

INTERAGENCY CO-OPERATION ON HATE CRIMES DATA COLLECTION

GENERAL PROSECUTOR'S OFFICE OF GEORGIA

2020

GENERAL OVERVIEW OF GEORGIAN LEGAL FRAMEWORK

- Three types of provisions in the Criminal Code of Georgia corresponding to hate crimes:
 - 1. Substantive crimes - art. 142 (violation of human equality); art. 156 (persecution), etc.
 - 2. Specific penalty enhancement provisions - §2 (d) of art. 109 (murder committed with intolerance motive); §2 (d) of art. 117, etc.
 - 3. General penalty enhancement provision – art. 53¹ (commission of any crime on the grounds of any discriminatory/intolerance motive shall constitute an aggravating circumstance)

THE INITIAL STEPS AGAINST HATE CRIMES

- **Hate crime data collection** - under General Prosecutor's order all employees of the prosecution service were tasked to submit exhaustive information to the Division of Human Rights Protection.
- **In 2016** the Division of Human Rights Protection of the General Prosecutor's Office of Georgia elaborated a **recommendation** on application of Article 53¹ of the Criminal Code of Georgia.

RECOMMENDATIONS FOR PROSECUTORS

- Recommendation for prosecutors on the application of article 53 (1) of the Criminal Code of Georgia;
- Recommendation on domestic violence;
- Recommendation for prosecutors on legal qualification of crimes committed with religion-based intolerance motive;
- Recommendation on conducting proceedings with participation of person with disabilities;

FURTHER DEVELOPMENT

- **CO-OPERATION WITH OSCE – ODIHR**
- Memorandum on Mutual Cooperation between the General Prosecutor's Office and ODIHR- 2016
- PAHCT training in co-operation with the OSCE - ODIHR;
- 17 trainings in total between 2016-2019

CoE SUPPORT

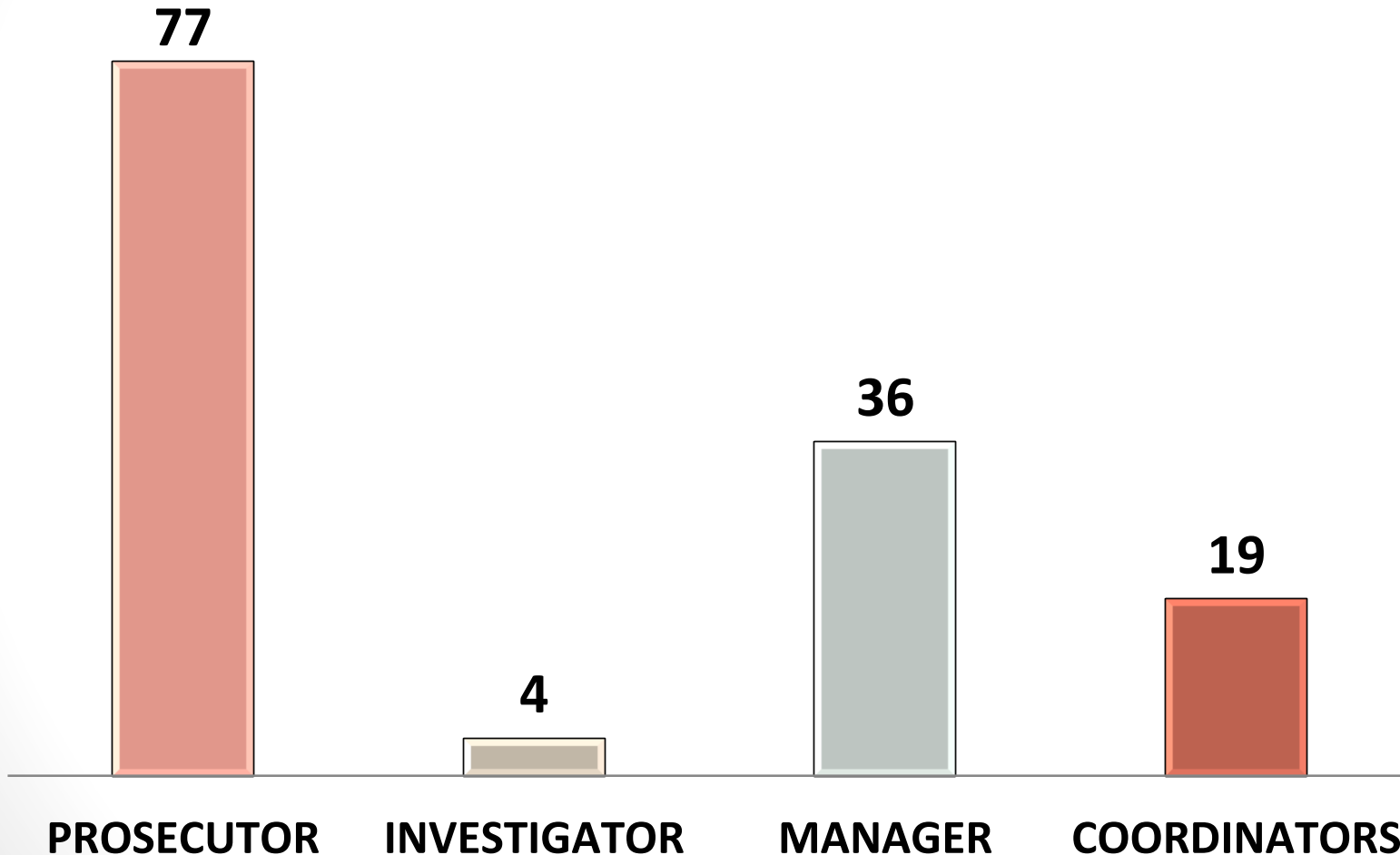
- **CoE HELP training courses:**
- Anti-discrimination HELP course - 2016
- Skill-based HELP course on combatting hate crimes – 2020

- **4 Specialisation** training courses - 2020

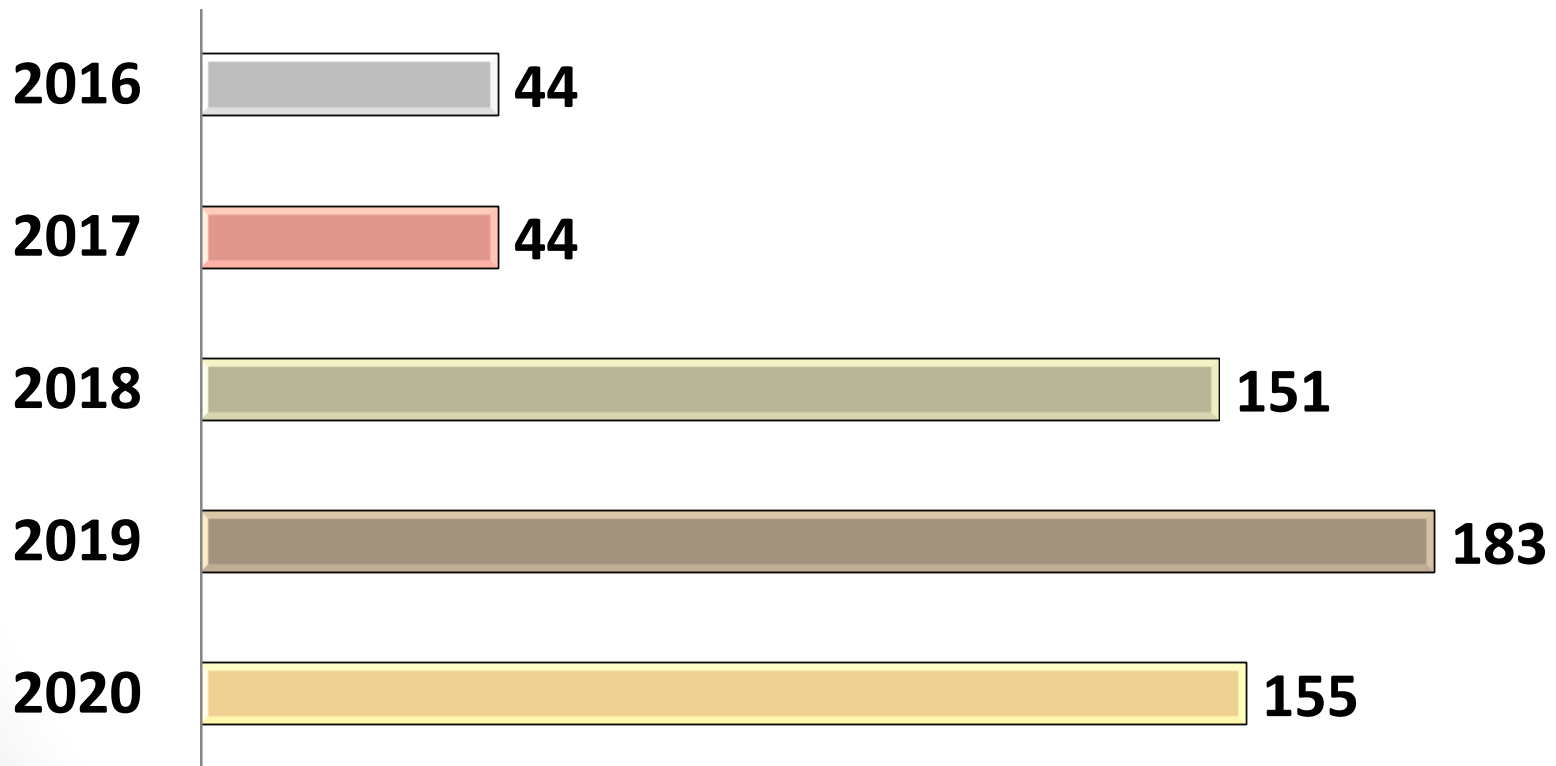
- **Study visits** - visit to Great Britain and Croatia in order to share experience and best practices on fight against hate crimes and joint data collection.

SPECIALISATION

In sum 136 employees under the General Prosecutor's order - 1 September 2020



Prosecution was launched against 577 individuals



SIGNING MEMORANDUM ON CO-OPERATION IN COLLECTION OF HATE CRIME DATA AND JOINT REPORTING

- With the CoE support the Prosecution Service of Georgia organized **preparation of co-operation memorandum** on hate crimes data collection and joint reporting, which was signed on 23 September 2020, in festive environment, in the General Prosecutor's office by the heads of:
 - **Prosecution Service of Georgia;**
 - **Ministry of Internal affairs;**
 - **Supreme Court of Georgia;**
 - **National Statistics Office of Georgia.**

CONTENTS OF THE MEMORANDUM

Parties' duties under the memorandum:

- The parties shall maintain and provide to GeoStat (National Statistics Office of Georgia) data on hate crimes;
- Annually and no later than **March 1**, GeoStat shall prepare and publish a joint report on hate crimes for the previous year.
- With the exception of GeoStat, the Parties shall, two times a year and no later than the last day of the month following the reporting period (**July 31 and January 31**), provide to each other information on hate crimes for the reporting period.
- The Parties shall, once a year and no later than **February 20**, provide to GeoStat data, necessary for publishing a joint report on hate crimes, for the previous calendar year.

UNDERTAKINGS OF THE PROSECUTION SERVICE UNDER THE MEMORANDUM

Under the memorandum the Prosecution Service of Georgia shall present hate crimes statistical information on:

- Decisions to launch prosecution;
- Decisions not to launch prosecution (diversion);
- Decisions to terminate criminal prosecution;
- Decisions to terminate investigation;
- Number of victims;
- Victim-Defendant Relationship;

FUTURE PLANS AND EXPECTATIONS

- A pilot report on statistics regarding time period from 1 October 2020 to 31 December 2020 – estimated date: 1 March 2020;
- The first calendar year joint report on hate crimes - estimated date: 1 March 2021;
- Creation of contemporary, international standards-based, flawless hate crimes statistics system which is widely regarded as accurate, credible, transparent, foreseeable and public.

FUTURE PLANS AND EXPECTATIONS

Plans of The Prosecutor's Office of Georgia:

- Prosecutors' capacity building;
- Monitoring of cases and identification of intolerance motive;
- Development of victim-oriented approach;
- Awareness raising of general public.



THANKS FOR ATTENTION !