/media/60698/Hate_2023.pdf)

### **The Office of the Prosecutor General of Georgia**

54. As a result of the efforts carried out by the OPG, the number of criminal prosecutions for crimes committed on the grounds of gender intolerance increased in 2023. In particular, the motive of gender-based intolerance (including cases of intersectional discrimination) was identified in case of 1169 defendants, which is 3.9% higher than the data of the previous year. In the same year, 1177 individuals were granted victim status.<sup>26</sup>
55. In 2023, cases of intersectional discrimination were identified, namely: gender and religion - 1 prosecution, gender and age - 1 prosecution, gender and race - 1 prosecution, gender and sexual orientation - 1 prosecution, gender and disability - 1 prosecution.
56. 550 persons were prosecuted for domestic violence in 2014, 1066 - in 2015, 1356 - in 2016, 1986 - in 2017, 3955 - in 2018, 4579 - in 2019, 4633 - in 2020, 5144 - in 2021. 5325 - in 2022 and 5286 - in 2023.<sup>27</sup>
57. In 2023, the Department of Human Rights Protection of the OPG developed an analysis of criminal cases, which includes criminological and criminal aspects, current trends and challenges of gender-based crimes. Analysis was published on the official web site of the OPG.<sup>28</sup>
58. In 2023, the cases of violence against women and domestic crimes were actively monitored by OPG. Current trends in investigation and prosecution of the domestic violence and violence against women were identified and both acquittal verdicts and convictions were analysed. Identified challenges were integrated into the domestic crime specialisation training module and in the revised guidelines.
59. Furthermore, the OPG actively carried out capacity building of employees through relevant training courses and mentoring programs. The purpose of these measures was to improve effective response to domestic crimes and violence against women and raise awareness of employees.
60. In 2023, 20 training activities promoting the increase in the effectiveness of the fight against gender-based violence against women, domestic crimes and sexual violence were carried out and 204 employees of the OPG were trained.
61. With the support of UN Women, the OPG held several specialisation courses on femicide and domestic crime.<sup>29</sup>
62. Trainings on the effective investigation and prosecution of femicide were held for specialised prosecutors and managers of the units of the OPG who provide procedural guidance on criminal cases of femicide. Within the framework of the trainings, special attention was paid to the types of femicide envisaged by international and national legislation and practice, as well as to the implementation of gender-sensitive justice in criminal cases of femicide, current practice and statistics.

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<sup>26</sup> *Ibid.*

<sup>27</sup> Available at: <https://pog.gov.ge/uploads/6e00a257-2023-wlis-angarishi-15-maisi-2024-weli.pdf>, p.76.

<sup>28</sup> Available at: <https://pog.gov.ge/uploads/c6d66406-Gender-analysis-2023-year.pdf>

<sup>29</sup> Available at: <https://pog.gov.ge/en/news/prokuraturisa-da-gaeros-qalTa-organizaciis-UN-WOMEN-TanamshromlobiT-prokuraturis-TanamshromlebisT>



63. Moreover, a specialisation course for employees of the OPG was carried out on the topic of combating domestic violence and domestic crime and additionally 22 prosecutors were trained. Within the framework of the training course, separate sessions were held by an expert-psychologist and psychological aspects of domestic violence, factors contributing to domestic violence, as well as psycho-emotional aspects of working with victims, witnesses and perpetrators of domestic violence were discussed.<sup>30</sup>
64. In addition, it should be noted that the third stage of the mentoring program on the topic of access to justice for women was launched in the OPG and the previous stage of the mentoring program was successfully completed. The new mentoring program will last for 1 year and will cover important issues such as barriers to access to justice for women, access to justice in cases of violence against women, application of international law in domestic courts, implementation of judgments of the European Court of Human Rights in practice, elimination of gender stereotypes throughout criminal justice proceedings, implementation of gender-sensitive approaches in practice and more. It is noteworthy that the launch of the program was preceded by the Training of Trainers (ToT) for mentors, which was held in Budapest, Hungary.<sup>31</sup>
65. In January of 2024, new guideline “*On eliminating shortcomings identified in femicide criminal cases*” was issued for prosecutors and investigators of the OPG.
66. In 2024, CoE’s HELP training courses “*Domestic Violence and Violence against Women*” and “*Hate Crime and Hate Speech*” were launched in the OPG. Both courses were developed by the international experts and they cover international tools and standards, mechanisms for investigating, prosecuting and adjudicating hate crime, as well as violence against women and domestic crime.<sup>32</sup>
67. In July 2024, prosecutors and judges met to discuss how to respond to femicide cases in an efficient manner. The participants in the meeting examined the tendencies and challenges in the efforts to combat femicide, such as the application of gender-sensitive justice in these circumstances, the practicalities of criminal investigation and prosecution, and the evaluation of cases in court. The topics of discussion at the working meeting included cases of gender-motivated murder of women, the practices of the Supreme Court, the trends identified by the Public Defender’s femicide monitoring mechanism, and the findings of the Human Rights Protection Department of the OPG’s criminal case monitoring program.<sup>33</sup>
68. As for the specialised prosecutors, as of 2024, 258 employees of the OPG, including prosecutors, investigators, managers and witness and victim coordinators, have completed the specialisation course on domestic violence and domestic crime and 174 employees are specialised on sexual violence.

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<sup>30</sup> Available at: <https://pog.gov.ge/en/news/saqarTvelos-prokuraturashi-ojaxshi-Zaladobisa-da-ojaxuri-danashaulis-winaaRmdeg-brZolis-Temaze-speci>

<sup>31</sup> Available at: <https://pog.gov.ge/en/news/prokuraturashi-qalTa-marTlmsajulebisadmi-xelmisawvdomobis-Temaze-mentoringis-programis-mesame-etapi>

<sup>32</sup> Available at: <https://pog.gov.ge/en/news/saqarTvelos-prokuraturashi-evropis-sabWos-HELP-is-programis-ori-axali-saswavlo-kursi-daiwyo>

<sup>33</sup> Available at: <https://pog.gov.ge/en/news/femicidis-shemTxvevebze-efeqtiani-reagirebis-Temaze-prokurorebis-damosamarTleebis-erToblivi-samush>

### **Special Investigation Service**

69. The Special Investigation Service investigates the facts of torture and ill-treatment committed by law enforcement officers, an official, or a person holding an equivalent position since 1 October 2019.
70. Furthermore, from 1 March 2022, the SIS investigates individual crimes (including domestic, sexual, and gender crimes, etc.) committed by law enforcement officers and officials.
71. With the support of OSCE/ODIHR, 1 employee of the SIS was trained on Integrating the Issue of Sexual and Gender-Based Violence in Detention Monitoring.
72. With the support of the CoE and UNWOMAN, 40 employees of the Special Investigation Service were trained on Investigating Issues of Sexual Violence and 57 employees - on Issues of Investigation of Sexual and Domestic Violence Cases.
73. In addition, with the support of the US Embassy, 8 employees of the SIS were trained on Investigation of Domestic Violence, Gender-Based Violence, and Sexual Violence.
74. From 1 March 2022 to 31 August 2024, the SIS initiated an investigation into 53 cases of domestic crimes.
75. Within the same period, the OPG has charged 29 people for domestic crimes. Domestic violence and threats against family members were the most common reasons for criminal prosecution.

### **Domestic Courts of Georgia**

76. In 2021, 88% - of all those convicted of crimes motivated by intolerance - were convicted for gender-based discrimination, in 2022 - 89% and in 2023 - 95%.
77. In 2020, District (City) Courts of Georgia considered gender-based intolerance with regard to 63 persons (among them 53 persons have committed crimes against their spouse/ex-spouse/partner). From the convicted persons, 21 persons were sentenced to imprisonment, 38 - conditional sentence and 4 - community service. The court considered the motive of gender-based intolerance towards 39 convicts as an aggravating circumstance of responsibility;
78. In 2021 gender-based intolerance was considered with regard to 285 persons (among them 245 persons have committed crimes against their spouse/ex-spouse/partner). From the convicted persons, 112 persons were sentenced to imprisonment, 141 - conditional sentence, 4 - fine and 28 persons - community service. The court considered the motive of gender-based intolerance towards 165 convicts as an aggravating circumstance of responsibility;
79. In 2022 gender-based intolerance was considered with regard to 523 persons (among them 434 persons have committed crimes against their spouse/ex-spouse/partner). From the convicted persons, 219 persons were sentenced to imprisonment, 246 - conditional sentence, 16 - fine and 42 - community service. The court considered the motive of gender-based intolerance towards 400 convicts as an aggravating circumstance of responsibility;
80. In 2023 gender-based intolerance was considered with regard to 717 persons (among them 607 persons have committed crimes against their spouse/ex-spouse/partner). From the



convicted persons, 333 persons were sentenced to imprisonment, 300 - conditional sentence, 18 - fine and 63 - community service, 2 - released due to amnesty or other grounds, 1 - a guilty verdict was issued without a sentence (due to death of a person). The court considered the motive of gender-based intolerance towards 425 convicts as an aggravating circumstance of responsibility.

81. It should be emphasised that the Supreme Court draws particular attention to the gender-based intolerance and refuses to mitigate the punishment in such cases. For instance, the Supreme Court stated that there was no legal justification for considering the whole sentence or its part as conditional, **among others based on the fact that convicted person denied the motive of gender-based discrimination.**<sup>34</sup>
82. It is noteworthy that the European Court in its decision - *Patashuri v. Georgia*, where the applicant called into question the acquittal of 29 December 2017 of her former husband for the alleged attack on her with his vehicle, has found that above-mentioned claim was **manifestly ill-founded**. In this regard, the Court stated that the domestic law-enforcement authorities instituted three sets of criminal proceedings against the applicant's former husband, in each case **as soon as the victim complained to them that she had been the victim of domestic violence; restraining orders were duly issued, and criminal charges were brought.**
83. As regards the third set of criminal proceedings, the Court noted: *"The facts of the case were then carefully examined by the domestic courts at three levels of jurisdiction. After having heard the witnesses and studied the results of the criminal investigation, the courts found the applicant's allegation that she had been hit with the vehicle to be wholly unsupported. The Court cannot take on the role of a fourth-instance domestic court and call into question those findings of fact. The mere fact that the domestic courts acquitted the applicant's former husband on the basis of the lack of incriminating evidence against him cannot suffice for a conclusion that the domestic authorities have fallen short of the requisite special diligence when dealing with the applicant's domestic violence complaints.*<sup>35</sup>
84. As for the applicant's second complaint about the police's alleged failure to protect her from various incidents of domestic violence, in addition to above-mentioned, the Court emphasised that the applicant has never resorted either to criminal remedy or to a civil one directed against the police authority as a whole. Therefore, the Court rejected this part of the application for non-exhaustion of domestic remedies.

### **High School of Justice**

85. Raising awareness on issues of violence against women/domestic violence and gender equality is a priority for the High School of Justice (*hereinafter* - "the HSJ"), therefore within the cooperation with international and Non-governmental organisations, various learning modules and training programs have been developed for the judiciary including -

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<sup>34</sup> Decision № 1003s3-21 of the Supreme Court dated 1 March 2022; Other examples where the Supreme Court refused to mitigate the punishment/acquit the person: Decision №896s3-22 dated 16 December 2022 and decision №679s3-22 dated 11 October 2022.

<sup>35</sup> *Case of Patashuri v. Georgia*, no. 36126/19, para.14.

gender equality and violence against women/domestic violence that are now institutionalised in the curriculum of the HSJ.

86. The training module on violence against women/domestic violence with the support of the CoE and UN Women was updated in 2022 and additional Training of Trainers (ToT) and pilot training were carried out.
87. In addition, from 1 June 2023 to 1 June 2024, the HSJ conducted 4 trainings, which were attended by 22 judges and 28 court officials. The topics of the training covered prohibition of discrimination, violence against women and access to justice in cases of violence against women; violence against women and domestic violence and promoting justice through gender equality.
88. The abovementioned trainings are continuous and involve periodic training of judges and other officials.

❖ ***Decision, para. 6***

- ***called upon the authorities to provide specific information on the domestic practice, notably statistical data and examples of the decisions by the authorities, on the application of the mechanisms for ensuring accountability of law-enforcement officials for their failure to respond properly to complaints of gender-based violence.***

89. According the Article 77 of the organic law of Georgia on the Prosecutor's Office, "*if an employee of the Prosecutor's Office violates official discipline, behaves inappropriately, or fails to perform or improperly performs his/her duties assigned under law, the General Inspection of the Office of the Prosecutor General ('the General Inspection') shall carry out an official inspection.*"<sup>36</sup>
90. Furthermore, in accordance with the statute of the General Inspection (department) of the General Prosecutor's Office,<sup>37</sup> the department is authorised to conduct an investigation in the case of a crime committed by an employee of the Prosecutor's Office (including neglect of official duty, abuse of official power, exceeding official powers), except for offences that are investigated by the SIS.
91. According to the order No.3 of the Prosecutor General of Georgia of 23 August 2019,<sup>38</sup> on determining the investigative and territorial investigative subordination of criminal cases, crimes committed by police officers, except for offences that are investigated by the SIS, are investigated by the investigators of the Prosecution Service of Georgia.
92. Furthermore, the General Inspection of the MIA studies with special attention the cases where the possible indifference of police officers in responding to the victims of domestic and/or violence against women is evident. Disciplinary proceedings are initiated for each case.
93. In addition, according to the 2018 order of the Minister of Internal Affairs, the issuance of a restraining order against an employee of the MIA for committing a physical or sexual violence in the family and/or against women leads to dismissal as a disciplinary sanction.

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<sup>36</sup> Available at: <https://matsne.gov.ge/en/document/view/4382740?publication=2>

<sup>37</sup> Available at: <https://matsne.gov.ge/ka/document/view/4595425?publication=0>

<sup>38</sup> Available at: <https://matsne.gov.ge/ka/document/view/4638682?publication=0>

94. In case there are signs of a criminal offence in the actions of an employee, the investigation is provided by the relevant independent agencies, such as the SIS and the OPG.

***Publication and dissemination***

95. By the action plan of 27 October 2022,<sup>39</sup> the Government informed the Committee about the publication and dissemination of judgments - *Tkheldze v. Georgia* and *A and B v. Georgia*.
96. In addition, the Government would like to update the Committee that case of *Gaidukevich v. Georgia* was translated into Georgian and published in the Official Gazette of Georgia (Legislative Herald of Georgia).<sup>40</sup>

**IV. CONCLUSION**

97. In the light of the aforesaid, the Government hold the view that the individual and general measures implemented at domestic level will contribute to further prevention of the violations similar to those established by the Court and will remedy the consequences of the violations.
98. The Government hereby expresses readiness to continue complying with the obligations under Article 46 of the Convention and to update the Committee regarding execution of the present cases in respective time-frame.

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<sup>39</sup> Available at: [https://hudoc.exec.coe.int/?i=DH-DD\(2022\)1152E](https://hudoc.exec.coe.int/?i=DH-DD(2022)1152E)

<sup>40</sup> Available at: <https://www.matsne.gov.ge/ka/document/view/6131174?publication=0>