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Meeting: 1318th meeting (June 2018) (DH)

Item reference: Action report (16/04/2018)

Communication from Georgia concerning the case Identoba and Others v. Georgia (Application No. 73235/12)

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Réunion : 1318^e réunion (juin 2018) (DH)

Référence du point : Bilan d'action

Communication de la Géorgie concernant l'affaire Identoba et autres c. Géorgie (Requête n° 73235/12)
(anglais uniquement)

The Government of Georgia

**CONSOLIDATED ACTION REPORT CONCERNING INDIVIDUAL AND GENERAL MEASURES
IN RESPECT OF THE EXECUTION OF THE IDENTOBA GROUP OF CASES¹**

Identoba and Others, 73235/12 final on 12.08.2015

**97 Members of the Gldani Congregation of Jehovah's witnesses and 4 Others,
71156/01 final on 03.05.2007**

Begheluri and Others, 28490/02 final on 07.01.2015

Tsartsidze and Others, 18766/04 final on 17.04.2017

I. Summary of cases

1. The cases of the *Identoba Group* concern the failure of the Georgian authorities to provide adequate protection against inhuman and degrading treatment inflicted by private individuals to LGBT activists (in May 2012) and Jehovah's witnesses (in 1999-2001), who were attacked during marches/meetings (substantive violations of Article 3, taken separately and in conjunction with Article 14), as well as the absence of any effective investigation in that respect (procedural violations of Article 3, taken separately and in conjunction with Article 14); also violation of Article 9 separately and in conjunction with Article 14 (*Tsartsidze and Others*).
2. In particular, in the case of *Identoba and Others*, the attacks by representatives of two religious groups, took place during a march in May 2012 to mark the International Day against Homophobia. In addition to the violations of Articles 3 and 14, the Court held that the authorities had breached their obligation to ensure that the march could take place peacefully (violation of Article 11 taken in conjunction with Article 14).
3. The Court held that Georgia was to pay to the 13 applicants who had participated in the march between EUR 2 000 and 4 000 each, and to the NGO *Identoba* EUR 1 500 in respect of non-pecuniary damage.
4. In other three religious cases, the Court considered that the authorities were ineffective in preventing religiously motivated violence. Through the conduct of their agents, who either participated directly in the attacks on Jehovah's Witnesses or showed acquiescence and complicity with the unlawful activities of private individuals, the Georgian authorities created a climate of impunity, which ultimately encouraged other attacks against Jehovah's Witnesses throughout the country. This was compounded by the clear unwillingness to ensure the prompt and fair prosecution and punishment of those responsible.
5. In the case of *Gldani Congregation of Jehovah's witnesses* in total the court granted to the applicants EUR 42 123. For non-pecuniary damage EUR 27 020 and EUR 15 103 for costs and expenses. In the case of *Begheluri and Others* the European Court held that Georgia was to pay each of those applicants with regard to whom it had found a violation of the Convention EUR 350 in respect of non-pecuniary damage and EUR 15,000 to the applicants jointly in respect of costs and expenses. In the case of *Tsartsidze and Others*, the Court held that Georgia was to pay EUR 500 jointly to 3 applicants in respect of pecuniary damage, EUR 1,500 each to 7 applicants in respect of non-pecuniary damage; and EUR 10,000 jointly to 7 applicants in respect of costs and expenses.

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¹ Available at: [http://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2016\)1273/H46-11](http://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2016)1273/H46-11)

II. Individual measures

a. Details of just satisfaction

Name and application number	Total
Identoba and others v. Georgia n°73235/12	EUR 33.500 Paid on: 11.11.2015
Gldani Congregation of Jehovah's witnesses and Others v. Georgia n°71156/01	EUR 42 123 Paid on: 25.10.2007 See comment 1 below
Begheluri and Others v. Georgia n°28490/02	EUR 45 800 Paid on: 02.04.2015 See comment 2 below
Tsartsidze and Others v. Georgia n°18766/04	EUR 21.000 Paid on: 09.06.2017

6. **Comment 1:** As to the case of *Gldani Congregation of Jehovah's witnesses*, just satisfaction (EUR 40 093) was paid to all applicants who provided their bank details and ID or passport copies. Despite several written reminders from the authorities addressed to the applicants' representative - Mr Tchabashvili - he was not able to present the full bank details.
7. On 19/10/2011 the Department for the Execution of Judgments of the European Court of Human Rights sent a letter to Mr Tchabashvili asking him to present the missing bank details within two weeks from the date of receipt of the letter. Since the authorities had not received any documents the Secretariat considered that the sum of the just satisfaction had been paid.
8. **Comment 2:** 3 applicants in the case of *Begheluri* (their official representatives or legitimate heirs) have not provided their bank details and ID or passport copies until now, therefore the Government could not effect the payment of just satisfaction to them. The Government of Georgia express their readiness to pay the just satisfaction at the time of receiving the remaining applicants' requisites.

b. Investigation of the case of *Identoba and Others*

9. Throughout the criminal proceedings initiated on the grounds of judgment of the European Court, number of investigative activities have been carried out in regards with the case of *Identoba* by an independent investigative body – Chief Prosecutor's Office of Georgia – witnesses have been questioned, documentations and video footages have been examined. In respect of the concrete investigative activities already conducted and established circumstances, please be acquainted with the Governments' action plan of 15 November 2016.²
10. Further should be indicated that since November 2016, number of investigative activities have been carried out. Namely, several witnesses, including a forensic medical expert, were questioned.
11. It should be underlined that on the basis of the prosecutor's orders of 16 February 2017 the applicants of the case *Identoba and Others v. Georgia* were recognised as victims due to the unlawful interference with the exercise of their right to hold or participate in an assembly or demonstration using violence or

² Available at: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2016\)1261E](http://hudoc.exec.coe.int/eng?i=DH-DD(2016)1261E)

threat of violence. The victims got familiar with the said orders and respective rights. According to the reply received from the Information Centre of the Ministry of Internal Affairs (MIA) some of them were not present on the territory of Georgia due to which the aforementioned orders were sent by mail.

12. Furthermore, an investigation conducted in the above-mentioned case revealed the persons who violently blocked the march and physically assaulted the participants. It is noteworthy that the aforementioned violation of the rights of the participants constitutes a crime under Article 161 (encroachment upon the right to assembly or demonstration) of the Criminal Code of Georgia.³ According to the first paragraph of the said Article unlawful interference with the exercise of the right to hold or participate in an assembly or demonstration using violence, threat of violence or official position is subject to criminal liability. Paragraph 2 of the same Article provides the aggravating circumstances - in particular the same act committed using arms or causing mass disorders, death or other grave consequences which prescribes increased sentence. Violence and threat of violence indicated in the disposition of the mentioned Article is the form of hindering the realization of a citizen's legitimate rights that may be manifested in beating, light health injury, or threat of light injury. In this case, the investigation revealed that the counter-demonstrators and passers (who also shared counter-demonstrators claims) unlawfully interfered with the exercise of the right of non-governmental organization "Identoba" to hold or participate in an assembly or demonstration using violence/threat of violence.
13. **Consequently, according to the investigation, the offense provided for in Article 161 (1) was committed, which in this case, represents a special norm and includes the actions of violence and threat of violence.** In addition, the investigation did not confirm the fact of committing any other action envisaged by the Criminal Code.
14. **It is noteworthy that in this case, two alleged perpetrators were identified who committed a violation of the aforesaid Article 161 (encroachment upon the right to assembly or demonstration) with discriminatory motives, but due to the period of limitation of the crime, they cannot be charged.** In particular, according to Article 71 (a) (releasing from criminal liability due to the expiration of the period of limitation) **a person shall be released from criminal liability if two years have passed after the commission of the crime for which the maximum sentence prescribed by the special part of this Code does not exceed a two-year term of imprisonment.** The investigation concluded that the **maximum sentence for committing a crime envisaged by Article 161 of the Criminal Code of Georgia as it stood at the material time did not exceed two years of imprisonment.** Consequently, the actions of the alleged persons at this stage are prescribed, therefore it is impossible to initiate prosecution **given that the statutory time limit of two years has already passed for the crime envisaged by Article 161 (on 17 May 2014, i.e. before rendering the judgment by the Court).**
15. **It should be pointed out that in case of initiating a timely and effective investigation of the present case in May 2012, the issue of the expiration of the period of limitation would not have occurred as of today, hence, the relevant results would have possibly been reached and the persons concerned would have been charged.**
16. Taking into consideration all the aforementioned circumstances, the prosecution will evaluate the evidence gathered as a result of the investigation in the nearest future and the final decision envisaged will be adopted on the grounds of the prescription of the crime.

c. Investigation of the cases concerning religious discrimination

17. In the context of fresh investigation in respect of *Gldani Congregation* case, on 30 November 2016, **institutionally and hierarchically independent body** - Investigation Unit of the Chief Prosecutor's Office of Georgia, **launched a preliminary criminal proceedings.** The Government outline that the bodies in charge of the criminal cases meet all the requirements established in the European Court's case-law regarding the independence and impartiality.

³ Criminal Code of Georgia, available at: <https://matsne.gov.ge/en/document/view/16426>

18. In respect of the detailed results of the aforesaid proceedings please be acquainted with the Government action plan of 31 March 2017.⁴
19. At the outset, it should be noted that within the preliminary criminal proceedings, the interviews were conducted and the corresponding protocols were drawn up with the identified participants of the said incident, who recalled the details of the incident and informed the investigation in that regard.
20. **In this case, it was established that Basil Mkalavishvili and his supporters had discriminatory motives while unlawfully interfering with the establishment of religious association and with their activities.** Thus he unlawfully interfered with the performance of divine services or other religious rites or customs using violence or threat of violence. In addition, they persecuted the applicants because of their opinion, conscience, confession, faith and religious activities while committing violence or threat of violence. Therefore they committed criminal offenses under Article 155 (1)(a) (unlawful interference with the performance of a religious rite), as well as under Article 156 (1) (persecution) and Article 166 (interference with the establishment of political, public or religious associations or with their activities) of the Criminal Code of Georgia. The above Articles constitute special regulations in respect of violation of religious rights and fully cover the components of *corpus delicti* of other related Articles of the Criminal Code (acts related to violence, threat of violence).
21. Moreover, separate legal assessment is necessary for the fact of the burning of seized religious literature by the supporters of Basil Mkalavishvili as well as the raid of room of assembly of Jehovah's Witnesses.
22. The said actions represent a crime envisaged by Article 160 (Violation of inviolability of domicile or of any other property) of the Criminal Code of Georgia. The third paragraph of the latter, envisages mentioned act committed by more than one person or by using the official position or arms. Accordingly, in the case at issue, the actions of Basil Mkalavishvili's supporters when they broke up into the room and dispersed the meeting of Jehovah's Witnesses constituted a cited crime.
23. **It should be noted that an investigation shall be terminated, and a criminal prosecution shall not be initiated or shall be terminated if a period of limitation for criminal liability determined by the Criminal Code of Georgia has expired** (Article 105 (1)(e) of the Criminal Procedure Code).⁵ As discussed in the case of *Identoba*, a person shall be released from a criminal liability, if two years have passed after the commission of the crime for which the maximum sentence prescribed by the special part of this Code does not exceed a two-year term of imprisonment (Article 71 (1)(a) – (releasing from criminal liability due to the expiration of the period of limitation)). Taking into consideration that the maximum sentence prescribed by the relevant Articles⁶ of the Criminal Code does not exceed a two-year term of imprisonment, the period of limitation for criminal liability for these offences has already expired long before the European Court rendered its respective judgments in the religious cases, which concerned facts of 1999-2001.
24. As for the longer prescription period in regards with the remaining relevant Articles of 156 (2)(a) (persecution) and 160 (3)(s) (violation of inviolability of domicile or of any other property) of the Criminal Code, it should be further indicated that pursuant to Article 71 (1)(b) of the same Code, **a person shall be released from criminal liability, if six years have passed after the commission of another, less serious crime.** Taking into consideration the definition of less serious crime provided by the Criminal Code (Article 12 (2) - (categories of crime), *i.e.* an intentional crime or a crime of negligence for the commission of which the maximum sentence prescribed under this Code does not exceed five-years of imprisonment, **and the fact that the maximum sentence for the alleged crimes in the present case does not exceed five-years of imprisonment, it follows that the period of limitation has been expired regarding the remaining aforesaid Articles. Furthermore, the statutory time-limit has also been expired regarding alleged crimes of official misconduct by State officials (Neglect of official duties).**

⁴ Available at: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2017\)413E](http://hudoc.exec.coe.int/eng?i=DH-DD(2017)413E)

⁵ Criminal Procedure Code of Georgia, available at: <https://matsne.gov.ge/en/document/view/90034>

⁶ Articles 155 (1) - *Unlawful interference with the performance of a religious rite*; 166 - *interference with the establishment of political, public or religious associations or with their activities*

25. Consequently, due to the fact that around 20 years have been passed since the incidents of the mentioned case took place, the statutory time-limit is expired for criminal prosecution for all related crimes. Thus, the prosecution lacks legal grounds to investigate and initiate criminal proceedings against the facts in question.
26. The same arguments apply to the case of *Begheluri*. As the Committee is well aware, on 26 October 2016 the Chief Prosecutor's Office of Georgia launched a preliminary criminal proceedings in that case. Subsequently, according to the investigative authorities, numerous witnesses (the applicants) have been interviewed. The Government submitted the detailed information in regards with the interviews by the action plan of 31 March 2017.⁷
27. **Thus, taking into consideration that approximately 20 years have passed following the facts in question due to the expiration of the period of limitation of the respective Articles prescribed by the Criminal Code, the prosecution is deprived of legal grounds to investigate and initiate criminal proceedings in all religious cases.**

III. General Measures

28. First and foremost, it should be noted that since the Court's judgments finding specific violations in the present cases, for the purpose to improve the realization of the rights of religious and sexual minorities, the Government of Georgia have implemented various general measures.

a. National policy to combat discrimination and intolerance

29. Among others, the Law of Georgia on the Elimination of All Forms of Discrimination⁸ should be underlined. The latter, which was adopted on 2 May 2014, creates a substantial basis for the enjoyment of the rights provided by law to any person, in absolutely all fields.
30. Besides, as the Committee is already aware, on 30 April 2014 the Parliament of Georgia adopted Georgia's first National Human Rights Strategy⁹ setting priorities for Georgia in 2014-2020.
31. The Strategy and its accompanying action plans (2014-2015;¹⁰ 2016-2017¹¹) aim to establish high standards of tolerance in society, through the prevention and condemnation of all forms of discrimination, as well as the consequences resulting from discriminatory actions; conduct effective investigations into all reported cases of discrimination; ensure greater participation and integration of minorities in civil society and public administration; as well as to ensure the protection of the internationally recognized and constitutionally guaranteed rights of freedom of expression, freedom of peaceful assembly and freedom of association. Protection of the freedom of religion and belief of every person, as well as their abilities to express such beliefs; ensuring the unrestricted operation of the activities of all religious associations; implementing effective measures to prevent and conduct meaningful investigations into all crimes committed on the basis of religious hatred and intolerance are also envisaged by the aforesaid documents.
32. Furthermore, as for the draft human rights action plan of 2018-2020, the latter envisages, among others: freedom of religion, strengthening tolerance and equality, increasing disclosure of discriminatory and hate-motivated crimes and the effectiveness of their criminal prosecution, rising public awareness, *etc.*

⁷ Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016807074da>

⁸ Available at: <https://matsne.gov.ge/en/document/view/2339687>

⁹ Available at: http://gov.ge/files/429_51454_924779_STRATEGYENG.pdf

¹⁰ Available at: <https://matsne.gov.ge/ka/document/view/2391005>

¹¹ Available at: <https://matsne.gov.ge/ka/document/view/3350412>

b. Investigation of the discrimination cases

Religious ground

33. **It should be noted that the fight against hate crimes presents one of the main priorities for the Prosecutor's Office of Georgia.** In this context, **in 2017**, aiming at the effective implementation in practice of the recommendation elaborated for prosecutors on hate-motivated crimes, **a special questionnaire** was created, containing the instruction on conducting interview/interrogation of a probable victim, defendant and witness of the hate-motivated crime. The mentioned questionnaire was distributed among the representatives of the Prosecution Service which improved the quality and effectiveness of the investigation and measures taken for detecting hate motives in criminal cases.
34. Further should be noted the positive steps taken in connection to investigating crimes committed with a religious intolerance. Particularly, a **recommendation** was elaborated with the view **to facilitate effective prosecutorial activities on crimes committed with the religious intolerance**, which was studied by the expert of the Council of Europe. The recommendation concerns the **interpretation of Articles of Criminal Code** of Georgia connected to a religious intolerance, cases of damaging religious premises, legal qualification of verbal abuse and other pressing matters.
35. It should be underscored, that **in 2017 hate motives were studied on 86 criminal cases, among which, religion was examined on 10 criminal cases.**
36. Further, in 2017, **criminal prosecution was launched in relation to 44 persons for hate crimes**, among which were the cases concerning religious ground (particularly, against 2 persons; presumably religious ground was also found in 2 more cases).¹²
37. Moreover, in October 2017 a **meeting** was held in the Chief Prosecutor's Office in order to introduce activities carried out by the Prosecution Service **to the representatives of religious confessions operating in Georgia**. The meeting aimed to discuss current challenges and to set the mechanisms for the future cooperation.
38. It should be noted that for the aim to raise public awareness concerning the hate crimes, **information/news regarding the criminal prosecution and judicial examination of the crimes committed against the representatives of minorities**, including the religious minorities, **are regularly published on the web-page of the Prosecution Service of Georgia**.¹³
39. Noteworthy, according to the **Public Defender of Georgia**, there is a **downward trend in crimes concerning violence on the ground of religious intolerance**,¹⁴ which should be deemed as a positive assessment.
40. As to the **statistics of the domestic courts**, the data reveals that under Article 156 (persecution) of the Criminal Code¹⁵ 9 persons have been convicted in 2013, 3 persons – in 2014, 7 persons – in 2015, 5 persons - in 2016, also 5 persons in 2017, as for the 2-months-data of 2018, 1 person is already convicted under the same Article 156.

¹² Report of the Chief Prosecutor of Georgia, 6 February, 2018, p. 40, available at: <http://pog.gov.ge/res/docs/ReportoftheChiefProsecutor2017.pdf>

¹³ *Ibid*, p. 41.

¹⁴ Public defender of Georgia, 10 December Report on the Situation of the Protection of Human Rights and Freedoms in Georgia, 2017, p.9, available at: <http://www.ombudsman.ge/uploads/other/4/4957.pdf>

¹⁵ Criminal Code of Georgia, Article 156 - 1. *Persecution of persons because of their speech, opinion, conscience, confession, faith or creed, or political, social, professional, religious or scientific activities, - shall be punished by a fine or house arrest for a term of six months to one year, or by imprisonment for a term of up to two years.*
2. *The same act: a) committed with violence or threat of violence; b) committed with the abuse of the official position; c) which has resulted in considerable damage, - shall be punished by a fine or house arrest for a term of one to two years, or by imprisonment for a term of up to three years, with or without deprivation of the right to hold an office or to carry out activities for a term of up to three years.* Available at: <https://matsne.gov.ge/ka/document/view/16426?impose=translateEn>

Sexual Orientation/Gender Identity

41. Since the case of *Identoba* concerned the march of May 2012 to mark the International Day against Homophobia, it should be underlined from the outset that, according to the assessment of the **Public Defender, on 17 May 2017, unprecedented safety measures undertaken by the government enabled LGBT activists to mark the International Day against Homophobia and Transphobia.** Particularly, the event was conducted in a territory that was agreed in advance and protected by a cordon of police officers.¹⁶ **This further outlines the progress in regards with realization of the constitutional right of peaceful assembly.**
42. In the context of the **progress of the investigation**, it should be underscored that the number of the persons who were held criminally liable for homo/transphobic crimes in 2016, **has doubled in 2017.** Moreover, according to the data of 2016, prosecutors were only pointing out sexual orientation as a motive in an indictment, **whilst in 2017, besides the sexual orientation, persons were accused of intolerance expressed on the grounds of gender identity as well.** The latter points out that the awareness of prosecutors regarding hate crimes has been risen and the techniques of motive identification in the course of an investigation has been improved.
43. As mentioned above, in 2017 hate motives were studied on 86 criminal cases. **Sexual orientation was examined on 12 criminal cases, gender identity was examined on 37 cases, sex/gender was examined on 25 cases.**
44. Further it should be noted that **out of aforementioned 44 cases of the criminal prosecution** (see para. 36), 4 persons were charged in terms of sexual orientation, 4 - gender identity, 25 - sex/gender, 9 persons in terms of other motive, out of which, presumably in terms of gender identity six and in terms of sexual orientation – one person was charged.¹⁷
45. **For illustration, the Government provide information on the following recent cases of hate-crimes which demonstrate the effectiveness of investigations in that regard:**
 - **On 3 January 2017**, the Supreme Court of Georgia has accepted the evidence submitted by the prosecution and found L.K. guilty of violence, premeditated murder and damage and destruction of property by setting fire committed against a transgender person. The latter was physically assaulted and caused bodily injuries in her own residential apartment. The Supreme Court of Georgia abolished the judgment of Tbilisi Court of Appeal and **found L.K. fully guilty of charges filed against him and sentenced him to deprivation of liberty for a term of 10 years.**¹⁸
 - **On 9 November 2017**, the Tbilisi City Court fully upheld the evidence submitted by the prosecution and found A.G. **guilty of beating a transgender woman under Article 126 (1) (Violence) of the Criminal Code of Georgia, sentencing him to deprivation of liberty for a term of six months.**¹⁹
 - Tbilisi City Court accepted the evidence submitted by the prosecution and **found accused guilty of the murder of a transgender, under Article 108 of the Criminal Code of Georgia. He was sentenced to deprivation of liberty for a term of 13 years.**²⁰
 - In regards with another incident, the **Tbilisi City Court fully accepted the motion of the prosecution and on the grounds of intolerance towards a transgender woman, the accused B.O. was sentenced to imprisonment as a preventive measure.** Particularly, law enforcement

¹⁶ Public defender of Georgia, 10 December Report on the Situation of the Protection of Human Rights and Freedoms in Georgia, 2017, p.17, available at: <http://www.ombudsman.ge/uploads/other/4/4957.pdf>

¹⁷ Report of the Chief Prosecutor of Georgia, 6 February, 2018, p. 40, available at: <http://pog.gov.ge/res/docs/ReportoftheChiefProsecutor2017.pdf>

¹⁸ Available at: http://pog.gov.ge/eng/news?info_id=1102

¹⁹ Available at: http://pog.gov.ge/eng/news?info_id=1413

²⁰ Available at: http://pog.gov.ge/eng/news?info_id=1129

officers arrested B.O. on the basis of court ruling on January **31, 2018**. Investigation on the case is underway under first paragraph of Article 126 (violence) of the Criminal Code.²¹

- Moreover, as a result of **joint work of the Human Rights Department and the law enforcers of the Ministry of Internal Affairs, on 6 February 2018 two persons were detained for beating three transgenders**. The crime committed by them envisages from 1 to 3 years of imprisonment.²²

46. It is noteworthy to mention that **in January 2018 the Human Rights Department was created in the Ministry of Internal Affairs of Georgia** in order to timely and effectively address human rights issues. The Department is responsible, among others, **to investigate the offenses committed on the grounds of discrimination and intolerance**. The specialized Department will further reinforce the fight against discrimination and ensure effectiveness of investigations in that regard.

- *Statistical data of domestic courts*

47. As for the cases examined by national courts of Georgia concerning the facts of alleged discrimination on the grounds of religion and sex, according to information provided by the Supreme Court of Georgia, **in 2017** the city and appeal courts dealt with **12 civil and administrative cases**, out of which, 2 cases concerned alleged religious discrimination, and 4 cases concerned alleged discrimination on the grounds of sex.

48. As to the criminal cases, according to the statistical data, in 2017, the ground of intolerance as an aggravating factor for punishment, prescribed by **Article 53¹ (aggravating factors for punishment)** of the Criminal Code of Georgia, has been used by the city/regional courts in 11 cases (out of which, 6 concerned intolerance based on sex and 4 concerned gender discrimination). It is noteworthy that the above Article has never been referred by the domestic courts before 2016.

c. Trainings

49. For the purpose of improving the qualification of prosecutors 162 educational events were held in the Prosecution Service and 2300 persons were trained in 2017. Particularly, trainings covered, among others, the topics on prohibition of discrimination and effective investigation of hate crimes.²³

50. It should be underlined that 2017-2018 action plan of the MIA Academy envisages establishing the discrimination module.²⁴ Furthermore, issues of discrimination is also covered by the training programme of the Patrol-Inspectors²⁵ and District Inspectors.²⁶ The latter also covers the issues concerning the facts of discrimination; investigation of hate crimes and outlining the hate motives.²⁷

51. In addition, on 30 June 2017, under the auspices of the State Agency for Religious Issues and the Ministry of Internal Affairs a training was held in the MIA Academy on the issue of “Human Rights and Religious Tolerance”, which was attended by 50 police officers.²⁸ Trainings on the same issue were held in regions as well, namely, on 29 September 2017 in Batumi;²⁹ on 27 October in Telavi;³⁰ on 1 December 2017 in Kutaisi;³¹ on 25 December in Zugdidi.³² Each training was attended by 50 members of the staff of the Ministry of Internal Affairs.

²¹ Available at: http://pog.gov.ge/eng/news?info_id=1506

²² Available at: <http://www.interpressnews.ge/ge/samartali/476753-sami-transgenderis-cemis-faqtze-ori-piri-daakaves.html?ar=A>

²³ Report of the Chief Prosecutor of Georgia, 6 February, 2018, P. 46-47, available at:

<http://pog.gov.ge/res/docs/ReportoftheChiefProsecutor2017.pdf>

²⁴ Available at: <http://policeacademy.gov.ge/en/useful-information/strategies-concepts-and-action-plans>

²⁵ Available at: <http://policeacademy.gov.ge/uploads/docs/profedu/programs/basic/506.pdf>

²⁶ Available at: <http://policeacademy.gov.ge/uploads/docs/profedu/programs/basic/2274251.pdf>

²⁷ *Ibid.*

²⁸ Available at: <http://religion.geo.gov.ge/eng/news/training-in-the-academy-of-mia>

²⁹ Available at: <http://religion.geo.gov.ge/geo/news/treningebi-shss-s-akademiashi-regionaluri>

³⁰ Available at: <http://religion.geo.gov.ge/geo/news/dghes-telavshi-treningi-adamianis-uflebebi-da>

³¹ Available at: <http://religion.geo.gov.ge/geo/news/dghes-qutaisshi-treningi-adamianis-uflebebi-da>

³² Available at: <http://religion.geo.gov.ge/geo/news/treningebi-adamianis-uflebata-samtavrobo-gegmis2>

52. It should be indicated that trainings are also conducted for the judges and other servants of the courts on the issue of prohibition of discrimination – domestic legislation and international standards.
53. In 2017, judges also attended a training on the discussion of the hate-motivated crimes.³³ Another training concerning the same issue was held for the trainers as well. It is noteworthy that in 2017, for the aim to elaborate the curriculums, the High School of Justice continued intensive activities in terms of the priority issues for the judicial system and consequently, the curriculum was developed, among others, on the issue of effective review of the hate-motivated offenses.³⁴

IV. Publication and dissemination

54. The European Court's judgments were translated into Georgian and published in the Legislative Herald of Georgia and on the official website of the Ministry of Justice of Georgia.
55. The Georgian translations of the judgments have been sent to the Ministry of Internal Affairs and the Prosecutor's Office for further dissemination among law enforcement officers.

V. Conclusion

56. **The Government would like to underscore that the relevant individual measures in order to eradicate the violations found by the Court have been fully conducted.** Remarkably, the investigation/preliminary criminal proceedings of the cases were launched and implemented in compliance with the standards enshrined in the Convention and further developed by the Court in its case-law. As an outcome, in terms of the effective investigation, the perpetrators of the violations and the victims have been identified, however the statutes of limitations of the crimes have already expired. **Consequently, the investigation established that due to the expiration of the statutes of limitations prescribed by the Georgian criminal legislation, the prosecution lacks the opportunity to initiate further criminal proceedings in regards to the present cases.** The latter is caused by the fact that **no effective investigations have been initiated within a reasonable time subsequent to the incidents in question.**
57. Therefore, the new investigations conducted in the cases concerned - following the judgments of the European Court - were as comprehensive as possible and due to prescription currently no other individual measure could realistically be taken. **Therefore, the Government refer to the Committee to close supervision in respect of the cases of *Identoba* Group.**
58. As to the general measures, the Government stress that they maintain to strengthen their efforts to combat discrimination/intolerance on religious/sexual and any other grounds through the effective implementation of respective legislation/national policy and effective investigations. Herewith, the Government hold the view that the aforementioned general measures implemented at domestic level will remedy the consequences of the violations of the Convention, as well as they will contribute to further prevent the violations similar to those identified by the Court in present cases.

³³ Statistical Data of the Trainings Implemented by the High School of Justice throughout 2017, pp. 2, 5, available at: http://www.hsoj.ge/uploads/2017_tslis_statistika.pdf

³⁴ *Ibid.* pp. 4, 7, 8.