



**REPORT OF THE  
GOVERNMENT OF GEORGIA  
ON THE IMPLEMENTATION OF THE  
COUNCIL OF EUROPE CONVENTION ON  
PREVENTING AND COMBATING VIOLENCE  
AGAINST WOMEN AND DOMESTIC  
VIOLENCE (ISTANBUL CONVENTION)**

2020



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# ABREVIATIONS AND ACRONYMS

<b>Agency for State Care</b>	Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking
<b>Anti-Trafficking Council</b>	Inter-Agency Coordination Council for Combating Trafficking in Human Beings
<b>AVNG</b>	Anti-Violence Network Georgia
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEDAW Committee</b>	United Nations Committee on the Elimination of Discrimination against Women
<b>CoE</b>	Council of Europe
<b>COVID-19</b>	Infectious Disease Caused by Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-Cov-2)
<b>CSO</b>	Civil Society Organization
<b>DV</b>	Domestic Violence
<b>EU</b>	European Union
<b>FGM</b>	Female Genital Mutilation
<b>GBV</b>	Gender-Based Violence
<b>GEC</b>	Gender Equality Council of the Parliament of Georgia
<b>GEL</b>	Georgian Lari
<b>Geostat</b>	National Statistics Office of Georgia
<b>GID</b>	Geneva International Discussions
<b>GITA</b>	Georgia's Innovation and Technology Agency
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
<b>GREVIO</b>	Group of Experts on Action against Violence against Women and Domestic Violence
<b>ICT</b>	Information and Communications Technology
<b>IDP</b>	Internally Displaced Person
<b>Inter-Agency Commission</b>	Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence
<b>IPRM</b>	Incident Prevention and Response Mechanism
<b>Istanbul Convention</b>	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

<b>LAS</b>	Legal Aid Service
<b>LEPL</b>	Legal Entity of Public Law
<b>MIA</b>	Ministry of Internal Affairs of Georgia
<b>MoESD</b>	Ministry of Economy and Sustainable Development of Georgia
<b>MoLHSA</b>	Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia
<b>NAP</b>	National Action Plan
<b>NAP on VAW/DV</b>	National Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims/Survivors
<b>NAP on WPS</b>	National Action Plan of Georgia for the Implementation of the UN Security Council Resolutions on Women, Peace and Security
<b>NGO</b>	Non-Governmental Organization
<b>OSCE/ODIHR</b>	OSCE Office for Democratic Institutions and Human Rights
<b>PDO</b>	Public Defender's Office of Georgia
<b>PE</b>	Penitentiary Establishment
<b>PSA</b>	Public Service Announcement
<b>PSDAC</b>	Private Sector Development Advisory Council
<b>SDGs</b>	Sustainable Development Goals
<b>SOPs</b>	Standard Operating Procedures
<b>SPS</b>	Special Penitentiary Service
<b>TOT</b>	Training-of-Trainers
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nation Populations Fund
<b>UNSCR 1325</b>	UN Security Council Resolution 1325 (2000) on Women, Peace and Security
<b>USAID</b>	United States Agency for International Development
<b>VAW</b>	Violence against Women
<b>VAWG/DV</b>	Violence against Women and Girls and Domestic Violence
<b>WPS</b>	Women, Peace and Security



# EXECUTIVE SUMMARY

Among the first signatories of the 2014 document, Georgia became the twenty-third country to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2017. The Convention entered into force in Georgia on 1 September 2017. The Parliament of Georgia confirmed the country's commitment to combating violence against women by endorsing the ratification of the Istanbul Convention and adopting a milestone legal framework aimed at harmonizing the domestic legislation with the Istanbul Convention.

The Government of Georgia hereby presents its first-ever National Report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on the implementation of the Council of Europe Convention on Prevention and Combating Violence Against Women and Domestic Violence (Istanbul Convention).

The presented report is composed according to the questionnaire developed by GREVIO and aims to enumerate the implemented measures and activities by the relevant institutions in Georgia to comply with the requirements of the Istanbul Convention. The report is divided into six substantive chapters on the integrated policies and data collection; the prevention of violence against women; the protection of and support for victims/survivors; the legislative framework; the investigation, prosecution and protective measures together with the procedural law; and the topics of migration and asylum.

The gender equality framework in Georgia, presented in the report, is built on the **principle of gender equality enshrined in the Constitution of Georgia since 2017**. Article 11 ("Right to equality") of the Constitution includes an equality clause acknowledging that "the State shall provide equal rights and opportunities for men and women" and "shall take special measures ... to eliminate inequality".

The **gender equality framework** in the country consists of coordination bodies within every branch – the legislative, executive and judiciary – of the central government, as well as local self-government and regional representatives at all levels. The report speaks to structural improvements, legislative amendments and systemic achievements that have contributed to the evidence-based policymaking and enhanced protection, promotion and respect towards gender equality and women's rights in Georgia.

Among the **structural improvements at state entities** was the establishment of the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence in the executive branch that has significantly improved the coordination between state entities. Similarly, the establishment of the Gender Equality Department at the Public Defender's Office of Georgia and the Human Rights Protection and Investigation Quality Monitoring Department at the Ministry of Internal Affairs of Georgia significantly strengthened the response to violence against women (VAW) and domestic violence (DV). Gender equality focal points at all state entities ensure daily coordination on relevant issues.

At the **policymaking level**, among the strategic documents and major action plans developed on VAW/DV and presented in this report, the 2014-2020 National Strategy for the Protection of Human Rights in Georgia is a key policy document. The promotion of human rights-based approaches, the transition to institutional democracy and enhancement of knowledge-based protection, and the promotion of and respect towards human rights are key principles that the strategy is based on. The 2018-2020 Government Action Plan on Human Rights includes four specific chapters covering the rights of women

and gender equality issues. Related issues, as well as cross-cutting priorities, are presented in other chapters of the action plan. Among the stand-alone policy documents are the 2018-2020 National Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims/Survivors and the 2018-2020 National Action Plan of Georgia for the Implementation of the UN Security Council Resolutions on Women, Peace and Security.

**To further strengthen the legal framework**, in relation to the Istanbul Convention, as many as 25 laws have been amended. Amendments include but are not limited to the adoption of the definitions for violence against women and stalking; criminalization of forced sterilization and female genital mutilation; provisions for temporary residence for foreign women who are the victims of violence; notification of the victims of violence prior to the release of the perpetrators; expansion of the list of aggravating circumstances related to gender-based violence; and the enabling of courts to take away the right to carry weapons from persons convicted of domestic violence. This report presents further details to each of the above-mentioned amendments, as well as the process of implementation and response to VAW/DV.

**For evidence-based decision-making, disaggregated data collection and research**, as strategic priorities, are also presented in the report. Where possible, the report presents detailed gender statistics in regard to state programmes, as well as disaggregated data collected by state entities in multiple directions. A number of small-, medium- and large-scale research projects, conducted in partnership with national non-governmental and international organizations, took place within the reporting period. The report presents findings of only the most significant ones, such as “Men, Women, and Gender Relations in Georgia: Public Perceptions and Attitudes” (2019); “Report on Femicide Monitoring 2014-2018” (2019); “National Study on Violence against Women in Georgia” (2017); “Gender Equality in Georgia: Barriers and Recommendations” (2018) and so forth.

**Prevention through knowledge-building and awareness-raising is yet another strategic priority in combating VAW/DV.** The report also focuses on prevention and details the measures taken by various institutions towards fulfilling the commitment under the Istanbul Convention to regularly promote and conduct awareness-raising campaigns and programmes to increase understanding and build knowledge among the public, as well as state employees, on all forms of violence against women and girls, including domestic violence, sexual harassment, early/child marriage and so forth. Cascade training, TOTs and the creation of specialized and general guidelines and SOPs are among the activities carried out aimed at inter-agency knowledge and capacity-building. Meeting with local populations, discussing challenges and providing information on the prevention of and response to VAW/DV are among the activities carried out with the broader population at the central as well as local levels.

**Providing state support to the victims and survivors of VAW/DV is among the key priorities.** The provision of state-run services ensuring the protection and support for the victims of violence holds prominent significance in the state response to VAW/DV. These services include the Witness and Victim Coordinator Service; health-care and social services, such as the shelters and crisis centres, psychosocial rehabilitation, medical services and legal aid; and telephone helplines and mobile applications, among others.

**Some rehabilitation and support programmes have launched for the perpetrators of violence as well.** The report encompasses the major activities in this field such as the behavioural correction/rehabilitation programme for perpetrators, which has been operating in two correctional facilities since 2019. Participation in such programmes is counted as a positive when assessing the personal characteristics and behaviour of inmates. There are plans to expand the programme to all penitentiary institutions.

**The recognition of and response to sexual violence has become more and more prevalent in Georgia** since the adoption of sexual harassment legislation in 2019. The report presents information on the legislative framework, as well as the response rate so far and planned activities, such as the establishment of sexual harassment response mechanisms at state institutions.

The final chapter of the report includes the relevant administrative and judicial data and presents information on **migration and asylum issues**.

The preparation of the presented report was led and coordinated by the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence. Thirty-three state entities participated in the drafting process and presented meaningful contributions to the document. The preparatory process before drafting the report was supported by the Council of Europe technical cooperation project. The Inter-Agency Commission received technical and expert support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

With it being the first-ever national report, the presented document has some limitations, and information gaps might remain. Building on this report, the Government of Georgia commits to enhancing the data-collection and VAW/DV-prevention efforts, strengthening the evidence-generating capacity among state entities and enhancing support services to survivors of VAW/DV. Hence, the Government will provide an even more comprehensive second national report to GREVIO in 2024. Georgia confirms its diligence and remains loyal and committed to continuing to strengthen the process of progressive implementation of the Istanbul Convention now as well as in the future.

# I. INTRODUCTION

In 2017, Georgia became the twenty-third country to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), with the Convention entering into force on 1 September 2017. The present report is intended to comply with the obligation referred to in Article 68, paragraph 1 of the Convention, which obliges the States to submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative or other measures giving effect to the provisions of this Convention, for consideration by GREVIO.

This report is composed according to the questionnaire developed by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and aims to enumerate the implemented measures and realized activities by the relevant institutions in Georgia to comply with both the general and the specific requirements of the Istanbul Convention. Georgia remains loyal and committed to continuing to strengthen the process of progressive implementation of the Istanbul Convention now as well as in the future.

Since 2017, as a result of the ratification of the Istanbul Convention, Georgia has significantly strengthened its response to VAW/DV and enhanced the protection of survivors of violence. To strengthen the national framework for gender equality, the Ministry of Justice of Georgia has developed a package of relevant amendments to 25 legislative acts. As the Parliament of Georgia adopted the package, a new standard of human rights protection was established in the country, shifting the emphasis towards combating structural inequalities and mandating the State to establish and implement special laws, policies and programmes to ensure that women and girls enjoy equal opportunities in all spheres of life and protection from violence across the life cycle.

The gender equality framework in Georgia, presented in the report, is built on the **principle of gender equality enshrined in the Constitution of Georgia since 2017**. Article 11 (“Right to equality”) of the Constitution includes an equality clause acknowledging that “the State shall provide equal rights and opportunities for men and women” and “shall take special measures ... to eliminate inequality.”

## GENERAL PRINCIPLES OF THE ISTANBUL CONVENTION

The basic principles of the Istanbul Convention are thoroughly perceived and fully shared by Georgia, and the country states its firm and steady commitment to adjust the legislative, executive and judicial framework to the fundamental requirements of the Convention as follow:

- It is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere.
- The principle of equality between women and men must be embodied in the constitution or other appropriate legislation and effectively realized in practice.
- Discrimination against women must be prohibited, including through the use of sanctions, where appropriate, and laws and practices that discriminate against women must be abolished.
- The Convention must be implemented without discrimination on any grounds, and the potential for, and effects of, multiple discrimination should be borne in mind.

- Special measures that are necessary to prevent and protect women from gender-based violence are not considered as discrimination.
- The Parties must include a gender perspective in the implementation and the evaluation of the impact of the Convention and implement policies promoting equality between women and men and the empowerment of women.

## BODIES, AGENCIES, INSTITUTIONS AND ORGANIZATIONS INVOLVED IN THE PREPARATION OF THE REPORT

The preparation of the presented report was coordinated by the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence. Thirty-three state entities participated in the drafting process and presented meaningful contributions to the document. The preparatory process was supported by the Council of Europe. The Inter-Agency Commission received technical support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

The list of the ministries and other state agencies that contributed to the preparation is as follows:

### **The list of the Government ministries and respective entities that contributed to the preparation is as follows:**

- Ministry of Regional Development and Infrastructure of Georgia
- Ministry of Internal Affairs of Georgia
  - LEPL Academy of the Ministry of Internal Affairs
- Ministry of Justice of Georgia
  - LEPL Training Center of Justice of Georgia
  - Special Penitentiary Service
  - LEPL National Agency of Crime Prevention, Execution of Non-custodial Sentences and Probation
- Ministry of Economy and Sustainable Development of Georgia
  - LEPL Enterprise Georgia
- Ministry of Foreign Affairs of Georgia
- Ministry of Finance of Georgia
  - Academy of the Ministry of Finance
- Ministry of Education, Science, Culture and Sport of Georgia
- Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia
  - LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking
  - LEPL Social Service Agency
- Ministry of Environmental Protection and Agriculture of Georgia
- Ministry of Defence of Georgia
- Office of the State Minister for Reconciliation and Civic Equality of Georgia
- Parliament of Georgia
  - Gender Equality Council of the Parliament of Georgia
  - Legal Committee of the Parliament of Georgia

- Public Defender's Office of Georgia
- National Statistics Office of Georgia
- Civil Service Bureau
- Prosecutor's Office
- High Council of Justice
- LEPL Legal Aid Service
- Common Courts
- Supreme Court of Georgia
- Georgian Bar Association
- State Inspector's Service
- Central Election Commission of Georgia
- High School of Justice of Georgia

## II. INTEGRATED POLICIES AND DATA COLLECTION

*(Chapter II, Articles 7–11 of the Istanbul Convention)*

Among first signatory countries in 2014, Georgia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) a year before the Convention entered into force. Three years later, in 2017, Georgia became the twenty-third country to ratify the Istanbul Convention. The Convention entered into force, as regards Georgia, on 1 September 2017. The Parliament of Georgia confirmed the country's commitment to combating violence against women by endorsing the ratification of the Istanbul Convention and adopting a milestone legal framework aimed at harmonizing the domestic legislation with the Istanbul Convention. The Ministry of Justice of Georgia has developed a package of relevant amendments to 25 legislative acts. From the legislative changes, amendments made to the Criminal Code on the liabilities for forced marriage, female genital mutilation, stalking and forced sterilization shall be marked.<sup>1</sup>

The latest amendments to the Constitution of Georgia were adopted in 2017 and came into force on 16 December 2018. As a result, the principle of equality is enshrined in the Constitution of Georgia. Namely, according to the Constitution, the State shall ensure “equal rights and opportunities for men and women” and “shall take special measures to ensure the essential equality of men and women and to eliminate inequality”.<sup>2</sup> The discourse of the new equality article trades earlier formal equality wording for substantive equality that shifts the emphasis towards combating structural inequalities and mandating the State to establish and implement special laws, policies and programmes to ensure that women enjoy equality of opportunities as well as consequences.

### BODIES ESTABLISHED OR DESIGNATED IN THE APPLICATION OF ARTICLE 10

State parties to the Istanbul Convention are required to establish effective legal mechanisms to protect against violence against women and domestic violence. In line with international commitments, Georgia has strengthened its national institutional framework and created strong institutional mechanisms. At the national level, the machinery consists of three key bodies:

- Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence at the Human Rights Council
- Gender Equality Council of the Parliament of Georgia
- Gender Equality Department of the Public Defender's Office

Since June 2017, with the establishment of the **Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence** (hereinafter the Inter-Agency Commission) in the executive branch, the institutional framework for gender equality has significantly improved. An inter-agency body

<sup>1</sup> Please refer to Chapter 5 (Substantive Law) for a detailed description of the updated legal framework of Georgia.

<sup>2</sup> *Constitution of Georgia*, Article 11, paragraph 3.

represented at the deputy ministerial level located in the executive branch, the Commission was created in order to meet the requirements of Article 10 of the Istanbul Convention. The Commission carries out the duties of the national-level monitoring mechanism for the Istanbul Convention and is a coordinating body; thus, it observes the implementation of the issues covered by the Convention.

The work of the Inter-Agency Commission is governed by the Constitution of Georgia, international treaties, laws and normative acts in the Georgian legislation and its regulation. The Inter-Agency Commission is established for an indefinite period of time.<sup>3</sup>

The Chairman of the Commission is the Prime Minister's Advisor on Human Rights and Gender Equality, and the Co-Chair is the Deputy Minister of Justice of Georgia. The members of the Inter-Agency Commission include representatives of various government institutions:<sup>4</sup>

- Deputy Minister of Justice of Georgia
- Deputy Minister of Internal Affairs of Georgia
- Deputy Minister of Education, Science, Culture and Sport of Georgia
- Deputy Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia
- Deputy Minister of Regional Development and Infrastructure of Georgia
- Deputy Minister of Finance of Georgia
- Deputy Minister of Environmental Protection and Agriculture of Georgia
- Deputy Minister of Foreign Affairs of Georgia
- Deputy Minister of Defence of Georgia
- Deputy Minister of Economy and Sustainable Development of Georgia
- Deputy Minister of Reconciliation and Civic Equality of Georgia
- Deputy Chief Prosecutor
- Director of the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking
- Chief of the LEPL Civil Service Bureau
- Executive Director of the LEPL National Statistics Office of Georgia
- Advisor to the Prime Minister on Regional Affairs

The representatives of the Public Defender's Office, the Legal Aid Service, the Public Broadcaster, the Gender Equality Council of Parliament, the President of the Government of the Autonomous Republic of Abkhazia and the Supreme Court have a deliberative vote at the Commission.<sup>5</sup> The representatives of international and non-governmental organizations participate in the work of the Inter-Agency Commission upon the invitation of the Chairman.<sup>6</sup>

Under the Commission's auspices, gender focal points have been identified at all government institutions as the major partners responsible for the implementation of gender mainstreaming within state institutions.

In 2019, the mandate of the Commission widened and now covers a broad range of gender equality issues, including violence against women and domestic violence, women's economic empowerment, sexual harassment, disaggregated data collection, gender mainstreaming, early/child forced marriages

<sup>3</sup> *Regulation of the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence*, Article 1.

<sup>4</sup> *Decree No. 286 of the Government of Georgia*, Article 1. This article approves the statute of the Inter-Agency Commission.

<sup>5</sup> *Ibid.*, Article 1.

<sup>6</sup> *Ibid.*, Article 2.

and other harmful practices, implementation of the UN Security Council resolutions on Women, Peace and Security (UNSCR 1325 (2000) et al.) and so forth. It is responsible for the adoption, implementation and monitoring of the National Action Plans on Gender Equality, Violence against Women/Domestic Violence and the UN Security Council Resolutions on Women, Peace and Security (WPS). In addition to its work on substantive issues, the Commission is mandated to support the effective functioning of, and coordination between, the activities of respective state bodies in the field of gender equality, violence against women, domestic violence and women's empowerment. Its mandate also includes promoting gender "mainstreaming" within the executive government institutions; supporting the collection and analysis of "gender segregated" data; supporting the implementation of the international obligations of the Government of Georgia on gender equality, VAW/DV and WPS; and coordinating the activities of respective state bodies in the field of gender equality, violence against women, domestic violence and women's empowerment.

Every year, no later than 1 March, the Inter-Agency Commission prepares an annual report regarding the work performed, completed activities and remaining challenges.<sup>7</sup> The annual report, along with the Report on the Implementation of the Human Rights Action Plan, is presented for revision to the Human Rights Council and, no later than 31 March, to the Parliament of Georgia. The report of the Commission is public.

The Inter-Agency Commission is authorized to create a consultation group, launch thematic task forces and invite independent experts.<sup>8</sup> The consultation group can be established with the Inter-Agency Commission, the members of which can be the representatives of non-governmental (non-commercial) and international organizations that perform the work that falls within the scope of the Commission.<sup>9</sup> The competition commission established by the Inter-Agency Commission selects the members of the consultation group based on the criteria established by the Inter-Agency Commission.<sup>10</sup>

The participation of non-governmental organizations and other civil society institutions is envisioned in each task force and considered to be an important component. The Inter-Agency Commission appealed to the non-governmental organizations with the request to participate and Commission currently holds a database of organizations interested in cooperating.

Currently there are nine thematic task forces established within the Inter-Agency Commission:

1. Violence against women and domestic violence
2. Women's economic empowerment
3. Early/child marriage and other harmful practices
4. Mainstreaming of gender equality
5. Collection of data on gender-based violence
6. Cooperation and coordination between the local and central government
7. Reflection of gender aspects in budgetary programmes
8. Implementation of the mechanisms for accountability and eradication of sexual harassment in the public sector
9. Implementation of the UN Security Council resolutions on Women, Peace and Security

<sup>7</sup> Regulation of the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence, Article 5, paragraph "e".

<sup>8</sup> Ibid., Article 3 and Article 5, paragraph "b".

<sup>9</sup> Ibid., Article 3, paragraph 1.

<sup>10</sup> Ibid., paragraph 2.

Within the task forces, close to 30 national and international organizations regularly participate in the Commission's work. The Inter-Agency Commission meets no less than twice a year, and the work of the Commission is supported by the Human Rights Secretariat within the Administration of the Government.<sup>11</sup> The Inter-Agency Commission created a Victim Identification Group with the purpose of fulfilling its tasks and effectively determining the status of a victim of violence against women and/or domestic violence.<sup>12</sup>

In 2018, a local-level coordination body was established with the Inter-Agency Commission. Overall, the creation of the Inter-Agency Commission and its cooperation with other national mechanisms significantly contributes to the strengthening of the gender equality legislative and practical frameworks in the country.

In 2004, Parliamentary Decree No. 105/3 established the **Gender Equality Council (GEC)**. It became a standing body with the passage of the Gender Equality Law in 2010. In June 2017, the institutional framework for the GEC changed, and it became a permanent consultation body to the Parliament of Georgia that exists to ensure systematic and coordinated activity on gender issues. Given its placement within the Parliament, the Gender Equality Council remains uniquely poised to play an important role in monitoring legislative developments.

According to Article 12 of the Gender Equality Law, the Parliament of Georgia defines the basic trends of the state policy in gender-related areas, ensures the development and implementation of the legislative framework on gender equality, reviews and approves the gender equality strategy and monitors the activities of the bodies accountable to the Parliament of Georgia in the aforementioned area. According to the new Rules of Procedure of the Parliament adopted in December 2018, the Parliament has set up the Gender Equality Council to ensure systemic and coordinated work regarding gender issues.<sup>13</sup> The composition, status, functions and powers of the GEC is approved by the Chairperson of the Parliament.

According to the Regulations of the Gender Equality Council of Parliament of Georgia, the primary functions of the GEC are as follows:<sup>14</sup> to support the Parliament of Georgia to define the state policy regarding the gender sphere; to analyse the legislation of Georgia and develop proposals for the elimination of gender inequalities; to provide a gender equality assessment of the draft legislative acts; to develop and plan measures to achieve gender equality and ensure the equal rights of men and women; to develop and establish a monitoring and evaluation system for the measures ensuring gender equality; to supervise the gender equality activities of the executive government; if necessary, to summon the representatives of the line ministries and state agencies to the Parliament and obtain the relevant information; to hear the reports of the Inter-Agency Commission; to request information and documents related to the investigation of gender equality issues; to consider the applications, documentation and other information concerning violations of gender equality and the provision of response and respective recommendations within the competencies;<sup>15</sup> and to conduct oversight of the implementation of the National Action Plan on the Rights of Women and Gender Equality.

In order to improve public awareness and support women's empowerment, the GEC regularly disseminates information to the public about the work performed, coordinates awareness-raising campaigns, publishes announcements on violations of women's rights, gender equality issues and trends in this field. The GEC also cooperates with the Supreme Councils of the Autonomous Republics of Abkhazia and Adjara, with

<sup>11</sup> Ibid., Article 6.

<sup>12</sup> Ibid., Article 8, paragraph 1.

<sup>13</sup> *Rules of Procedure of the Parliament of Georgia*, Article 76, paragraph 2.

<sup>14</sup> *The Regulations of the Gender Equality Council of Parliament of Georgia*, Article 3.

<sup>15</sup> According to Article 76, paragraph 4(g) of the Rules of Procedure of the Parliament, the GEC is authorized to invite the participation of experts or international and local organizations working on the topic.

local gender equality councils in municipalities and with the female members of the city assemblies of the municipalities and the advisers on gender issues.<sup>16</sup>

On 17 April 2018, in order to achieve effective and results-oriented communication, the GEC approved a three-year action plan for the period from 2018 to 2020. According to the action plan, the GEC determined six major objectives: (1) define the main directions on state policy on gender equality; (2) improve the legislative framework in the area of gender equality; (3) improve state mechanisms on gender equality; (4) enhance the institutional empowerment of the GEC; (5) raise awareness on gender equality; and (6) monitor the implementation of activities aimed at promoting gender equality and drafting recommendations.

The Gender Equality Council submits a report once a year on the status of gender equality to the Parliament of Georgia. In addition, the GEC is responsible for drafting the report on the international obligations of Georgia on gender equality issues and is authorized to represent the Parliament of Georgia in international relations on gender equality matters.<sup>17</sup>

In 2019, the department ensuring organizational support for parliamentary councils was established, and a Coordinator to the Gender Equality Council was appointed to a permanent position in order to support the work of the GEC and improve coordination of the implementation of the action plan.

The GEC shall have a minimum of 10 members whom should be selected pro rata to the members of all political parties represented in the Parliament. The experience and awareness of a candidate on gender equality issues shall be considered upon selection of the MP to the GEC.<sup>18</sup> The new enlarged composition of the GEC was introduced in January 2017. The GEC comprises the representatives of every political party in the ninth convocation of the Parliament of Georgia.

The Consultation Council, composed of international and local non-governmental organizations working on gender equality issues, was created within the Gender Equality Council of the Parliament of Georgia in 2018. The Consultation Council is open to any organization interested in participating. The agenda of the GEC is determined based on the participation of member organizations, and as a rule, at least two issues are included in the agenda with regard to topics identified by the Consultation Council, as presented by the international or local NGOs. The Consultation Council can also create informal working groups as needed. During 2018 and 2019, three working groups were established: (1) the Labour Rights Consultation Group working on amendments to the Labour Code; (2) the working group on the development of the methodology and gender pay gap calculation; and (3) the working group on the regulation of sexual harassment.

In 2019, the Gender Equality Council, in line with its 2018-2020 Strategy and Action Plan, initiated thematic inquiries on the basis of Article 155 of the Rules of Procedure of the Parliament of Georgia. To conduct thematic inquiries, two working groups were established at the GEC on the topic of the accessibility of state-provided vocational education for the economic empowerment of women and women's participation in state economic programmes. The new oversight instrument – thematic inquiry – envisages the active participation of NGOs and the civil sector, particularly the active participation of the non-government sector in the preparatory work of thematic inquiries. Both working groups have already developed the recommendations to various state entities in the executive as well as legislative branches.

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<sup>16</sup> *The Regulations of the Gender Equality Council of Parliament of Georgia*, Article 4.

<sup>17</sup> *Rules of Procedure of the Parliament of Georgia*, Article 76, paragraph 5.

<sup>18</sup> *The Regulations of the Gender Equality Council of Parliament of Georgia*, Article 7.

The **Public Defender** was the first state institution to establish a structural unit on gender equality issues. Under Article 3<sup>1</sup> of the Law on the Public Defender, the Public Defender of Georgia shall ensure the effective protection of persons from discrimination. In December 2018, as a result of the reorganization of the Public Defender's Office, the unit is now known as the Gender Equality Department. Its mandate includes, inter alia, monitoring the protection of the right to gender equality, as well as examining individual complaints concerning violations on said rights and issuing relevant recommendations. It also engages in research, promotes gender equality issues in the activities of the Public Defender, raises public awareness on gender-related matters in Georgia and produces annual and issue-specific reports on women's rights. Article 14 of the Gender Equality Law recognizes the two key functions performed by the Public Defender's Office: monitoring gender equality issues and addressing individual complaints concerning the violation of rights. The creation of this unit was a significant step forward in the organizational development of the Public Defender's Office in Georgia.

Among the supporting mechanisms ensuring the protection and promotion of gender equality in Georgia is the **Human Rights Protection and Investigation Quality Monitoring Department** at the Ministry of Internal Affairs of Georgia, established to strengthen the response to violence against women and domestic violence. Originally the Human Rights Protection Department, the unit was established on the basis of a ministerial order on 12 January 2018 to ensure the timely response and effective investigation into crimes regarding VAW/DV (including sexual violence) committed on the grounds of discrimination, hate-motivated crimes, human trafficking and crimes committed by and/or towards minors.

The core functions of the Department are to monitor the process of investigation and administrative proceedings regarding the above-mentioned crimes; identify the gaps; and prepare and enforce measures to enhance law enforcement's role in fighting them. The Department also analyses the statistics related to the investigation process and related administrative procedures.

In 2019, the effective work undertaken by the Department led to its expansion and transformation into its current form, ensuring the high-level protection of human rights as well as the improved quality of investigations on crimes committed against life and health.

Through the creation and expansion of the Department, effective mechanisms were established in the system in order to enable the identification and elimination of gaps or shortcomings during the investigation process. After widening the mandate, the Department was divided into four units: the Human Rights Protection Unit; the Investigation Quality Analysis and Evaluation Unit; the Tbilisi Monitoring Unit; and the Regional Monitoring Unit.

The Department, through electronic program and monitoring system, ensures continual improvement of the quality of investigations and the development of recommendations and guidelines to upgrade the qualifications and knowledge of investigators. On a daily basis, the Department monitors restrictive orders registered in the system.

Charged with ensuring inter-agency coordination, monitoring the implementation of laws within the executive branch and overseeing the development of national action plans on gender equality, VAW/DV and WPS, the Inter-Agency Commission complements the work of the Gender Equality Council of the Parliament. Noticeably, the Public Defender's Office plays the crucial role of independent monitor on a full range of gender issues.

The Inter-Agency Commission established in the Government represents an accountability mechanism for the advanced implementation, monitoring and coordination of drafting the National Action Plans on Gender Equality, Violence against Women/Domestic Violence and the UN Security Council Resolutions on Women, Peace and Security. Thus, the development of the national action plans is actively coordinated by the Commission.

## STRATEGIES AND ACTION PLANS

The **National Strategy for the Protection of Human Rights in Georgia 2014-2020** is a key policy document<sup>19</sup> that promotes a human rights-based approach in all policy development and implementation, including considering the different needs of women and men in any given situation. The Strategy is based on the report “Georgia in Transition” prepared by the Special Adviser on Constitutional and Legal Reform and Human Rights.<sup>20</sup> State agencies, alongside international and non-governmental organizations, were actively involved in the development of the strategy. A special website was set up containing all of the relevant information on the strategy’s development and its progress. With the help of this website, all interested parties were regularly kept up-to-date and had the opportunity to engage in the process by being able to offer their feedback to the Inter-Agency Commission.

The predominant aim of the strategy is to develop a systematic approach to the realization of human rights by all citizens of Georgia, as well as the timely rendering of the duties related to these rights by state authorities. The strategy also envisions the emergence of well-informed, independent and active citizens who are aware of their individual roles within the democratic state system – being able to both enforce their rights and fulfil the obligations arising from them. Appropriate measures must therefore be taken to promote the active engagement of citizens in defending their common rights and values, which simultaneously contributes to the strengthening of democracy and the rule of law in the country. It is important to underline that the given strategy will soon expire, and work on the new 2021-2030 National Human Rights Strategy is already under way to be adopted by the Government and presented to the Parliament by the end of 2020.

Out Of the 23 objectives of the acting strategy, two are dedicated to violence against women and domestic violence and the elimination of discrimination. Specifically, objective 12 “guarantee[s] the right to equality and the protection of the rights of minorities”, and objective 14 prescribes the “promotion of gender equality, protection of women’s rights and fight against domestic violence, as well as prevention of consequences resulting from such violence”.

Objective 12 refers to the protection of the right to equality and the rights of minorities, which also includes women. Its focus is 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; and ensure greater participation and integration of minorities in civil society and public administration. Other tasks include prohibiting all forms of discrimination, whether in the public or private sphere; combating discrimination on the basis of sexual orientation or gender identity; ensuring an immediate and appropriate response to reports of discrimination, thereby helping to avoid the consequences that would result from such discriminatory actions; and providing adequate remedies/redress to victims of discrimination.

Objective 14 focuses on the promotion of gender equality, the protection of women’s rights and the fight against domestic violence, as well as the prevention of consequences resulting from such violence. The tasks include implementing effective measures across all spheres to ensure and promote the concept of gender equality, especially by encouraging greater involvement of women in political life, as well as in decision-making process; ensuring a prompt and effective response to all reported cases of gender discrimination; ensuring the full compliance of existing mechanisms with the international standards for the protection and assistance of victims of domestic violence; conducting awareness-raising campaigns, especially for civil servants, on the issues of gender equality and domestic violence; and ensuring access

<sup>19</sup> The text is available at [http://gov.ge/files/429\\_51454\\_924779\\_STRATEGYENG.pdf](http://gov.ge/files/429_51454_924779_STRATEGYENG.pdf).

<sup>20</sup> The report is available at [http://gov.ge/files/38298\\_38298\\_595238\\_georgia\\_in\\_transition-hammarberg1.pdf](http://gov.ge/files/38298_38298_595238_georgia_in_transition-hammarberg1.pdf).

to legal protection, psychosocial rehabilitative facilities and the shelters for the victims of domestic violence.

The **Government Action Plan on Human Rights (2018-2020)** consists of 27 chapters, of which the following cover the rights of women and gender equality issues:

- Chapter 12 – Gender Equality and the Empowerment of Women
- Chapter 13 – The Fight against Violence against Women and Domestic Violence
- Chapter 14 – Implementation of the UN Security Council Resolutions on Women, Peace and Security (1325)
- Chapter 15 – Establishment of the Equality Policy and Combating Discrimination
- Chapter 19 – The Rights of Persons with Disabilities

The process of drafting the national actions plans is coordinated by the Inter-Agency Commission. The Action Plans take into account the key international commitments of the Government of Georgia concerning VAW: the Council of Europe’s Istanbul Convention, the CEDAW Committee recommendations and Goal 5 of the UN Sustainable Development Goals (SDGs), where one of the key targets is to eliminate all forms of gender-based violence, VAW and DV by 2030. To ensure inclusive, diverse cooperation, meetings with the representatives of state and non-state organizations are conducted. For instance, in order to draft 2018-2020 Government Action Plan on Human Rights meetings were held in 2017 and 2018, and the relevant recommendations were presented by NGOs, one international organization and the PDO.<sup>21</sup> The Inter-Agency Commission is responsible for coordinating the implementation of both plans, Government Action Plan on Human Rights and NAP on VAW/DV, in close cooperation with the line ministries and state agencies. Assessment of the above-mentioned Action Plans for the 2018-2020 period has already been launched with the active involvement of NGOs. The drafting process of the upcoming action plans will be built on the assessment results.

In 2016, the Government of Georgia took an important step forward by expanding the scope of the **National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims/Survivors (NAP on VAW/DV)**, which significantly broadens the obligations undertaken by Georgia, as well as ensures the protection of DV victims/survivors. Previous National Action Plans adopted in Georgia focused solely on domestic violence. The 2016-2017 and 2018-2020 NAPs on VAW/DV cover the issues of violence against women more broadly, including both domestic and sexual violence.

The **2016-2017 and 2018-2020 NAPs on VAW/DV** prescribe activities related to prevention, awareness-raising, the establishment of a national referral mechanism, the establishment of a crisis centre, the expansion of a hotline and the establishment of a unified system for gender data collection, as well as bringing legislation and state policy documents into compliance with the international standards, creating a platform for cooperation with municipalities and enshrining the measures supporting the change in attitudes, social norms and behaviours towards domestic violence and violence against women. More specifically, the 2018-2020 NAP envisages the introduction of a risk assessment methodology in responding to domestic violence cases, institutionalizing an electronic monitoring system for high-risk offenders and launching behaviour correction programmes for the perpetrators of domestic violence.

The NAP on VAW/DV takes into consideration the gendered nature of domestic violence and addresses the phenomenon of violence against women and girls in a holistic manner. To ensure efficient implementation of the 2018-2020 NAP on VAW/DV, clear-cut indicators, baselines and targets were determined on the outcome and output levels to allow for the proper monitoring and evaluation of results.

<sup>21</sup> *Effectiveness Audit Report of Protection from Domestic Violence and Preventive Mechanisms* (February 2019), p. 38.

The goals of the NAP on VAW/DV are to strengthen and increase the accountability and responsiveness of the state legislation to respond to the needs of the victims/survivors; ensure that the victims/survivors of violence against women and domestic violence have access to quality protection and assistance services; and promote zero tolerance in society with respect to violence against women and domestic violence.

The **2018-2020 National Action Plan of Georgia for the Implementation of the UN Security Council Resolutions on Women, Peace and Security (NAP on WPS)** constitutes a government approach to integrating gender perspectives in the security sector and in decision-making processes, using a gender lens in peace negotiations, protecting the rights of women and girls and promoting their meaningful participation in conflict prevention and resolution.

On 11 April 2018, the Government of Georgia approved the **NAP on WPS** and the **NAP on VAW/DV**. The two NAPs consider lessons learned from the implementation of the previous phases of the 2016-2017 action plans, as well as respond to the key international commitments undertaken in the area of gender equality and women's empowerment. These include commitments under the Istanbul Convention, as well as CEDAW, the Universal Periodic Review and commitments assumed under the nationalized SDGs 5 and 16.

The Government of Georgia has been implementing the WPS agenda since 2011, when Georgia developed its first National Action Plan for the implementation of UN Security Council resolution 1325 (2000) and the subsequent resolutions on WPS. The 2016-2017 and 2018-2020 NAPs on WPS were adopted as a result of consultations with the appropriate institutions tasked with its implementation, 25 gender focal points from the line ministries, and state institutions and civil society. These action plans took into consideration the findings and recommendations from civil society organizations (CSOs) and the Public Defender's monitoring report of the 2016-2017 NAP.

The 2018-2020 NAP on WPS is the product of complex work and represents an important policy instrument that provides a space for the meaningful involvement of women's organizations and women's voices, including IDP and conflict-affected women. The action plan includes four impact areas: participation, prevention, protection, and effective implementation and monitoring of the action plan.

The 2018-2020 NAP on WPS covers six major goals:

1. Increased participation of women at the decision-making level in the security sector and peace negotiations
2. Increased participation of IDP and conflict-affected women and youth in decision-making processes regarding conflict prevention, management and resolution
3. Prevention of all forms of violence against women and girls including sexual and gender-based violence and other risks related to human security
4. Ensuring security and physical and psychological well-being of women and girls
5. Socially and economically empowered IDP and conflict-affected women, girls and their family members
6. Integration of the goals and objectives of UNSCR 1325 into the national policies and sectoral strategies of state institutions

In the 2018-2020 NAP, significant attention is paid to its **localization** in cooperation with local self-governments to reach out to the beneficiaries in a more tangible manner. The localization process is being carried out in 10 Georgian municipalities – Dusheti, Gori, Kareli, Kaspi, Khashuri, Sachkhere, Stepantsminda, Tsalenjikha, Tskaltubo and Zugdidi – selected for either their proximity to the occupied territories or their high concentration of IDPs.

In light of marking the twentieth anniversary of UNSCR 1325, Georgia joined the pledges made by the UN Member States in April 2019 to accelerate the implementation of the Women, Peace and Security agenda at the national level. The **Ministry of Defence of Georgia** developed a new **Gender Equality Strategy and two-year Action Plan** in the first quarter of 2020. **As the lead institution on UNSCR 1325 in the country, the Ministry makes continued efforts to integrate a gender perspective into the institutional development and operational capacity-building of the Georgian Defence Forces.** The Ministry's actions are focused on the implementation of the UNSCRs on WPS, strengthening gender equality and gender mainstreaming, and integrating a gender perspective into human resources as well as education and training. The Ministry shares its experience with other state agencies through the Inter-Agency Commission at the Administration of the Government and other international platforms.<sup>22</sup>

On 17 April 2018, the **Gender Equality Council of the Parliament of Georgia approved the three-year action plan.** The major objectives of the 2018-2020 action plan include identifying the main directions on state policy on gender equality; improving the legislative framework and state mechanisms regarding gender equality; raising awareness about gender equality; enhancing institutional strengthening of the GEC; and monitoring the implementation of activities aimed at promoting gender equality and drafting recommendations.

The GEC has successfully lobbied for gender quotas. The new law establishing gender quotas – adopted following a failed attempt in 2018 – will boost the number of women members of Parliament. Under the new law, adopted on 29 June 2020, all parties contending for Parliament will have to award every fourth party-list seat they win to a person “of a different gender”. This means that in the 2020 fall election, of the 120 seats chosen on a proportional basis, at least 30 will go to women.

The GEC is the author of the bill making sexual harassment a punishable offence in Georgia. On 3 May 2019, the bill was unanimously adopted by 102 MPs. The definition was established in the law, thereby regulating this form of discrimination. The Labour Code of Georgia now includes the following definition of sexual harassment: “undesirable sexual behaviour towards a person ... [that] aims and/or tarnishes his/her dignity or creates an intimidating, hostile, degrading or abusive environment for him/her.”

Fighting violence against women and domestic violence is one of the priority activities of the Prosecutor's Office of Georgia. Chapter 5 of the 2017-2020 **Strategy and Action Plan of the Prosecutor's Office** applies to the protection of human rights, and its very first subsection covers improvements to the effectiveness of combating violence against women and domestic violence. Please refer to Chapter 4 of this report for more details.

In 2014, the **Ministry of Defence of Georgia developed its Gender Equality Strategy.** The renewed Gender Equality Strategy covers the period from 2021 to 2025 and is under discussion, along with its implementation plan. The basis for renewal of the Strategy was the study of organizational climate conducted from 2018 to 2019. In 2016, the Ministry of Defence signed a Memorandum of Cooperation with UN Women. Regular trainings of the gender advisers at the Ministry and the Defence Forces are organized within the framework of this cooperation and according to the Gender Equality Strategy.

**The Inter-Agency Commission developed a national communication strategy on violence against women and domestic violence** that specifies details about the awareness activities to be carried out during the period from 2018 to 2020. The document sets a framework of action for line ministries and state agencies engaged in the national response against VAW in order to promote zero tolerance for VAW/DV, increase awareness on the state services available for the victims/survivors and ensure that

<sup>22</sup> Please see the detailed information towards the end of Chapter 7.

the Government's awareness-raising interventions on VAW/DV are evidence-based, well-targeted and address the root causes of violence, thereby contributing to a shift in attitudes and perceptions towards the prevention of violence in Georgia. The prioritized activities of the communication strategy are organized around two main objectives: those resulting in increased public awareness on the phenomena of VAW/DV and those resulting in increased public awareness on existing state support services and victim/survivor protection mechanisms.

The strategy is based on the findings of the 2017 **nationwide survey on violence against women**. The initiative responds directly to the commitments undertaken by the Government of Georgia under the Istanbul Convention, which, among others, place the responsibility on the Government to regularly promote and conduct awareness-raising campaigns and programmes to sensitize the public at large and spread greater understanding on all forms of violence against women and girls, including domestic violence.

In addition, to address the increased risk of violence against women and domestic violence, in 2020 the Inter-Agency Commission also developed a **communication strategy on VAW/DV during the COVID-19 crisis**, followed by a rigorous inter-agency implementation during the pandemic.

**In 2018, the Gender Equality Council of the Parliament of Georgia also adopted a communication strategy for the 2018-2020 period** that defines the GEC's communication vision and mission, as well as its goals, principles and tasks, and it identifies the target audience and the major issues of concern to be addressed by the awareness-raising campaigns.<sup>23</sup>

In order to effectively combat human trafficking, the **Inter-Agency Coordination Council for Combating Trafficking in Human Beings** (Anti-Trafficking Council) has been functioning since 2006, chaired by the Minister of Justice of Georgia. The main tasks of the Anti-Trafficking Council are to (1) design the state policies and develop proposals to prevent trafficking; (2) coordinate and facilitate the activities of government bodies; (3) closely cooperate with international and local organizations; (4) monitor the situation in the field of combating human trafficking; and (5) implement the National Action Plan to Combat Human Trafficking and prepare the completed report.

The Anti-Trafficking Council develops and approves a **National Action Plan to Combat Human Trafficking** every two years. From 2006 onward, the National Action Plans for the periods 2007-2008, 2009-2010, 2011-2012, 2013-2014, 2015-2016, 2017-2018 and 2019-2020 were developed, the objectives of which have been the following: (1) development of an anti-trafficking policy; (2) prevention of the crime of human trafficking; (3) protection of the victims of human trafficking; (4) proactive and effective investigation and prosecution of human trafficking crimes; (5) improvement of the qualifications of personnel working on human trafficking issues; and (6) cooperation, partnership and internal coordination.

The implementation of gender policies at the local level is part of the communication strategies on gender equality in Georgia. In order to effectively integrate the matters of gender equality at the local level, it is crucial to have a relevant mechanism in place that can be part of the process of planning, implementing and monitoring the policy.

The amendments to Georgia's Law on Gender Equality made in 2016 place gender equality in the centre of local self-governance. According to the amendments, gender equality councils must be established in the local councils (*sakrebulo*s), and the mayors of each municipality shall appoint designated civil servants responsible for addressing the matters related to gender equality. The Law on Gender Equality regulates the creation of gender equality councils in the autonomous republics of Georgia as well in order

<sup>23</sup> Available at [http://www.parliament.ge/en/ajax/downloadFile/87001/2018\\_01\\_18\\_GEC\\_Communication\\_Strategy\\_ENG](http://www.parliament.ge/en/ajax/downloadFile/87001/2018_01_18_GEC_Communication_Strategy_ENG).

to ensure systematic and coordinated work on gender issues.<sup>24</sup> In the case of city halls, the designation of a person responsible for gender equality is stipulated by the law in order to ensure the planning and coordination of appropriate activities.<sup>25</sup>

The local gender equality councils facilitate municipalities' efficient actions and coordinate their work on gender equality issues with the Gender Equality Council of the Parliament. The composition, status, functions and authorization of the councils are defined by the *sakrebulo*.<sup>26</sup>

**Gender focal points** have been identified in all government institutions and line ministries and at the sub-national level in each municipality's mayoral office<sup>27</sup> as major partners responsible for the implementation of gender mainstreaming within state institutions. As of 2019, gender equality councils exist in all 64 local self-governing bodies to support the advancement of gender equality at the sub-national level.

The annual National Conference on Gender Equality in Local Self-governments brings together representatives of the Georgian Government and Parliament, as well as mayors of all self-governing cities and municipalities, chairs of *sakrebulo*s and municipal gender equality councils, and local gender equality focal points.

The creation of **local gender equality councils** in the legislative branch and at the local self-governance level and the appointment of **gender focal points** in the executive branch have proved to be significant steps forward to ensure the strengthening of gender equality mechanisms in local and executive governments.

## ENTITIES COLLECTING RELEVANT DATA

Gender statistics are defined as statistics that adequately reflect the differences and inequalities in the situations of women and men in all areas of life. It is one of the key instruments used to reflect and integrate the needs and priorities of women and men and girls and boys in policy development and to ensure the equal distribution of its positive outcomes for everyone.

Article 5 of the Gender Equality Law states: "Official statistical reports on gender issues shall contain sex-disaggregated data". The Law of Georgia on Official Statistics defines the purpose and principles of official statistics and determines the legal grounds for keeping, storing and disseminating statistical information.

At present, the data collection and statistical activities are carried out by the **National Statistics Office of Georgia (Geostat)**, which is an independent body and Legal Entity of Public Law. It carries out its functions in view of the international methodology and standards. Geostat conducts the census of the population, produces annual reports, develops statistical activity programmes and conducts statistical surveys within their frameworks, as well as processes administrative data exclusively for statistical purposes, publishes the data and ensures its distribution to secure the equal access to the statistical data for all.

Geostat has been mainstreaming gender in its work for 20 years. The predominant results of gender mainstreaming prove to be as follows:

- Bi-annual publication of "**Women and Men in Georgia**" since 2000: "Women and Men in Georgia" is the statistical publication dedicated to the representation of gender-disaggregated data. In addition, the publication is aimed at raising public awareness of gender-related issues and developing

<sup>24</sup> Law of Georgia on Gender Equality, Articles 12<sup>1</sup> and 13.

<sup>25</sup> Ibid., Article 13, paragraph 1<sup>1</sup>.

<sup>26</sup> Ibid.; Local Self-governance Code of Georgia, Article 61, paragraph 2; Article 16, paragraph 4; Article 24, paragraphs 1(b) and 1(h).

<sup>27</sup> See [http://www.ginsc.net/map\\_html/index.php?lev=0&cat=0&sub=0&lang=en](http://www.ginsc.net/map_html/index.php?lev=0&cat=0&sub=0&lang=en).

targeted state policies in the field of gender equality. The data are retrieved from the surveys conducted by Geostat and other administrative sources. These bi-annual publications are developed in a participatory way, with users involved at the initial stages to give feedback and suggestions on what new data the publication should contain. The topics covered are the population, public health, social security, education, the labour market, crime and justice, business statistics, asset ownership and entrepreneurship, violence against women, agriculture, domestic tourism and information and communications technology (ICT).

As a new practice starting in 2018, in the latest publication of “Women and Men in Georgia”, Geostat has made linkages between its gender data and the relevant gender indicators of the Sustainable Development Goals.

- Development and release of a **Gender Statistics Portal** that repackages available data using infographics and interactive data visualizations: Geostat took its work on gender statistics to another level by launching an online portal at the end of 2018. The portal was developed in cooperation with UN Women. This bilingual (English and Georgian) portal can be accessed from Geostat’s official website (<http://geostat.ge>) and is directly available at <http://geostat.ge/gender/index.php?lang=ka>. The Gender Statistics Portal offers a centralized, user-friendly, web-based database on gender statistics. The portal presents key gender statistics in the fields of agriculture, business statistics, crime, demography, education, employment and unemployment, health care, households, ICT, income, influence and power, and social security. The Gender Data Portal not only presents data in a user-friendly format but also allows visitors to access relevant Geostat data sets for further scrutiny and elaboration.
- **Gender analysis of the 2014 population census** with UNFPA’s support and publication of two products: The publications “Gender Analysis of the 2014 General Population Census Data” and “Trends in the Sex Ratio at Birth in Georgia: An Overview Based on the 2014 General Population Census Data” analyse sex differences in a number of specific issues, such as marriage, fertility, education, impairment and disability, migration, knowledge of the state language, household composition and economic activity.
- **Survey on violence against women in 2017**: The 2017 National Study on Violence against Women in Georgia was designed to produce reliable indicators of violence, revealed at the national, urban, rural and, to the extent possible, regional level. The objectives of the survey were to obtain reliable estimates on the prevalence of different forms of violence against women and girls committed by intimate partners as well as other perpetrators in the private and public spheres, during their lifetime as well as in the preceding 12 months; to assess the extent to which violence against women is associated with a range of health and other outcomes; to identify factors that may either protect or put women at risk of violence; to assess the extent to which women are aware of and use services for survivors of violence; and to examine men’s and women’s awareness of and attitudes towards issues of violence against women.
- Publication of the **report “Men, Women, and Gender Relations in Georgia: Public Perceptions and Attitudes”**: The survey and qualitative research are based on the International Men and Gender Equality Survey (IMAGES) and provide insights on how perceptions and behaviours have changed since 2013, when the first adaptation of IMAGES was implemented in Georgia. Two cycles of research have already been conducted under this publication (in 2013 and 2019) representing significant progress in public attitudes towards gender equality in Georgia.

- Georgia's first-ever Time Use Survey:** Georgia's Time Use Survey is being designed in line with the globally established methodological guidelines and standards, and its fieldwork will be conducted from September 2020 to September 2021. To ensure a coordinated approach and national ownership of the Time Use Survey among national stakeholders, the Time Use Survey Reference Group has been established. The Reference Group brings together national partners from government, the development sector, civil society and academia and provides a consultative forum for inputs, ideas and perspectives for the survey implementation. Worldwide, Time Use Surveys measure the contribution of women's unpaid work to national well-being and analyse gender inequalities by uncovering the differences in time spent on paid and unpaid work by women and men. Geostat is implementing the Time Use Survey with significant support from UN Women.

Government agencies that are mandated in Georgia to protect and assist victims and prevent violence, including law enforcement institutions and the judiciary, also collect and process relevant data.

The LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking (hereinafter the Agency for State Care) processes data of persons who are victims/injured/alleged victims of violence against women and/or domestic violence and/or sexual violence and who received the services of the Agency for State Care. The Agency produces segregated data of beneficiaries of state shelters and crisis centres including the gender, age, status, date of inclusion and removal from the shelter/crisis center and the services received. The Agency for State Care processes the data of each beneficiary based on the information received from the beneficiaries and from documents created, obtained and/or processed by the Agency (including protective/restrictive orders and personal identification information).<sup>28</sup>

The collection of data on cases of VAW/DV at the Prosecutor's Office is performed by two units: the Division of Human Rights Protection and the Analytical Unit of the Department of Prosecutorial Activities Supervision and Strategic Development. The data are segregated by gender and age of the victim and offender, as well as the social connection between them, the type of violence, the geographic location and disability. The Division of Human Rights publishes reports on violence against women and domestic violence. In 2019, their website published reports for the periods 2016-2018 and 2019 including the segregated data.<sup>29</sup>

The Analytical Unit of the Department of Prosecutorial Activities Supervision and Strategic Development processes statistical information according to the commencement and termination of criminal prosecution, termination of the investigation, victims, and persons diverted from criminal liability. The data are also shared with Geostat and published on their website.<sup>30</sup>

The Information-Analytical Department is one of the structural units of the Ministry of Internal Affairs of Georgia tasked with collecting, systematizing, sorting and classifying data, as well as drafting statistical-analytical research studies and reports. The Department collects data with regard to restrictive orders issued due to violence against women and domestic violence according to the geographic location, age and gender of the victim and offender and the type of violence.

The new unified electronic criminal case management system was introduced to law enforcement institutions in Georgia in 2020, and the data collection/statistics module is now integrated into this

<sup>28</sup> The data segregated by gender and age (juvenile/adult) is published on a quarterly basis on the website of the Agency for State Care at <http://atipfund.gov.ge/>.

<sup>29</sup> Available at <http://pog.gov.ge/uploads/docs/genderulidiskriminaciimotivi.pdf> and <http://pog.gov.ge/uploads/e244f09e-genderuli-diskriminaciis-motivi-2019.pdf>.

<sup>30</sup> The general statistical information regarding domestic and gender-based violence is also available in the Reports of the Prosecutor's Office at <http://pc.gov.ge/block/index/465>.

new system. Currently, the data can be disaggregated according to the social connection between the offender and victim, the condition of the offender at the moment the crime was committed, and whether or not discrimination is the motive for the crime, including gender discrimination. All law enforcement institutions will be included in this new platform, and the statistical module will become fully operational. The new criminal case management programme will ensure the collection of statistical information throughout the entire territory of Georgia using the Istanbul Convention's "big five criteria".

In order to ensure compliance with the requirements of Istanbul Convention, the Supreme Court of Georgia renewed the data collection methodology. The Supreme Court, in cooperation with the Public Defender's Office and the NGO Partnership for Human Rights (PHR), identified articles from the Criminal Code, based on which the data on cases of crimes committed against women are collected by courts. In 2017, in order to improve the registration of protective orders, statistical forms were created to include information about the gender of the victim and offender as well as the types of violence. At the beginning of 2018, the special addition was made to the data cards of criminal case registration. In 2019 the paragraphs on number of women victims and relationship between the victim and offender were added to the data cards of criminal case registration. At the end of 2020 the separate data cards will be developed on female victims and will include all data necessary (including age and disability) to ensure that the courts collect data in compliance with the Istanbul Convention requirements. The Supreme Court's Analytical Department collects all data from the courts, unifies them and publishes them on the official website of the Supreme Court.<sup>31</sup>

The Department of Public International Law at the Ministry of Justice coordinates the unified database on the crime of human trafficking, which is regularly updated based on the information provided by the Ministry of Internal Affairs, the General Prosecutor's Office and the LEPL Agency for State Care. The integrated database for the 2010-2020 period includes the following information: investigations and prosecutions initiated on crimes of human trafficking; human trafficking cases sent to the courts; MLAs and extradition requests received from and sent to partner States; convictions; convicted traffickers; and victims and statutory victims<sup>32</sup> segregated by age, gender, citizenship, country of destination, form of exploitation and state services used.<sup>33</sup>

## RESEARCH SUPPORTED BY THE GOVERNMENT

Among other small-, medium- and large-scale research studies, the reports discussed below have been conducted through partnerships between various national and international institutions.

**Men, Women, and Gender Relations in Georgia: Public Perceptions and Attitudes** was carried out by the United Nations Development Programme (UNDP) and United Nations Population Fund (UNFPA) and presents the results from a 2019 survey and qualitative research based on the International Men and Gender Equality Survey (IMAGES). The report provides insights on how perceptions and behaviours have changed since 2013, when the first adaptation of IMAGES was implemented in Georgia. The research analysed attitudes and perceptions regarding gender equality from the societal, community, relationship and individual level. The research unveils lingering disparities in the social perceptions of gender roles in Georgia while showing that traditional gender stereotypes have become less common than they were seven years ago.

<sup>31</sup> See <http://www.supremecourt.ge/statistics/>.

<sup>32</sup> Georgian law differentiates the status of "victim of trafficking" and the status of "statutory victim of trafficking". The status of victim of trafficking is granted to the person by a Permanent Group of the Inter-Agency Council on Combating Trafficking in Human Beings within 48 hours based on the questionnaire of a mobile group of the Agency for State Care, while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with the Criminal Procedure Code of Georgia. Aside from the difference in the procedure of granting the status, there is no difference between their rights during the process of protection, investigation and/or prosecution.

<sup>33</sup> See <http://justice.gov.ge/Ministry/Index/357>.

Overall, Georgian men and women do not have a “zero sum” view of gender equality. They do not view women’s empowerment as depriving men of their rights. Since 2013, there has been a growing recognition that achieving gender equality is important, and more Georgians support the idea of gender equality today than they did seven years ago.

However, certain inequitable perceptions of women in public life and women’s leadership continue to persist. Nearly 4 in 10 men disagreed that when a woman is equally qualified as a man, she can do the same work equally well. In the realm of politics, there is widespread support for greater engagement of women, and yet, nearly half of respondents believed that men make better political leaders than women. In the workplace, barriers to entering work are perceived to apply equally to men and women but are seen as higher for women when progressing in their careers. When asked what they perceived to be the biggest obstacle to greater engagement in public life, women cited their responsibilities in the household as the main barrier.

In the household, decision-making on everyday household expenses is generally perceived as being shared equally among men and women, with the proportion of equal decision-making rising since 2013. Traditional gender roles appear to have an influence on how decision-making is shared. Most men and women did not grow up seeing their fathers participate in domestic work. Only 2 in 10 men and women grew up in childhood homes where their fathers participated in routine domestic tasks like cooking and cleaning. About half of the respondents’ fathers regularly took care of them when they were young. The home continues to be perceived as a woman’s domain, and this perception has not changed significantly over the past seven years.

With regard to maternal and child health, more men than before are present during the birth of their children, and nearly half of all fathers accompanied their partners to at least a few antenatal care visits.

Attitudes around partner violence are generally disapproving, but 1 in 3 men and 1 in 4 women agree that a woman cannot refuse to have sex with her husband, while half of all men believe that violence in the home is a private matter.

Views on laws and policies around gender equality are generally supportive. Nearly 2 in 3 Georgian men and women support the idea of shared parental leave and specific paternity leave. Overall, slightly more than half of the respondents appeared to be aware of laws promoting gender equality in the country, and most respondents were aware of laws prohibiting violence against women.

In sum, in Georgia, as in much of the world, inequitable attitudes and behaviours persist alongside new openness and potential for change towards equality. Comparisons between data from 2013 and 2019 highlight promising changes both inside and outside the home, but continued attention and resources are needed to maintain and accelerate progress towards equality.

The **Report on Femicide Monitoring 2014-2018** by the Public Defender’s Office and with the support of UN Women presented an analysis of 83 cases of gender-related killings, attempted killings and suicide. The report highlights the main trends of justice policy, achievements and challenges in regard to the violence against women between 2014 and 2018.

According to the report, the absence of a common methodological standard for collecting and processing the administrative data on the cases of violence against women and domestic violence, as well as the identification of the gender motive in femicide or attempted femicide cases, still represents a challenge. At the same time, the report points out that now a perpetrator’s prior history of violence – preceding the femicide or attempted femicide – is better examined during the investigation stage.

Since 2018, the practice of concluding a plea bargain agreement in cases of femicide and attempted femicide has not been detected, nor has the imposition of disproportionately lenient sentences been identified; this is associated with tightened policy in this domain. Moreover, unlike prior years, it has been observed that now the process of granting the status of “victim” (or “victim’s successor”) is conducted in a timely manner.

The Public Defender particularly welcomes the fact that a prior history of femicide and attempted femicide is now studied at the investigation stage, in comparison with previous years. The investigation often provides additional legal qualifications to such cases, mainly under Article 126<sup>1</sup> (“Domestic violence”) of the Criminal Code. It is also important that the prosecution substantiates the detention as a measure of restraint based on the examination of the history of violence. Despite the positive trends, qualifying femicide and attempted femicide committed on the grounds of jealousy and revenge in relation to gender, as enshrined in Article 53<sup>1</sup>, paragraph 1 of the Criminal Code, is still a challenge.

The PDO report contains recommendations for the Government of Georgia and different state institutions including the Inter-Agency Commission, stating the importance of establishing a special working group that will critically analyse the existing prevention system in relation to gender-related killings and attempted killings of women and, with the involvement of key agencies, will carry out specific work towards the creation and improvement of the femicide prevention system.

The **2017 National Study on Violence against Women in Georgia**, conducted by UN Women, constitutes the first nationwide research study on violence against women conducted in Georgia since 2009 and explores the prevalence of domestic violence and non-partner physical and sexual violence, as well as the perceptions and awareness of women and men on gender and violence in Georgia. For the first time in the country, the study also generated data on the prevalence of sexual harassment and stalking at the national level.

The study combined quantitative and qualitative research methods. In total, 6,006 women aged 15-64 and 1,601 men aged 15-64 were interviewed across the country. If one combines all forms of violence, the study found that one in every four women in Georgia has experienced gender-based violence in her lifetime. Among those women, 73 per cent have experienced psychological violence, 54 per cent have experienced economic violence and some 31 per cent have experienced physical violence from an intimate partner, including during pregnancy (some 15,000 women). In addition, 9 per cent of women in Georgia have admitted to being subjected to sexual violence during their childhood, before the age of 18. In Georgia, 20 per cent of women have experienced sexual harassment in their lifetime, and 10 per cent of women have experienced sexual harassment in the workplace. According to the survey, 36 per cent of women who experienced physical or sexual violence have never told anyone about it.

The study indicates that there has been a significant increase in the percentage of women who have reported to the police an act of violence committed by an intimate partner: 18 per cent in 2017, compared to 1.5 per cent in 2009. Moreover, the percentage of women who believe that domestic violence is a private matter and that no one should interfere has decreased from 78 per cent in 2009 to 33 per cent in 2017. The study shows that women in Georgia are at greatest risk of violence from male intimate partners. Women also experience violence by non-partners, particularly in the form of sexual harassment and stalking.

Nevertheless, there have been clear positive improvements in attitudes and practices since the 2009 study in Georgia; gender attitudes have become less conservative. Men and women in the younger

generation show more non-discriminatory attitudes. In addition, according to the study, 77 per cent of the population of Georgia is aware that there are laws protecting victims of domestic violence, services for survivors of violence and anti-violence/domestic violence campaigns. All of this suggests that the concerted efforts to raise awareness and promote women's empowerment and rights in the country over the past decade are having a positive impact.

In 2017, in order to support evidence-based gender policymaking and upon the initiative of the Gender Equality Council, the comprehensive survey **“Gender Equality in Georgia: Barriers and Recommendations”**<sup>34</sup> was carried out. The research was conducted with the support of UNDP and USAID/PROLoG.

The study was ongoing for more than six months and produced two volumes. After a comprehensive review of Georgian law and policy, the first volume identifies remaining legislative and policy gaps related to gender equality across a range of fields – violence against women, political participation, peace and security – as well as in the cross-thematic laws on gender equality and anti-discrimination. Women's economic empowerment, health care, harmful practices, education and gender equality in culture and sport are exhaustively covered in the second volume of this study.

Taking into consideration the multisectoral nature of this research, the Gender Equality Council of the Parliament aimed at making its implementation process inclusive from the very beginning. To that end, consultations took place with representatives of civil society, international organizations and the executive branch as well as the Inter-Agency Commission and members of the Gender Equality Council. Local experts along with an international expert developed this baseline research, which has ensured that both the local context and international standards have been considered respectively. The document was drafted with the intent to highlight those specific provisions still in need of change in order to facilitate the work of those tasked with formulating gender equality policies and priorities.

In 2019, with the support of the National Democratic Institute (NDI), the Gender Equality Council also issued two reports presenting the results of **thematic inquiries**, namely “Women's Access to the State-Provided Vocational Education” and “Women's Participation in State Economic Programmes”.

According to the new Rules of Procedure of the Parliament of Georgia, the thematic working group collects qualitative data from the executive branch, non-governmental and international organizations and issues relevant recommendations on the matter.

According to the **report on women's participation in state economic programmes**, there are complex reasons that explain the low participation rate of women in state economic programmes. Among them are numerous socioeconomic factors preventing women from accessing programmes.<sup>35</sup> As a result, the GEC issued general and specific recommendations that could contribute to increasing the number of women benefiting from state programmes.

According to the **report on access to vocational education for women's economic empowerment**,<sup>36</sup> there was no need for major legislative changes that would increase access to vocational education for women. Among the major obstacles impacting women's access to vocational education are the limited

<sup>34</sup> The full text of Volume I is available at [http://www.parliament.ge/ge/ajax/downloadFile/84647/ENG-Vol1\\_GenderEqualityinGeorgia\\_BarriersandRecommendations\\_Final](http://www.parliament.ge/ge/ajax/downloadFile/84647/ENG-Vol1_GenderEqualityinGeorgia_BarriersandRecommendations_Final); and Volume II at [http://www.parliament.ge/ge/ajax/downloadFile/84646/ENG\\_Volume2\\_Gender\\_Equality\\_in\\_Georgia\\_VOL2\\_ENG](http://www.parliament.ge/ge/ajax/downloadFile/84646/ENG_Volume2_Gender_Equality_in_Georgia_VOL2_ENG).

<sup>35</sup> Thematic Research Report of the Gender Equality Council of the Parliament of Georgia, “Women's Participation in State Economic Programmes”, 2019. Available at <https://bit.ly/2NggzHG>.

<sup>36</sup> Thematic Inquiry Report of the Gender Equality Council of the Parliament of Georgia, “Women's Access to the State-Provided

access to transportation to the nearest vocational education institution, especially if the woman has to take care of a young child; the stereotypical attitudes in society; and the gender-based segregation of jobs. Recommendations from the findings of the thematic inquiry are intended for the relevant agencies of the executive branch, local self-governments and the state legislature.

**The 2018 Georgia Multiple Indicator Cluster Survey (MICS)** is a multi-cluster survey repeatedly conducted in Georgia. The latest study was carried out from 2018 to 2019 by Geostat in collaboration with the United Nations Children’s Fund (UNICEF) and the National Center for Disease Control and Public Health (NCDC), as part of the Global MICS Programme.<sup>37</sup> A total of 14,120 households participated in the study. The survey provided comprehensive results in multiple directions, creating a significant database for further analysis of women’s rights, children’s rights and societal attitudes towards such issues as sexual and reproductive health rights, the use of corporal punishment as a child-rearing method, and the attitudes towards domestic violence, among others.

In 2018, the NGO Women’s Information Center, with the support of GIZ in the framework of the Good Governance for Local Development Programme South Caucasus, conducted consultations in local municipalities in order to establish a gender equality institutional mechanism. The **Practical Guidelines for the Local Self-Governments to Implement Gender Equality Policies** was developed through this assistance. The document describes the experience received from the consultation work performed in the municipalities. The document gives an overview of the obligations taken by the Government with regard to women’s rights and gender equality. The Practical Guidelines explains in popular language the authority of the institutional mechanisms ensuring gender equality in Georgia. In addition, the document provides the following: the definition of terms and answers to frequently asked questions that were posed during the development of gender equality policies in the municipalities; the instruction for self-government to form local gender equality institutional mechanisms; the job description for a person responsible for gender equality issues; and all necessary materials to develop a gender equality action plan.

From 2017 to 2019, the Prosecutor’s Office of Georgia conducted several small- and medium-scale studies, such as those on an analysis of domestic crimes committed against life and health (period covered: January–June 2017); the tendencies and challenges of the fight against domestic violence (2017); the criminal aspects of femicide (2014-2017); the achievements and challenges in fighting domestic violence and family crimes (2014-2018); the motive of gender discrimination in criminal cases against women and domestic violence (2016-2018); and an analysis of hate-motivated crime (2016-2019). The statistical data from each study is available on the official website of the Prosecutor’s Office.<sup>38</sup>

Much like the Prosecutor’s Office of Georgia, during the reporting period, numerous state institutions – such as the Inter-Agency Commission, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Regional Development and Infrastructure, the Ministry of Foreign Affairs, the Ministry of Defence and so forth – conducted numerous small-, medium- and large-scale sectoral research studies aimed at better understanding the practical implications and challenges in the realm of gender equality and the protection and promotion of women’s rights. These studies lay the groundwork for evidence-based policymaking within state institutions.

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Vocational Education”, 2019. Available at <https://bit.ly/32aTQ4k>.

<sup>37</sup> Technical support was provided by the United Nations Children’s Fund (UNICEF) and, with government funding and financial support of UNICEF, National Center for Disease Control and Public Health (NCDC), United States Agency for International Development (USAID), World Bank (WB), United Nation Population Fund (UNFPA), Swedish International Development Cooperation Agency (SIDA), French Development Agency (Agence Française de Développement (AFD)), Swiss Agency for Development and Cooperation (SDC), Italian National Institute of Health (Istituto Superiore di Sanità (ISS)), United Nations Development Programme (UNDP) and World Health Organization (WHO).

<sup>38</sup> See <http://pog.gov.ge/en/public-info>.

# III. PREVENTION

*(Chapter III, Articles 12–17 of the Istanbul Convention)*

## CAMPAIGNS AND PROGRAMMES

Under the Istanbul Convention, the Government of Georgia took on the commitment to regularly promote and conduct awareness-raising campaigns and programmes to increase awareness and understanding among the general public on all forms of violence against women and girls, including domestic violence and sexual harassment.

Every year, the Government of Georgia joins the world in commemorating the 16 Days of Activism against Gender-Based Violence, observed annually from 25 November, the International Day for the Elimination of Violence against Women, to 10 December, Human Rights Day.

The 2018 and 2019 campaigns were different in the sense that the Government took full ownership over the initiative to get the message across that combating violence against women is a top priority. The campaign was implemented in line with the National Communication Strategy and Action Plan on Ending VAW/DV developed and adopted in 2018 by the Inter-Agency Commission with the support of UN Women and the European Union. The 2019 campaign was dedicated to building knowledge on sexual harassment as a form of violence, as the legislation on sexual harassment was newly adopted (in May 2019).

In 2018, various governmental agencies conducted as many as 50 thematic events within the framework of the campaign. While 13 different state agencies were engaged in marking the 16 Days of Activism, all campaign events were conducted under one overarching theme – that ending violence against women and girls (VAWG) is a national priority and that the Government of Georgia is committed to supporting victims and holding perpetrators accountable.

The range of events conducted by the Government of Georgia was focused on promoting zero tolerance for VAWG and increasing awareness of the laws and services available for the survivors. The events were held across different regions of Georgia and featured a social media campaign with special logos and hashtags – such as #GeorgiaAgainstVAW, #endingVAWisajointresponsibility, #GeorgiaCares and others – that were designed by the Government for this occasion. In addition, 30 local municipalities across the country joined the central government’s initiative via social media to popularize the services available for survivors and to promote zero tolerance around the issue. In 2018, the Ministry of Education, Science, Culture and Sport organized a themed “Diary Competition” for school pupils on the topic.

In 2019, the Inter-Agency Commission joined the global 16 Days campaign for the second time. In September 2019, at a joint meeting of the Inter-Agency Commission, UN Women and the EU, sexual harassment was identified as the main topic for the 2019 campaign. The message, target groups and measures were agreed upon. In addition, the sexual harassment outline was developed and was used in the planning and implementation of the events. The main message of the campaign was “Sexual Harassment is a violation of human rights and is punishable by law”. The main hashtags used were #TheStateCares, #16daycampaign2019 and #EveryWomanHasAStory.

Within the framework of the 2019 campaign, 22 state institutions implemented numerous activities across the country with the direct participation of more than 3,000 people.

The Training Center of Justice of Georgia joined both campaigns and, in cooperation with different government entities, organized an essay competition for students on the topic of VAW/DV in 2018 and the phenomenon of sexual harassment in 2019. The students were trained on the issue, and the authors of the best essay were able to present them at the conference. In 2018, the Ministry of Justice organized trainings at seven locations for 11 groups within the 16 Days campaign based on two training modules: “Legal Mechanisms of Elimination of Violence against Women and Domestic Violence” and “Law and Human Rights”. In addition, in 2019 the training on sexual harassment was conducted in four different cities (Batumi, Kutaisi, Rustavi, Tbilisi) for five groups.

The Prosecutor’s Office also joined both campaigns and organized 24 information-sharing meetings each year on VAW/DV with schoolteachers, students and their parents, public officers and the local community. The purpose of the campaigns were to raise public awareness on gender violence, discrimination, hate speech and hate crimes, including crimes committed based on gender discrimination and measures taken by the State.

Tbilisi City Hall first joined the campaign in 2016, and since then, the TV Tower of the capital city Tbilisi is lit up in orange every year to mark the International Day for the Elimination of Violence against Women. With this symbolic gesture, the capital of Georgia joins the global campaign against gender-based violence.

With the goal of expanding inter-agency knowledge of sexual harassment issues, the Inter-Agency Commission has conducted numerous activities since the adoption of the new legislation in 2019. For example, in September 2019 in partnership with UN Women and the European Union, the Commission conducted a three-day workshop on sexual harassment. The workshop brought together as many as 20 communication professionals from government agencies. The initiative had a twofold objective and aimed at strengthening the capacity of line agencies on the response to sexual harassment, as well as supporting the integration of sexual harassment issues into the Government’s prevention work on ending violence against women. The workshop also aimed at supporting the Government in organizing the 16 Days of Activism against Gender-Based Violence.

In 2019, the Government of Georgia joined the Council of Europe’s first-ever Equality Week in Georgia from 15 to 22 November. This week was part of the **I Choose Equality** awareness-raising campaign and marked the International Day for Tolerance (16 November). The campaign aims to raise awareness about human rights and anti-discrimination policy and their importance for securing democracy, peace and prosperity in Georgian society, to increase tolerance through raising awareness about the importance of diversity and equality as well as by providing information on available redress mechanisms for the victims of discrimination.

Various state and non-governmental institutions supported Equality Week, including the Office of the State Minister for Reconciliation and Civic Equality; the Ministry of Internal Affairs; the Public Defender’s Office; the Prime Minister’s Advisor on Human Rights and Gender Equality; the Head of the Administration of the Government; the General Prosecutor’s Office; the Georgian Young Lawyers’ Association; and the NGO Coalition for Equality. During Equality Week, various information meetings were held in Tbilisi and in the regions of Georgia, where youth and representatives of various groups had the opportunity to receive information as to why equality is important and how they can react in case their right to equality is violated.

Some other highlights of the awareness-raising initiatives include UN Women’s partnership with sports to promote zero tolerance for VAWG/DV and involving the Georgian Rugby Union and rugby players, a world champion in kickboxing, and the Georgian Football Federation; and the establishment of the social

movement “CHVEN (WE) – Men Against Violence”, which was successfully launched in 2015 and has united prominent Georgian men.

The Ministry of Justice closely cooperates with NGOs and issues grants in order to ensure an increase in public awareness on different topics, including state services and legal assistance for victims of domestic violence. Around GEL 15,000 was allocated by the Ministry for CSO grant support in 2015 and a public service announcement (PSA) on violence against women, as well as for publishing and disseminating 5,000 information brochures in Georgian, Armenian, Azerbaijani and English. A grant competition for NGOs is announced every year by the Ministry, and during the period from 2015 to 2017, the Ministry issued three grants in the amount of GEL 89,000 each.

Awareness-raising projects of the Prosecutor’s Office have been implemented in every region of Georgia. One of the aims of these projects is the prevention of crimes. Prosecutors organize educational, sporting and cultural events and activities and different social campaigns. For example, in 2018, a total of 706 events were held, 241 of which were information meetings dedicated to VAW/DV, among other issues. In 2019, prosecutors organized 64 information meetings on VAW/DV.

The social campaign “Power to Trust” is implemented by the Ministry of Internal Affairs (MIA) all across the country with the aim of promoting the prevention of domestic violence and raising public awareness on the existing legal mechanisms, state services and other support available regarding domestic violence. Information brochures are developed in five languages (Georgian, Armenian, Azerbaijani, English and Russian), and information posters are placed in police departments. Within the framework of the campaign, MIA representatives speak to public school students on the topic of the fight against violence. Pupils received information on the various forms of violence and the mechanisms for prevention, as well as the services provided by the MIA.<sup>39</sup>

In June 2019, the Ministry of Internal Affairs with UNFPA’s support launched an information campaign titled “Do Not Take Childhood Away”. The main purpose of the campaign is to eliminate child marriage, increase public awareness and ensure crime reporting to the police in a timely manner. The information campaign lasted for 18 days – symbolically for the age of 18 (the legal age for marriage). Various events, including meetings with the local population, local government representatives, schoolchildren and teachers, as well as with other stakeholders, were organized. Employees of the Human Rights Protection and Investigation Quality Monitoring Department and local police representatives led these meetings. Additionally, patrol police and community police officers delivered information booklets to the population of Tbilisi and the regions. In this regard, the main challenge is the lack of public awareness, which caused the information campaign to be launched in the first place.<sup>40</sup>

In 2020, as the COVID-19 pandemic hit the world, the Government of Georgia assessed the increased risks for VAW/DV and launched a rigorous communication campaign on alternative methods of reporting VAW/DV even though a full lockdown was never imposed in the country. In order to rapidly respond to the increased risk of domestic violence amid the stay-at-home policy, the Inter-Agency Commission, in close cooperation with non-governmental and international organizations, developed a communication strategy on VAW/DV during the COVID-19 crisis. The strategy outlines key messages and priority actions of the governmental entities and NGOs to ensure that information on state-provided services is available for all. The strategy promoted the following key messages: “The Government of Georgia continues its strict policy against domestic violence during the COVID-19 crisis. Domestic violence victims and survivors

<sup>39</sup> See <https://police.ge/en/power-to-trust-/10412>.

<sup>40</sup> See <https://police.ge/en/nu-tsaartmev-bavshvobas-shinagan-saqmeta-saministro-naadrevi-qortsinebis-tsinaagmdeg-sainformatsio-kampanias-itskebs/12819>.

are not alone. The Government stands ready to protect them and provide state-funded support services for all. Combating domestic violence is the joint responsibility of all of us.”

Within the campaign, the countrywide SMS system was used to provide information to every citizen on alternative ways of reporting VAW/DV. Cellular SMS messages were being sent in ethnic minority languages (Armenian and Azerbaijani) as well. In addition, while most locations for large gatherings in the country closed during the COVID-19 crisis, pharmacies and grocery shops continued to remain open. These spots were identified as safe spaces for victims/survivors of DV to learn about alternative ways of reporting DV and to do so immediately. In cooperation with the Inter-Agency Commission and UNFPA, most of the pharmacy and grocery shops in the country displayed information posters on DV services, including in ethnic minority languages. Information on state services, alternative ways of reporting DV, police-protection mechanisms, instructions to download the 112 mobile app and calls for zero tolerance for DV were shared through TV and social media ads prepared by the Ministry of Internal Affairs and other members of the Inter-Agency Commission with the EU’s support. Information on state-provided services for the survivors of VAW/DV was also posted in quarantine hotels where more than 23,000 Georgian citizens were temporarily housed upon returning to the country from abroad amid the pandemic.

The emergency hotline 112 under the Ministry of Internal Affairs continued to provide 24/7 free services for all. The mobile app has a chat mode and silent SOS button, which means that a potential victim could call the police by pushing the SOS button, even without dialing the phone number. The VAW/DV consultation hotline 116 006, run by the Agency for State Care, continued to provide legal, psychological and social consultations in eight languages: Georgian, Arabic, Armenian, Azerbaijani, English, Farsi, Russian and Turkish. The consultation hotline 1481, run by the Public Defender’s Office, also continued to provide consultations on gender-based violence 24/7.

With the aim of delivering information to schoolteachers and principals, a regional knowledge-building campaign on human rights, gender equality and VAW/DV was launched in 2020 by the members of the Inter-Agency Commission, namely, by the Administration of the Government, the Ministry of Education, Science, Culture and Sport and the Office of the State Minister for Reconciliation and Civic Equality. Working meetings with schoolteachers and principals from various regions of Georgia are taking place within the campaign. Similar meetings also regularly take place with youth from various regions of Georgia.

## TEACHING AND TRAINING MATERIAL

In 2017, the Ministry of Education, Science, Culture and Sport developed a five-year strategic document and a two-year action plan. These documents are based on the ongoing reforms and on an analysis of the achievements and challenges in the fields of education, science and training. The strategy covers all spheres of education and science: early/preschool childcare and education; general education; vocational and higher education projects; and education, science and studies for adults. In compliance with the UN Sustainable Development Goals, the strategy document includes lifelong learning principles and ensures the connection between the different stages of education. The document incorporates the concepts related to human rights, including the requirements envisaged in CEDAW.

In recent years, Georgia made significant progress in reforming the educational and science system. Providing quality, accessible and inclusive education is one of Georgia’s priorities, expressed in the increasing mobilization of financial resources towards this goal. In 2018, financial resources mobilized for education and science amounted to GEL 186.2 million.

On 15 May 2017, the Ministry of Education, Science, Culture and Sport signed a Memorandum of Cooperation with three UN agencies – UNDP, UNFPA and UN Women – with the purpose of integrating human rights, gender equality, healthy lifestyle and reproductive health topics into the national curriculum. One of the priorities of the Memorandum is to create more opportunities for women and girls for education and employment. UN agencies cooperate closely with the vocational training institutions and local self-governments. The new national curriculum is also being developed with gender mainstreaming in mind. The national curriculum and school textbooks are free from discriminatory statements. In addition, the role of women and their contributions to different fields are covered in all school subjects.

Human rights, gender equality and healthy lifestyle principles represent an integral part of the school curriculum in Georgia. Gender equality principles are included in various school subjects. The subject “Me and Society” (grades 3 and 4), designated for elementary school students, includes gender equality issues.

For basic-level education (grades 7 through 9), the citizenship (civics) educational plan was elaborated. This plan concentrates on gender equality and raising the younger generation’s awareness on early marriage. Central importance is given to providing education on human rights and relevant responsibilities, as well as the principles of democracy. One of the most important principles is equality, which implies that every citizen is equally valuable, that everyone shall have equal opportunities and rights, and that discrimination on the grounds of race, religion, sex (gender) and ethnicity shall be eliminated. The education plan also includes topics related to early marriage. This topic is addressed in the form of civil identity and personal development and in the context of human rights. In particular, early marriage is discussed as a possible violation of human rights and a barrier to one’s personal development.

Aspects related to early marriage, adolescent pregnancy and the symptoms and causes of sexually transmitted infections are highlighted in the biology programme for grade 8. The biology course for grade 9 covers topics related to early marriage, adolescent pregnancy and the risks related to early sexual activity and physiological dysfunctions. This curriculum also includes consideration of the role of reproductive health in a human’s life and for future generations.

Gender equality and VAW/DV are now institutionalized in the curriculum of the High School of Justice for the initial training programme for judicial candidates. One full day is dedicated to each of the following topics: the fight against discrimination; the enforcement of justice by supporting gender equality and domestic violence (including the boundaries between criminal and administrative liability); and protective and restrictive orders. Training topics included in the 2019 training programme for sitting judges cover violence against women and domestic violence; the prohibition of discrimination according to the domestic legislation and international standards; children’s rights, including human trafficking, the sexual exploitation of children and child sexual abuse; juvenile justice; and hate-motivated crimes. The Human Rights Center under the Supreme Court has published and updated a compilation of the “ECHR Decisions on Violence against Women and Domestic Violence” to further inform judicial decision-making with international standards.

A special training programme on VAW/DV has been developed by the Georgian Bar Association (GBA) in cooperation with UN Women for the mandatory continuous legal education programme for Georgian lawyers and has been institutionalized within the GBA Training Center.

The fight against domestic violence is one of the key modules of the Police Academy’s training programme. The academy annually implements a basic training course on domestic violence that covers the following topics:

- Legal guarantees for the protection of the rights and liberties of family members, for physical and psychological integrity, for the protection of family values and for protective and restrictive orders
- The types of domestic violence
- Presumable (anticipated) results of violence in a family
- The deterrence, detection and prevention of domestic violence
- The protection of, assistance to and rehabilitation of the victims of domestic violence

In the training of law enforcement officers, the Ministry of Internal Affairs actively cooperates with local non-governmental and international organizations. Moreover, it actively participates in research connected to domestic violence issues. As a result of such cooperation, a textbook on domestic violence for police officers and a guidebook for the trainers were developed.

From 2016 to 2018, the LEPL Agency for State Care ran a training module for the social workers of the LEPL Social Service Agency on the prevention of and response to VAW/DV and social services for victims.

The Ministry of Internal Affairs and the Ministry of Education, Science, Culture and Sport, in partnership with UN Women and the European Union, support initiatives that aim to raise awareness among the youth on gender equality and domestic violence issues. One such initiative is the project “10 Lessons of Safety”, implemented in 54 public schools throughout Georgia. The training programme aims to prevent crime among minors and raise their awareness on public order and safety issues, including gender equality and domestic violence. Almost 5,000 students have already attended the programme. Within the framework of the project, trained staff of the patrol police, Emergency Management Agency and Public Safety Command Center 112 deliver lessons on public order and safety issues. Using a guidebook prepared for this purpose, they inform the students about such topics through the use of respective role playing, question-and-answer sessions, exercises and other educational activities, as well as sharing many interesting cases from their practical experiences.

The National Center for Teacher Professional Development of the Ministry of Education, Science, Culture and Sport has developed the training programme “Bullying Prevention in Schools and a Culture of Tolerance Development”. The training covers two major topics: violence and domestic violence. A total of 7,000 teachers were trained between 2017 and 2019. Participants learned the basics on violence and its forms, the types of domestic violence and how stigma and stereotypes influence violence and bullying. Moreover, 279 persons seeking teaching positions attended civic education training organized by the Center. One of the topics covered during the training included early/child marriage.

An innovative e-learning course for the prevention of sexual harassment in the workplace was launched in fall 2017 by the Civil Service Bureau of Georgia and the Public Defender’s Office. The e-learning course aims to raise awareness and promote the prevention of sexual harassment in the workplace. Although the course is designed primarily for civil servants, the private telecommunications company GeoCell also joined the launch with the message that they will implement the course internally, hopefully inspiring other private sector actors to do the same. Representatives of the Government, Parliament, public agencies and the private sector are committed to promoting the e-learning course. The course is available at <http://sexualharassment.ombudsman.ge>. According to the order of the Minister of Defence issued on 28 June 2018, the course became mandatory for every employee of the Ministry.

In March 2019, with support of the Council of Europe, a joint three-month training course was launched for the representatives of the Prosecutor’s Office of Georgia and the Ministry of Internal Affairs on the issues of violence against women and domestic violence. Distance learning was organized through the Council of Europe HELP (Human Rights Education for Legal Professionals) Programme and aims to

assist law enforcement officers in becoming acquainted with the European standards for human rights protection. The online training course developed by the Council of Europe aims to enhance the quality of the response to cases of violence against women and to provide victims with access to justice during the prosecution of the accused persons. The course consists of seven modules and covers international as well as European legal frameworks, the standards of the Istanbul Convention and case law that aims at the prevention of violence against women and girls and their protection from violence.

The Office of the State Minister for Reconciliation and Civic Equality devotes special attention to awareness-raising on gender equality issues, including domestic violence, early/child marriages and the identification and consideration of women's needs and challenges. In the framework of the joint initiative "Tolerance, Civic Awareness and Integration Support Programme" between the Office of the State Minister, the U.S. Agency for International Development (USAID) and the UN Association in Georgia, the project "Youth for Gender Equality" was implemented from 2017 to 2019 in cooperation with the State Fund.<sup>41</sup> Within the framework of the project, peer educators were trained to implement the information campaign, which resulted in 282 meetings being held in 21 municipalities and 196 villages. More than 7,849 representatives of ethnic minorities attended the meetings and received information on gender equality, early marriage, domestic violence and referral mechanisms.<sup>42</sup>

From 2016 to 2018, the Agency for State Care organized the project "Reducing Domestic Violence in Georgia", funded by USAID. A training module on VAW/DV prevention/elimination and social services available to the victims of violence was prepared in the scope of the project and in cooperation with the LEPL Social Service Agency. Around 244 social workers (employed at the Social Service Agency, the Agency for State Care and other NGOs providing services) were trained in three groups. In addition, information meetings were held in Tbilisi and other regions of Georgia with different target groups: teachers, students of higher education institutions, representatives of ethnic minorities, internally displaced people, the population in rural areas, the Pankisi Gorge population and the residents of the villages bordering the administrative borders. In total, 1,900 participants attended the meetings during the three-year project implementation period and became familiar with the domestic violence-related issues, including the preventive measures and services available at the Agency for State Care.

In 2018, the General Prosecutor's order stated that specialized prosecutors and prosecutor-investigators would be assigned to carry out efficient investigations of domestic violence-based crimes and provide effective support to the state prosecution. These prosecutors regularly undergo a specialized training on domestic violence. The course covers the psycho-emotional aspects of working with survivors, witnesses and perpetrators of domestic violence and provides an overview of the current domestic and international legislative frameworks related to domestic violence. The training course was developed with the support of and in close cooperation with UN Women. As of 1 May 2018, only specialized prosecutors and investigators handle the cases of domestic violence in Georgia. As of March 2020, there are 193 specialized prosecutors and prosecution service investigators in total.

Furthermore, according to the order of the Prosecutor General, from 1 September 2020, procedural powers are exercised by priority specialized prosecutors and investigators of the Prosecutor's Office focused on discrimination, including on the basis of sex/gender. As of October 2020, there are 117 specialized prosecutors and prosecution service investigators in total.

The Ministry of Internal Affairs established a specialized five-day course on domestic violence, and notably 275 investigators were trained through this programme between 2018 and 2019. In 2019, a

<sup>41</sup> The LEPL State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking was the predecessor of the LEPL Agency for State Care, which began operating on 1 February 2020.

<sup>42</sup> *Activity Report 2018*, p. 21.

short course for police training on violence against women and domestic violence was organized in all regions of Georgia, and 300 patrol inspectors and district officers were trained. More than 600 patrol officers attended a special training on how to fill in protective order entries. In 2020, the trainings are being delivered via online platforms.

A module on discrimination is taught in all basic-level training courses of the Academy of the Ministry of Internal Affairs. The training module includes both international and domestic anti-discrimination legislation. More than 6,500 police officers have already undergone the training. The topics covered in the anti-discrimination module include the following: the prohibition of discrimination; major international documents; direct and indirect discrimination; the positive obligations of the State; the Law on the Elimination of All Forms of Discrimination; and the investigation of discrimination and hate-motivated crimes.

In 2018 and 2019, numerous activities were aimed at the capacity-building of MIA staff, in close cooperation with OSCE/ODIHR and the CoE. In the framework of this cooperation, a number of TOTs were conducted for MIA employees on the proper identification and effective investigation of hate crimes. As a result, in January 2020, cascade trainings for MIA employees began on the effective identification and investigation of hate crimes; the trainings were based on the combination of training materials developed by OSCE/ODIHR and the CoE. Psychologists and representatives of local NGOs are involved in the training.

The Ministry of Economy and Sustainable Development of Georgia has been participating in gender-themed training courses and workshops since 2018: **Gender in the Security Sector** to raise the awareness of public officers on the role/participation of women in security and the importance of a gender balance in general; the 2019 **Participatory Gender Audit** to raise awareness on aspects of gender issues; and the 2020 **Implementation of Sexual Harassment Response Mechanisms in Public Institutions**. Regarding the latter, the Parliament of Georgia approved the legislative package on sexual harassment in May 2019. Further important steps in the implementation process include the following: introduce sexual harassment response mechanisms in public agencies; initiate the process of implementing the mechanism by studying each entity's structure and subsequently developing a personalized model with the staff; prepare and improve the legal framework to implement the mechanism; legally establish the mechanism; and conduct an in-house information campaign to promote the mechanism (supported by UN Women). The Ministry's other recent gender-themed activities include the 2020 project "**EU Supporting the Inter-Agency Commission on General Equality**" (Geostat, with EU funding) and the **Gender Statistics User Training**, which covered the production, dissemination, use and flexibility of gender statistics users in terms of using statistical data.

In 2018 and 2019, Georgia's Innovation and Technology Agency (GITA), under the Ministry of Economy and Sustainable Development, conducted a gender audit in cooperation with and through the support of UN Women and developed a relevant action plan. Specialized interviews were organized with all GITA employees, and two seminars were conducted on gender and sexual harassment and the use of investigation techniques focused on the victims.

Moreover, in 2020, with the support of UN Women, a separate training was conducted on specific investigation techniques focused on the victims of gender and sexual harassment for those GITA employees involved in drafting the document on preventing sexual harassment. GITA has already drafted said document, which determines particular actions that will be considered as disciplinary misconduct from a gender and sexual harassment perspective and will raise a legal basis for disciplinary liability. The adoption of this document is planned for the near future.

In 2019, UN Women conducted a gender audit of Enterprise Georgia (an LEPL under the Ministry of Economy and Sustainable Development). As a result, the agency received recommendations to help improve the gender-related policies of the agency as an organization and in its programmes. In 2019 and 2020, an official document concerning the prevention of sexual harassment was created along with a committee to handle relevant cases. The agency actively works with UN Women, which, as of 2019, had identified a gender adviser to work directly in the agency to assess gender-related issues in the organization and in its programmes. Currently, Enterprise Georgia is working with UN Women to develop its **Gender Equality Strategy and Action Plan**.

In 2019, in cooperation with the Asian Development Bank (ADB), the Ministry of Regional Development and Infrastructure held a TOT on gender equality and mainstreaming. Other relevant trainings, such as “Human Rights Protection and Economic Equality”, are regularly held for the employees of the Ministry.<sup>43</sup>

The Ombudsman conducted trainings for labour inspectors, representatives of Georgian Employers’ Associations and representatives of the Georgian Trade Unions Confederation on the development of internal policy documents on sexual harassment and the response to it.

In 2017, the Training Center of Justice of Georgia developed the training module “Legal Mechanisms for the Elimination of Violence against Women and Domestic Violence”, organizing nine training sessions on this topic.

Since February 2017, the Ministry of Justice has launched an information campaign titled “Act On” aimed at raising public awareness on VAW/DV and promoting relevant services. The campaign is further targeted at increasing the public’s involvement in the fight against VAW/DV. In the scope of the campaign, the Training Center of Justice organized dual-language trainings – in Georgian and a minority language – for 78 groups (a total of 886 participants) living in areas densely populated with ethnic minorities; the trainings involved Armenian and Azerbaijani trainers and used materials translated into the relevant minority languages. Within the scope of the social campaign, three PSAs were produced. Moreover, the website [www.imoqmede.ge](http://www.imoqmede.ge) was created, where everyone can anonymously report alleged acts of VAW/DV.

The Act On social campaign also served as the basis and was part of the preparatory process for the ratification of the Istanbul Convention (ratified in 2017).

In 2017, representatives of the Ministry of Justice and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia (MoLHSA) conducted a training for the Samtskhe-Javakheti Gender Equality Group, which included members from PITA, Ivane Javakishvili Tbilisi State University, Ilia State University, Ninotsminda, Akhalkalaki and the Youth Center of Akhaltsikhe. In addition, members of the group from Kakheti and Kartli were trained on early marriage, gender equality, women and domestic violence. During the subsequent two months, the participants held information meetings based on the knowledge gained during the training in the villages within Kakheti, Kartli and Samtskhe-Javakheti with various groups, including students, teachers and community leaders.

On 29 November 2017, at the initiative of the LEPL Legislative Herald of Georgia, a two-hour meeting was held with the members of the Herald Club (students of law faculties of different universities), during which a trainer from the LEPL Training Center of Justice of Georgia introduced the participants to the legislation on women and domestic violence. The meeting was attended by 21 participants.

In 2017 and 2018, a conference on the role of women in public and political life was organized by the Training Center of Justice in Tbilisi and the Kakheti region. The aim of the conference was to strengthen

<sup>43</sup> *Report on the Implementation of the Human Rights Action Plan (2019)*, p. 115.

the gender role of women economically, politically and socially, as well as to raise the awareness of students, young people and schoolchildren in the Kakheti region about the VAW/DV legislative package (85 participants in total).

Within the framework of the Government's 16 Days of Activism against Gender-Based Violence campaign, the Training Center of Justice and the Ministry of Justice of Georgia, the Administration of the Government, the Ministry of Internal Affairs, the Prosecutor's Office and the then State Fund (now the Agency for State Care) organized an essay contest about women and domestic violence. Within the competition, 22 students (18 women and 4 men) were trained on VAW/DV. The authors of the three best essays presented their papers at the conference, which named one winner. In 2019, as part of the 16 Days campaign, free trainings on sexual harassment were conducted from 3 to 6 December in four cities (Batumi, Kutaisi, Rustavi, Tbilisi) for five groups, attended by a total of 63 participants (53 women and 10 men).

In 2020, UN Women conducted a training on sexual harassment complaints mechanisms for the Maritime Transport Agency of Georgia as a follow-up action to the recommendations generated through a Participatory Gender Audit exercise (PGA) in 2019. As a result of the training and discussion, the complaints mechanism will be finalized and submitted for approval to the management of the agency. The training was organized within the framework of the UN Women project "A Joint Action for Women's Economic Empowerment in Georgia", funded by the Norwegian Ministry of Foreign Affairs.

Another training – "How to investigate sexual harassment cases using a victim/survivor-centred approach" – was conducted in 2020. The training, facilitated by a Canadian expert, Adriana Greenblatt, was targeted to a mixed group of organizations that have adopted or are on their way to adopting internal sexual harassment complaints mechanism. Representatives of the public sector (Ministry of Internal Affairs, Ministry of Defence, LEPL Enterprise Georgia, LEPL Maritime Transport Agency), the private sector (Orient Logic) and academia (Batumi State University) took part in the training. As a result of the training, participant organizations will be able to set up internal sexual harassment investigation commissions with the trained staff members and, if needed, conduct victim/survivor-centred investigations. The initiative was funded by the UK Government and the Norwegian Ministry of Foreign Affairs.

In 2020, with the support of UN Women and the TASO Foundation, the Women's International Shipping and Trading Association together with Batumi Maritime State Academy added a girls' training curriculum to the offerings of the academy's Seafarers Training and Certification Centre. The training was conducted to support young women's employment on ships. The training courses covered such topics as personal safety and social responsibilities; personal survival techniques; fire prevention and firefighting; basic first aid; and special security obligations for ship personnel. The training courses were conducted within the framework of the Memorandum of Understanding between UN Women Georgia and the Maritime Transport Agency of Georgia. The initiative is part of the UN Women project "A joint Action for Women's Economic Empowerment in Georgia", funded by the Government of Norway.

In 2020, a meeting was held with the Maritime Transport Agency of Georgia to discuss its internal gender equality action plan. The participants of the meeting discussed the action plan and agreed upon further steps.

Introducing the values of gender equality to different organizations makes a sustainable impact. UN Women is helping its partner organizations establish gender equality values and principles.

## SUPPORT PROGRAMMES FOR PERPETRATORS OF DOMESTIC VIOLENCE

There is growing evidence that working with perpetrators – alongside interventions and protections for survivors – is essential to reducing domestic violence. Moreover, programmes tailored for perpetrators are increasingly acknowledged as a key gap in effective service delivery.

In 2015, the rehabilitation module “Step towards Change” on violence and the information campaign “Role of Positive Behaviour in Family Relations” on intimate partner violence were developed for the Special Penitentiary Service, with 43 of its employees (15 psychologists and 28 social workers) taking part in the training. In 2018 and 2019, around 18 defendants participated in the “Step towards Change” programme each year, and in 2018, a total of 45 defendants attended the “Role of Positive Behaviour in Family Relations” programme.

A behavioural correction/rehabilitation programme for perpetrators was developed with the support of UN Women and has been operated by the Ministry of Justice within the probation services since 2016 and in two penitentiary establishments (Nos. 16 and 17) since 2019. It is planned to expand the programme to all penitentiary establishments. The programme is based on the Spanish model “Intervention Programme for the Rehabilitation of GBV Perpetrators” (PRIA and PRIA MA).<sup>44</sup> These programmes include behaviour correction for perpetrators of domestic violence and reduction of repeated violent crimes; a rehabilitation programme for victims of domestic and sexual violence; and a psychosocial training titled “Stigma and Discrimination”, of which one section is fully dedicated to raising awareness on domestic violence and violence against women. In 2019, around 62 convicts participated in said training, whereas in 2018, only 16 convicts did so. Participation in such programmes is counted as a positive when assessing the personal characteristics and behaviour of inmates.

**The Rehabilitation Programme Division of the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation has developed the “Rehabilitation Programme on Management of Violent Behaviour and Gender-Based Violence”.** The programme is aimed at the reduction and elimination of different types of gender-based violence; the modification of sexist and discriminatory conduct; and the prevention of recidivism. It serves the purpose of helping probationers with a history of violent behaviour to understand and perceive the repercussions of violence directed at other people; acquire new skills to resolve disputes and conflicts without violence and aggression; learn partner relations; and manage to express their feelings in a constructive manner. The rehabilitation programme engages beneficiaries through group or individual therapeutic work over the course of 18 sessions. The programme runs from four to six months, depending on the beneficiaries’ behaviour, risk of recidivism, length of sentence and other factors that could affect their level of engagement, including the environment of the programme itself.

The specialists within the probation system conduct a behaviour correction programme for the people convicted of DV or partner violence that covers the meaning of violence and provides an overview of the legislation on protection from violence. The Most of them are voluntary, but some of them envisage necessary involvement. Correctional programs touch upon the topics of protection of rights of women and gender equality; Women’s rights and situation in Georgia; Statistical data and rehabilitation process; reaching the empathy for victims; adequate self-appraisal; analyzing cognitive mistake and irrational thought; the role of the protective mechanisms; prevention of relapse. In order to help the facilitators assess the efficiency of provided courses, they contain pre and post questionnaire. The programme was

<sup>44</sup> See <http://www.institucionpenitenciaria.es/web/portal/PenasyMedidasAlternativas/programas/priama.html>.

developed in 2014 and can be applied as a mandatory or voluntary course. In 2018 and 2019, around 51 and 40 convicts participated in the programme respectively.

The training course on violent attitudes and behaviour change was launched in 2015 in cooperation with UN Women. The course has been expanded to all bureaus that offer the services of psychologists and social workers. The main topics of the module include the protection of women's rights and gender equality; the protection of women's rights in Georgia; statistics on gender-based violence; the perpetrator rehabilitation process; the necessity of intervention in behaviour correction programmes for perpetrators; teaching the identification of emotions; increasing empathy towards the victim; learning to develop adequate self-esteem; analysing cognitive mistakes and irrational opinions; protection mechanisms against violent behaviour; and the prevention of recidivism. The course has both a pre- and post-questionnaire, which allows facilitators to determine the effectiveness of the programme and its outcomes. In addition, a midterm assessment was developed to allow for the monitoring of convicts' behaviour and to identify and analyse the knowledge received and practical skills improved. In 2018, around 125 probationers participated in the programme, and in 2019, a total of 151 probationers and convicts were involved.

In January 2020, an electronic database was launched in the Department of Resocialization and Rehabilitation of Convicts and Former Prisoners. This database allows for the collection of statistical data on provided resocialization and rehabilitation services, including training.

In 2019, the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation signed a memorandum with the Polish foundation HumanDoc with the purpose of providing psychosocial services to beneficiaries and/or their family members and including them in the programmes and projects of the foundation's partner organizations. As a result, a training was developed on how to work with domestic violence perpetrators who are unable to control their aggression and anger.<sup>45</sup>

Work on the creation of special programmes to correct the behaviour of sexual violence perpetrators was initiated in 2019 in cooperation with the U.S. State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL), and a study visit was organized to the state of Wisconsin, where participants attended a TOT on correcting the behaviour of sex offenders. In total, 10 people attended the training.

Within the framework of the Strategy and 2019-2020 Action Plan on the Development of Penitentiary and Crime Prevention Systems and with the support of EU4Justice Project, the SPAPRA (Spousal Perpetrator Assault Risk Assessment) instrument has been finalized and its guideline has been developed for penitentiary and probation systems. Prior piloting the instrument in PEs (N5, N8, N15, N16, N17) and probation bureaus, thematic working meetings have been held, staff has been trained and national as well as international expertise has been analyzed. Based on piloting results the instrument has been further revised and to date the working on rules and procedures of assessment is pending.

In order to further ensure the support to the resocialization-rehabilitation of inmates, take preventive measures for reducing future reoffending and safeguarding public safety and security, the Ministry of Justice and the Special Penitentiary Service have initiated working on introducing Multi-Agency Public Protection Arrangements (MAPPA) mechanism in Georgia. Above mentioned has started within the framework of the Strategy and 2019-2020 Action Plan on the Development of Penitentiary and Crime Prevention Systems that was developed together with the EU4Justice Project. Through the established working group with relevant national and international experts, MAPPA concept and respective roadmap

<sup>45</sup> *Report on the Implementation of the Human Rights Action Plan*, p. 50.

have been prepared. The prescribed process aims at identifying possible MAPPA cases at the earliest possible time and promotes its effective management within PE as well as within Probation or Police system upon release. To date, the conceptual works on MAPPA have been finalized and future steps are planned for its implementation.

These initiatives were set out to address the key gap in the delivery of preventive interventions and treatment programmes for the perpetrators of VAW/DV, a commitment undertaken by the Government of Georgia under the Istanbul Convention.

## SELF-REGULATORY STANDARDS FOR THE MEDIA

The legal framework for the media in terms of gender issues is defined by the Georgian Law on Broadcasting and the Code of Conduct for Broadcasters adopted by the Georgian National Communications Commission.

The Georgian Law on Broadcasting obliges Georgian Public Broadcasting “to reflect ethnic, cultural, linguistic, religious, age, and gender diversity in programs”.<sup>46</sup> According to the same law, broadcasting license holders shall avoid “broadcasting programs containing apparent and direct threat to incite racial, ethnic, religious or other hatred and which are of a discriminatory nature or encourage violence towards any group”,<sup>47</sup> as well as broadcasting programs that are “intended to abuse or discriminate against any person or group on the basis of disability, ethnic origin, religion, opinion, age, gender, sexual orientation ... or any other feature or status”.<sup>48</sup>

The Code of Conduct for Broadcasters, adopted by the Georgian National Communications Commission, obliges broadcasters to abide by broadcasting principles and “accommodate interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender.”<sup>49</sup>

The guidelines for reporting crimes and antisocial behaviour require that broadcasters “not disclose the identity of victims of sexual abuse, unless victims give their consent and disclosure complies with the public interest.”<sup>50</sup>

Broadcasters shall be careful when making a decision to broadcast shocking images and shall make careful judgment about the use of offensive languages.<sup>51</sup> The code lists factors that broadcasters should consider and take into account when deciding on portraying violence; these factors include “violence in daily life: domestic violence ... ; ... incidents where elderly, disabled people, women and children are the victims; [and] verbal and physical aggression”,<sup>52</sup> and “sexual or any other violence should not be condoned.”<sup>53</sup>

Broadcasters shall refrain from publishing any material likely “to incite hatred or intolerance on the grounds of race, language, gender, religious convictions, political opinions, ethnic origin, geographic location, or social background.”<sup>54</sup>

The Law of Georgia on Advertising states that advertisements must not encourage citizens towards “violence, aggression or chaos” or any other dangerous actions that can harm their health or security.<sup>55</sup>

<sup>46</sup> *Law of Georgia on Broadcasting*, Article 16, content obligation “h”.

<sup>47</sup> *Ibid.*, Article 56, paragraph 2.

<sup>48</sup> *Ibid.*, paragraph 3.

<sup>49</sup> *Code of Conduct for Broadcasters*, Article 3, paragraph 1.b.

<sup>50</sup> *Ibid.*, Article 50, paragraph 5.

<sup>51</sup> *Ibid.*, Article 56.

<sup>52</sup> *Ibid.*, paragraph 6.

<sup>53</sup> *Ibid.*, paragraph 7.

<sup>54</sup> *Ibid.*, Article 31.

<sup>55</sup> *Law of Georgia on Advertising*, Article 4, paragraph 11.

On 4 December 2009, around 139 journalists signed and approved common principles of professional conduct, and by doing so, they became members of the Georgian Charter of Journalistic Ethics, a self-regulatory body. Article 7 of the Charter states that the journalist must understand the importance of journalistic work and “shall take all efforts to avoid discrimination of any person by race, gender, sexual orientation, language, religious, political and other opinion, national or social origin or any other feature”.<sup>56</sup>

In 2017, the Charter, in order to encourage the creation and use of non-stereotypical, balanced and diverse images of women and girls in the media, adopted its Guidelines on the Coverage of Gender Issues. The Charter acknowledges the role that the media can play in destroying gender roles and stereotypes and encourages the media to strike a balance between the respondents, the fights against women’s and men’s roles as established by society, and the use of stereotypical language. The guidelines encourage the media to cover issues related to the state policy on gender equality, gender discrimination, violence against women, use of gender stereotypes by government representatives and public officials, cases of sexual harassment, discrimination in labour relations and women’s political representation.<sup>57</sup>

### PROTOCOLS AND GUIDELINES ON HOW TO DEAL WITH SEXUAL HARASSMENT IN THE WORKPLACE

In 2017, the Government of Georgia adopted the Code of Conduct for Civil Servants, which foresees the responsibilities of civil servants to prevent and respond to workplace sexual harassment. The regulations on sexual harassment included in the Code of Conduct were prepared by the Civil Service Bureau with the technical support of UN Women. The decree contributes to an environment conducive to further preventive efforts that will create workplaces free from sexual harassment. Article 15 of the amended Code of Conduct stipulates that civil servants must be made aware of the definition and inadmissibility of sexual harassment in the workplace as well as in public places. It further specifies the responsibilities of managers and employers to respond to cases of sexual harassment. In 2018 and 2019, the Civil Service Bureau, in cooperation with UNDP, implemented an awareness-raising project on the new regulations in the civil service law and anti-corruption mechanisms in the public sector, in order to support the implementation process of the ongoing civil service reform in Georgia. Through this project, trainings were conducted on ethical rules and general behaviour in the civil service, and a total of 528 public servants were trained.

The Parliament of Georgia unanimously approved a bill on sexual harassment in 2019. MPs serving in the Gender Equality Council of the Parliament drafted the legislative package. As a result, the Labour Code of Georgia now includes the following definition of sexual harassment: “undesirable sexual behaviour towards a person ... [that] aims and/or tarnishes his/her dignity or creates an intimidating, hostile, degrading or abusive environment for him/her.” Using sexual words, exposing one’s genitals or engaging in any type of verbal or non-verbal actions of a sexual nature is considered harassment, as is forcing someone into a sexual relationship against his/her will.

Sexual harassment is now punishable by a fine of GEL 300 (\$112) for the first offence and by a fine of GEL 500 (\$187) or one month of correctional labour for a repeated offence within one year.

Furthermore, deliberate sexual harassment of a minor, a pregnant woman, someone in a critical medical condition or in the presence of a minor will be punishable by a fine of GEL 500 to GEL 800 (\$187-\$299) and, if repeated, by a fine of GEL 800 to GEL 1,000 (\$299-\$374) or 10 days of imprisonment.

<sup>56</sup> *Journalist Ethic Charter, Article 7.*

<sup>57</sup> See <https://www.qartia.ge/ka/sakhelmdzghvanelo-tsesebi1/article/34573-genderuli-sakithkhebis-gashuqeba>.

Victims of sexual harassment have two options for recourse: they may appeal to the Public Defender or to the Court.

These amendments significantly expand the Public Defender's authority for the effective use of anti-discrimination mechanisms and enforcement of decisions.

The Public Defender's Office is now responsible for the examination and enforcement of sexual harassment in the workplace, while the Ministry of Internal Affairs is responsible for the cases in public spaces.

According to the changes,<sup>58</sup> an employer is obliged to take measures to ensure equal treatment of employees, including by including provisions prohibiting discrimination in internal regulations and other documents and ensuring their enforcement.

On 14 November 2017, the Public Defender's Office adopted its Sexual Harassment Prevention Policy Document. The Public Defender's Office took on the obligation to create a safe environment free from sexual harassment for all its employees and to investigate fully and in a timely manner all incidents of sexual harassment in the workplace. The document includes the definition of sexual harassment (including prohibited actions), the mechanism for appeals and the forms of disciplinary liability. The document applies to all PDO employees, including interns, regardless of their status or type of employment contract.

The Disciplinary Charter for Military Forces of the Ministry of Defence was amended on 8 December 2018, and two articles regulating sexual intercourse or other forms of sexual contact and sexual harassment issues were added to the document. The general inspection hotline is active for making reports of sexual harassment cases at the Ministry of Defence. The reporting can be done either by phone or email or by mail through special boxes to protect anonymity. The Ministry of Defence, in cooperation with UN Women, is currently working on the development of a protocol for the investigation of sexual harassment cases. The main purpose of the investigation protocol will be the establishment of a victim-targeted approach. The General Inspector's Office and the Military Police are participating in drafting the document.

Following the legal amendments in 2019, under the leadership of the Inter-Agency Commission at the Administration of the Government, numerous state entities are working on setting their own sexual harassment response mechanisms. As a result, by the end of 2020, more than 10 state entities will have established universal mechanisms for sexual harassment. Moreover, USAID/PROLoG, with the help of local and international experts, developed the sexual harassment prevention and regulation mechanism, which provides for equal treatment in the workplace and creates an environment free from discrimination. USAID/PROLoG will assist the state-funded Legal Aid Service, Common Courts, High Council of Justice, High School of Justice and Georgian Bar Association, as well as 12 partner NGOs, to establish the regulation mechanism.

The Civil Service Bureau, with support from UNDP, developed two instructional videos for public servants: on "integrity in public service" and on "sexual harassment in public service". The presentation of the video was held on Public Service Day, 19 December 2018. The Bureau shared the video on sexual harassment with other public entities. In 2020, the Civil Service Bureau announced that the second survey on sexual harassment in the public sector would be conducted; the first such survey occurred in 2017 as part of the UN Women National Study on Violence against Women in Georgia. Since the adoption of the legal amendments, however, this will be the first-ever survey conducted among state institutions on sexual harassment.

In April 2018, the Civil Service Bureau, in cooperation with GIZ, developed the commentaries to the Code of Conduct for Civil Servants, which support the establishment of a unified approach towards the enforcement of ethical obligations. In addition, the web portal <https://ethics.gov.ge> was created and will host the training course on the Code of Conduct, available for all civil servants to access. The guidebook

<sup>58</sup> *Organic Law of Georgia – Labour Code of Georgia*, Article 5, paragraph 9; *Law of Georgia on Public Service*, Article 56, paragraph 3.

“Management and Leadership in Public Service” was developed in cooperation with UNDP, and one chapter is dedicated to ethical norms. The print version is available, and it will also be uploaded to the Civil Service Bureau’s website.

### **ANY OTHER MEASURES TAKEN OR PLANNED TO PREVENT VIOLENCE AGAINST WOMEN**

From 2016 to 2019, the LEPL Agency for State Care, with the support of UNFPA, implemented a programme targeted towards the improvement of a health-care response to domestic violence and gender-based violence. The Agency for State Care developed guidelines to reveal the physical, psychological and sexual violence against women, treatment principles and referral mechanism – in other words, SOPs for health-care workers. This will help the health-care workers provide relevant support to the victims of domestic violence. The special medical forms were developed and approved by the Minister of MoLHSA for inpatient and outpatient medical services in order to register, reveal, assess and refer cases of domestic violence and sexual violence. In addition, a proper training module was also developed, and more than 300 doctors were trained.

The Supreme Court of Georgia, in cooperation with the Inter-Agency Commission, analysed court practices with regard to the application of the Istanbul Convention and developed appropriate recommendations. In addition, the Supreme Court conducted a study on the grounds for criminal liability for stalking in accordance with Article 34 of the Istanbul Convention.

By the end of 2019, the Prosecutor’s Office renewed the recommendation “Implementing procedural oversight on crimes under articles 11<sup>1</sup> and 126<sup>1</sup> (DV) of the Criminal Code of Georgia”. In 2019, in order to complete said recommendation, a directive was prepared on the monitoring of restraining orders for cases of domestic violence. Within this framework, the Prosecutor’s Office permanently carries out the process of monitoring the issuance of restraining orders and the launch of investigations.

The Ministry of Regional Development and Infrastructure of Georgia was involved in the development of the guidelines “Practical recommendations for the representatives of the local self-government in the implementation of a gender equality policy”, which covers the issues related to women’s rights, violence against women and domestic violence.

In cooperation with UN Women, the Ministry of Environmental Protection and Agriculture started a Gender Impact Assessment (GIA) of its agriculture development programmes and conducted the gender audit. In June 2020, FAO started a distance-learning course on gender mainstreaming, in which nine staff members of the Ministry participated. In addition, 68 employees were trained on gender limitations in the agriculture sector.

The Environmental Information and Education Center, in cooperation with UNDP, conducted training on gender issues during natural disasters, which covers the protection of women victims and how to strengthen and identify their needs and rights during natural catastrophes. In 2018 and 2019, more than 300 information-sharing meetings were set up for ethnic minorities on the issues of anti-discrimination, civil integration policy, women’s rights, domestic violence and trafficking.

In 2018, with the initiative of the Office of the State Minister for Reconciliation and Civic Equality and in cooperation with the Legal Aid Service, an information and awareness-raising campaign on the issues of domestic violence and state services was held in the municipalities densely populated by ethnic minorities (Tsalka in Kvemo Kartli region; Ninotsminda in Samtskhe-Javakheti region; and Akhalsopeli and Iormughanlo in Kakheti region).

## IV. PROTECTION AND SUPPORT

(Chapter IV, Articles 18–28 of the Istanbul Convention)

### LEGAL MEASURES AVAILABLE FOR WOMEN VICTIMS OF ALL FORMS OF VIOLENCE

One of the main functions of the state-funded Legal Aid Service (LAS) is the protection of the rights of the victims of domestic violence and violence against women. According to the amendments made to the Law of Georgia on Legal Aid in 2015, the LAS provides free legal aid to VAW/DV survivors, including legal consultations, the drafting of legal documents and court representation in protective order proceedings, irrespective of the victim's socioeconomic status.<sup>59</sup> Beneficiaries of the LAS are entitled to receive legal advice through face-to-face as well as telephone/online consultations and court representation. The LAS provides free legal representation to the victims of domestic violence only if the person is socially vulnerable. In addition, a DV victim is entitled to receive free legal aid in civil and administrative cases that are related to an incident of domestic violence despite the insolvency of the victim.<sup>60</sup>

According to Decision No. 27 of the Legal Aid Service Board adopted on 9 September 2015, in exceptional cases, a public lawyer shall be appointed to single mothers who have juvenile children and are **not registered in the Unified Database of Socially Vulnerable Families**.

From 2014 through the first quarter of 2019, the state-funded Legal Aid Service provided court representation on protective and restrictive orders to 84 beneficiaries, of whom 43 were juveniles. LAS lawyers also provided 616 legal consultations on the restrictive and protective orders.

### GENERAL SUPPORT SERVICES

The Ministry of Internal Affairs of Georgia established the **Human Rights Protection Department** to strengthen the response to violence against women and domestic violence. The Department was established on the basis of a ministerial order on 12 January 2018 to ensure the timely response and effective investigation into VAW/DV (including sexual violence) crimes committed on the grounds of discrimination, hate-motivated crimes, human trafficking and crimes committed by and/or towards minors. The core functions of the Department are to monitor the process of investigation and administrative proceedings regarding the above-mentioned crimes; identify the gaps; and prepare and enforce measures to enhance the role of law enforcement in fighting them. The Department also analyses the statistics related to the investigation process and related administrative procedures.

In 2019, the effective work undertaken by the Department led to its expansion and transformation into the **Human Rights Protection and Investigation Quality Monitoring Department**, ensuring the high-level protection of human rights as well as the improved quality of investigations on crimes committed against life and health.

Through the creation and expansion of the Department, effective mechanisms were established in

<sup>59</sup> According to the changes introduced in 2018

<sup>60</sup> *Law of Georgia on Legal Aid*, Article 5, paragraphs 2<sup>4</sup> and 2<sup>5</sup>.

the system in order to enable the identification and elimination of gaps or shortcomings during the investigation process. After widening the mandate, the Department was divided into four units: the Human Rights Protection Unit; the Investigation Quality Analysis and Assessment Unit; the Investigation Quality Monitoring Tbilisi Unit; and the Investigation Quality Monitoring Regional Unit.

The Department, through the electronic programme under the monitoring system, ensures continual improvement of the quality of investigations and the development of recommendations and guidelines to upgrade the qualifications and knowledge of investigators. On a daily basis, the Department monitors restrictive orders registered in the system.

The Department operates an email account to which NGOs and citizens can send information about the cases they consider problematic. In addition, information is collected from different state entities, including the Public Defender's Office and the Social Service Agency, among others. The Facebook page created on 2 September 2018 supports the overall increase in public awareness about the legal mechanisms existing in Georgia, as well as facilitates effective cooperation between the Department and citizens.

Since February 2019, in order to protect the interests of victims and witnesses and to avoid revictimization or secondary victimization, the Witness and Victim Coordinator Service was established at the Ministry of Internal Affairs. The coordinator prioritizes communication with the victims of a crime committed based on discrimination, domestic violence and violence against women. In its initial stage, the Service was piloted in Rustavi and Tbilisi.

The main purpose of the Service is to simplify the participation of the victim/witness in the legal proceedings, to minimize the stress caused by the crime and to provide them with information at all stages of the investigation. Priority is given to the victims of discrimination, domestic violence, human trafficking and sexual violence, as well as juveniles and persons with disabilities.

The coordinator is invited to communicate with the alleged victim and/or witness based on the decision of an investigator, with the goal of evaluating the emotional state of the citizen, identifying his/her needs and providing the appropriate services. The coordinator is authorized to speak to a victim/witness; to attend the investigative and procedural actions that require the victim's or witness's attendance; and to attend victim/witness interrogation at the court and evidence examination.

The Witness and Victim Coordinator Service has operated within the system of the Prosecutor's Office of Georgia since 2011. The preconditions for its creation were the amendments to the Criminal Procedure Code of Georgia, according to which the victim no longer represents a party to the process and instead holds the legal status of a participant of the process. This change made it necessary to create such a service that, during the course of a criminal case, would provide facilitation of the participation of the witnesses and the victims in the proceedings, thereby reducing the stress caused by the crime, avoiding revictimization and secondary victimization and ensuring their awareness during the investigation and trial.

As a result of the aforementioned legislative amendments to the Criminal Procedure Code in May 2018, the Witness and Victim Coordinator Service has been strengthened institutionally. According to the amendments, the coordinator has become a participant in the litigation process and is equipped with many important functions. In particular, coordinators attend the investigative actions and closed trials involving the victim, provide information about the litigation process in simple and understandable language, provide emotional support and assist victims in accessing available services, whether it be providing shelter, medical, legal or employment assistance or strengthening other personal and professional skills.

Coordinators are primarily involved in cases related to domestic crime, domestic violence, human trafficking, sexual assault and hate-motivated crime, in addition to the cases where the victim and/or witness is a juvenile or disabled person, the victim/witness suffered serious physical and moral damage as a result of the crime and/or the crime-related stress makes it difficult to communicate with the victim/witness. As of today, 20 coordinators are employed in various structural units of the Prosecutor's Office of Georgia.

When a collaborative relationship between the coordinator and the victim/witness begins – and depending on the victim's desire and in agreement with the prosecutor – the coordinator is authorized to inform the victim on all actions taken in the investigation process. In addition, the coordinator attends the investigative and procedural actions involving the victim, when his/her rights and responsibilities include providing initial psychological and emotional support for the victim/witness; advising the investigator on the needs of the victim/witness in order to prevent revictimization and secondary victimization; explaining the rights and responsibilities and the essence of the investigative/procedural action in a language understandable to the victim/witness; and explaining the importance of victim/witness involvement in this action.

The coordinator supports the victim/witness in being emotionally prepared and informed about the course of the trial and prepares the victim/witness to testify at the trial. If necessary, the coordinator attends the trial to provide emotional support to the victim/witness.

The number of beneficiaries of the services of the witness and victim coordinator's office increases. In 2016, a total of 8,573 individuals used the services, while in 2017, the number of beneficiaries (witness, victim and applicant) increased to 9,913. In 2018, a total of 9,292 individuals used the services of the witness and victim coordinator, as did 8,348 individuals in 2019.<sup>61</sup>

The Prosecutor's Office developed a guidebook for the witness and victim coordinators and the prosecutors. The guidebook includes practical recommendations on the inclusion of a coordinator in criminal cases; the functions, rights and obligations of the witness and victim coordinators; and the priorities of the Coordinators' Service.

In 2016, the Private Sector Development Advisory Council (PSDAC) was established under the Ministry of Economy and Sustainable Development of Georgia (MoESD). The PSDAC provides for a regular, constructive and structured dialogue process between government and private sector representatives on a variety of actual, urgent and/or challenging issues raised by the private sector. As a result, this mechanism increases the trust between the public and private sector, provides transparency and encourages the formation of a predictable environment.

One of the most important and focused directions within the support to the private sector is the promotion and facilitation of women entrepreneurship. The MoESD is actively implementing efficient policy measures in the direction of strengthening women's economic empowerment. "Encouragement of women entrepreneurship" is envisaged as a separate focused direction within Georgia's SME Development Strategy 2016-2020, in the framework of which a number of important and targeted activities are being implemented.

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<sup>61</sup> *Activity Report of the Prosecutor's Office* (2019), p. 64.

In addition, the Sub-Council of Women Entrepreneurship Promotion, as an additional supportive mechanism, was established within the PSDAC in 2018 and serves as a significant tool for the active engagement of women in entrepreneurial activities and their economic empowerment. The creation of the Sub-Council laid the groundwork for establishing an institutional framework to support the stimulation of women entrepreneurship in Georgia.

The main aim of the sub-council is to discuss the issues regarding women entrepreneurship, make a needs assessment on women's involvement in entrepreneurial activities, identify obstacles and develop suggestions and relevant recommendations to promote women entrepreneurship. The Sub-council constitutes an effective discussion platform for governmental agencies and representatives of the private sector, including various associations focused on women's issues. It is notable that during the meetings of the Sub-Council, several important issues have been addressed and discussed. The MoESD actively cooperates with the non-governmental sector within the Sub-Council. In fact, the Sub-Council was chaired by a representative of an NGO, specifically by the head of the association "Woman and Business".

By the initiative of the Sub-Council within the framework of the project "Support to Economic Empowerment of Women", the survey "Women Entrepreneurial Activity in Modern Georgia: Reality and Perspectives" was conducted in 2018. Within the survey, a wide range of issues were analysed, such as women entrepreneurial capacities and relevant supportive programmes, trends of women's involvement in entrepreneurial activities, factors affecting the increase of women entrepreneurial activities, existing difficulties and hindering factors and challenges in women entrepreneurship. Within the survey, relevant suggestions and recommendations were also developed.

Under the Sub-Council, the MoESD conducted a statistical data analysis titled "Women Entrepreneurship and Statistics of Employed Women". It gives a clear picture on the economically active population by gender; the number of employed women in the business sector and in newly established enterprises by sex of the owner, according to regions and legal forms; the number of women occupying managerial positions; and the number of employed women in the business sector and their average monthly remuneration by economic activity. The Ministry is committed to continue implementing active and effective supportive measures in order to stimulate and strengthen women's economic opportunities.

Actions taken by local municipalities to provide social services to victims of violence, in accordance with Georgian law, are an authority and not an obligation. Several municipalities have programs in their budgets aimed at providing social protection to victims of violence. In particular: one-time financial assistance to victims of domestic violence and the provision of housing / rent. There are also other measures in the budgets aimed at protecting victims of violence, such as psychologist assistance, organizing the anti-violence week, employment assistance, legal aid, rehabilitation services for victims of juvenile violence, study of the needs of women victims of violence, and (budget low fares on municipal transport), monthly financial support after leaving the shelter, financial assistance for medical examinations, awareness-raising activities, etc.

## APPROPRIATE HEALTH CARE AND SOCIAL SERVICES

The LEPL Agency for State Care – with the support of UNFPA and active cooperation of the MoLHSA and with the purpose of implementing the recommendations of the World Health Organization – has developed guidelines (SOPs for the health-care services' interdisciplinary response) on the identification and referral of physical, psychological and sexual violence against women.

These guidelines support the primary and secondary health-care services in identifying and providing the relevant support to the female victims of violence. Moreover, in the scope of the SOPs, post-coital interventions to avoid possible pregnancy after sexual violence, as well as post-exposure interventions and testing/treatment mechanisms for sexually transmitted infections, were developed and consequently approved by the ministerial decree.

The beneficiaries of the shelters and crisis centres run by the LEPL Agency for State Care are enrolled in the Universal Healthcare Programme, and in cases of need, the Agency for State Care ensures the provision of free medical services.

Since 1 May 2017, additional targeted packages have been launched in the Universal Healthcare Programme. Socially vulnerable people, pensioners, children aged 0-6, teachers, students, internally displaced persons and persons with disabilities use the targeted special services provided by the Universal Healthcare Programme. Citizens with a rating score between 70,000 and 100,000 (within the Targeted Social Assistance programme) and adolescents aged 6-18 are provided with a basic package of the Universal Healthcare Programme. All of the aforementioned groups are entitled to the right to use additional private insurance packages.

The operations of the LEPL Levan Samkharauli National Forensics Bureau are regulated by the laws and regulations approved by the Government of Georgia. In VAW/DV cases, as well as other types of crime, forensic examination is requested by law enforcement and judicial authorities, as well as by private individuals. Examination is carried out only under such conditions that would preclude any form of discrimination against women. The so-called “virginity test” is carried out only with the consent of the individual to be examined. In cases of examining a juvenile or a person with disability, consent of the individual’s legal representative or custodian is sought.

## SPECIALIZED SUPPORT SERVICES FOR WOMEN

On 10 November 2017, the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs issued Ministerial Order No. 01-64N on “The Minimum Standard Requirements for the Crisis Center Establishment and Functioning”. The minimum standards envisaged in the decree are compulsory for all service providers – regardless of their organizational or legal status – who provide psychological and social services, first aid and emergency medical support and legal aid to the victims/survivors of domestic violence and their dependants.

On 6 September 2016, the first state-run crisis centre for the victims of domestic violence was launched in Tbilisi, Georgia. The Tbilisi Crisis Centre is permitted to accommodate alleged victims of domestic violence until their official domestic violence victim status is granted that entitles beneficiaries to be transferred to state-run shelters. The victims not willing or needing to be placed in a crisis centre or shelter can visit the centre for other services such as psychosocial rehabilitation, legal aid, first aid and emergency medical assistance. The crisis centre services are free. All crisis centres (except the Tbilisi Crisis Centre) serve as day centres, where the services are available every weekday from 9 a.m. to 6 p.m., except public holidays. Twenty-four-hour services and accommodation are available in shelters and the Tbilisi Crisis Centre, which itself can accommodate 13 persons at once, including children and persons with special needs (disabilities).

Since 2017, crisis centre services have been available in Kutaisi for the victims/survivors of violence against women, sexual violence, human trafficking and violence. In 2018, a crisis centre was opened in Gori and in Ozurgeti, while the crisis centre in Marneuli was opened in 2019.

In line with efforts to support the process of decentralizing service provision for the survivors of violence, crisis centres in Telavi and Zugdidi have been set up jointly by the local NGO Women's Consultation Center Sakhli in collaboration with the respective municipalities and with the support of UN Women and the Swedish Government. Funding for the Telavi and Zugdidi crisis centres will be provided by the municipalities as of 2021. An agreement has already been reached with the MoLHSA that the Government will fully take over funding of the crisis centre in Ozurgeti in 2020.

There are very few services available in the occupied regions of Abkhazia and Tskhinvali to provide protection and safety to VAW/DV victims. Supported by UN Women, local NGOs launched the crisis centres and helplines in Gali in 2017 (operated by the Women's Fund for Development (WFD), formerly Avangard) and in Sokhumi in 2018 (Association of Women of Abkhazia (AWA)).

A mobile team continues to function in Gali. The team regularly visits local villages to provide psychological, medical and legal counselling to women and raise awareness about women's issues in local communities.<sup>62</sup> According to the NGOs, the number of women addressing the crisis centres and helplines is steadily increasing, although it is still rather low.

In January 2019, the opening of the crisis centre for the victims and survivors of violence in Zugdidi (operated by the NGO Sakhli with UN Women's support) and the existence of a state-run crisis centre and shelter in Gori are very important as these are two cities close to the occupied territories and can provide support services to the victims/survivors of violence from the other side of the so-called border.

Shelter sustainability and uninterrupted functioning is ensured by the LEPL Agency for State Care based on the state budgetary allocations. The Agency runs five shelters for VAW/DV survivors throughout Georgia that are fully funded by the government, and all but one are accessible for women with disabilities. The shelters are located in Gori, Kutaisi, Marneuli, Ozurgeti and Tbilisi. As a result, state funding for VAW/DV specialized services increased by 87 per cent between 2014 and 2017.<sup>63</sup> The service of having a nurse present at the shelter is available 24 hours a day, 7 days a week. The psychologists, a social worker and a lawyer are available five days a week from 9 a.m. to 6 p.m.

The services provided by the LEPL Agency for State Care at the crisis centres and shelters for the victims and their dependants include the following:

- **Accommodation (shelter):** The 24-hour accommodation period includes adequate, relevant and safe housing as well as food four times a day. The daily menu is visible and available every morning. The meals are offered at the kitchen cafeteria, and beneficiaries are allowed to cook. Beneficiaries shall inform the shelter administration about any dietary requirements or allergies. Toiletries and clothing are provided as required.
- **Psychosocial rehabilitation:** This includes consultation with a psychologist for assistance/rehabilitation; crisis intervention; emotional and psychological assistance; psychological education; individual and group work with the beneficiaries; assistance so the beneficiaries can gain control over their personal life; provision of information about the resources available in social aid and education; coordination and referral with other specialists as required by a beneficiary; support for the beneficiary's integration into the family and society; and professional training and support for employment.
- **Organization/provision of medical service:** This includes the organization/provision of first aid; organization of inpatient and outpatient medical services; provision of basic medicines; provision of

<sup>62</sup> Ibid., p. 37.

<sup>63</sup> GEL 538,493 in 2014 and GEL 1,008,677 in 2017 (Source: *Sixth Periodic Report on CEDAW*, p. 43, paragraph 175).

medicine prescribed by a doctor during the accommodation in a shelter; and medical examination of sexually transmitted diseases within the 48 hours after admission to the shelter.

- **Legal aid:** This includes legal consultations; drafting complaints; and court representation.
- **Translator/interpreter services as required:** The shelters provide beneficiaries with information that is in a language understandable to them about their rights and obligations, the shelter's regulations.

Victims of domestic violence or violence against women and sexual violence and people dependent upon them can be enrolled in the shelters. The Agency for State Care assesses the threats at the screening stage; the real victims/alleged victims of domestic violence and violence against women and their dependants are provided with temporary housing at the shelter. Both the crisis centres and the shelters develop an individual case management plan with regard to each beneficiary. The needs of beneficiaries, including security issues, are determined and the special measures identified.

From 2017 to 2018, a guidebook and instruments for social work and psychological rehabilitation were created with the purpose of improving the service quality of the shelters and crisis centres. Issues specific to working with children and persons with disabilities were integrated into the guidebook and instruments. The beneficiary assessment forms and the case management plans were reviewed and improved, and the shelter personnel were trained on their application and use in practice. The Agency for State Care, in cooperation with the Georgian Association of Social Workers, conducted a training course to improve and strengthen the skills of social workers in order to ensure proper work with persons with disabilities, victims, beneficiaries having mental problems and the juvenile victims of sexual violence.

According to Article 18 of the Organic Law of Georgia on the Public Defender, employees of the Gender Equality Department of the Public Defender's Office shall monitor the service centres (shelters) for victims of human trafficking and domestic violence. In 2016, 2017 and 2018, the Gender Equality Department of the Public Defender's Office of Georgia, with the technical assistance of UN Women, carried out a monitoring process in the Batumi and Tbilisi state shelters for domestic violence and human trafficking victims, as well as in the Gori, Kutaisi and Signaghi service centres for victims of domestic violence and in the Gori, Kutaisi and Tbilisi crisis service centres for victims of violence. The quality of service delivery, the beneficiaries' needs and the performance of duties by personnel were assessed within the framework of the monitoring. Special attention was paid to the issue of providing psychosocial rehabilitation programmes for the beneficiaries and their readiness for living independently after leaving a shelter.<sup>64</sup>

The monitoring showed that most of the beneficiaries were satisfied with the shelter services and positively evaluated the efforts of the administration and personnel; the beneficiaries feel safe and constantly supported in the shelter.<sup>65</sup> Medical examination, as well as the psychosocial rehabilitation, educational and employment opportunities are among the present priorities to focus on by the shelters. It is important to support victims' education, which would thereby enable them to enroll in the employment programmes and prepare to live independently.<sup>66</sup>

According to the statistical data available from the Agency for State Care, there were 412 beneficiaries in the shelters and 223 beneficiaries in the crisis centres in 2018. In 2019, the number of shelter beneficiaries totaled 411 (202 females, 12 males, 197 dependents), while the crisis centres served 242 beneficiaries.

The Agency for State Care has a Memorandum of Cooperation signed with numerous legal entities including state and non-governmental organizations such as the state-funded Legal Aid Service; the

<sup>64</sup> Further information is available at <http://www.ombudsman.ge/eng/190306081201spetsialuri-angarishebi>.

<sup>65</sup> *Public Defender's Monitoring Report on State Shelters for Domestic Violence and Human Trafficking Victims* (2018), p. 5.

<sup>66</sup> *Ibid.*, p. 6.

Informational Medical Psychological Center “Tanadgoma”; the Georgian Young Lawyers’ Association; the Anti-Violence Network of Georgia; the Women’s Information Center (WIC); and the NGOs Sakhli and Amagdari.

Within the framework of the Memorandum, the parties provide victims of violence and domestic violence, as well as the alleged victims, with the following forms of assistance:

- Personal, phone and electronic legal consultation
- Drafting/preparation of legal documents
- The services of lawyers
- Information, educational and analytical work
- Information support
- Psychosocial assistance/rehabilitation
- Basic first aid (provided by Tanadgoma)
- Sheltering/housing services

The promotion of employment and an active labour market policy (ALMP) as a measure to promote employment are one of the top priorities of the Georgian Government. The Government of Georgia has been implementing an ALMP since 2015, which includes training and retraining – that is, human capacity development according to labour market demand (supportive employment) – as well as employment support for vulnerable and less competitive groups, vocational counselling consultations and career guidance, among other measures. **State programmes target vulnerable groups, including (statutory) victims of human trafficking and domestic violence.**

Since 2020, the ALMP has been implemented by the newly established LEPL State Employment Support Agency (SESA).<sup>67</sup> The SESA cooperates with the LEPL Agency for State Care in order to ensure that the (statutory) victims of trafficking and domestic violence are well informed and involved in state programmes. Moreover, all of the beneficiaries referred from the Agency for State Care are being periodically informed about the employment promotion activities via SMS.

In 2019, a screening instrument for female victims of violence was developed and implemented in the penitentiary and probation systems. A motivational programme for female victims of violence (“Kalga”) was also developed and piloted in PE No. 5, covering 10 beneficiaries. Psychologists and social workers were trained, and by the end of 2019, the programme had been implemented in the penitentiary and probation systems.

The NGO Penal Reform International implemented the project “Supporting the improvement of service provision for the women offenders who have experienced violence and discrimination and their vulnerable children”. The project has been funded by the European Commission since December 2016. Outcomes of the project include the provision of relevant rehabilitation and re-integration support services to the women offenders who have experienced violence and/or stigma and discrimination; an increase in the accessibility of the support services for vulnerable children affected by their mothers’ imprisonment or conviction; and improvement of the capacity and coordination of the state and non-state service providers for better service provision for vulnerable women offenders and their children.

The project was implemented in cooperation with the former Ministry of Corrections, PE No. 5, the National Probation Agency, the Center for Crime Prevention and national service providers including

<sup>67</sup> The State Employment Support Agency is an LEPL operating under the Ministry of Internally Displaced Persons, Labour, Health and Social Affairs of Georgia. The SESA has been operational since 1 January 2020. The purpose of the SESA is to promote employment of the Georgian population, particularly by providing labour market services.

the following NGOs: the Georgian Association of Professional Psychologists, the Georgian Association “Women in Business” and the Rehabilitation and Development Charity Center “Tanaziari”. The project represents a real partnership between Penal Reform International and state and non-state parties, all working towards the same common goal.

There were four children living with their mothers in the mother and baby unit at Women’s Prison No. 5 involved in the project. The mothers were visited once a week by psychologists and twice a week by a childminder who were recruited as part of this project. Both the psychologists and childminder were very helpful in providing emotional support, helping them with their babies and providing a few hours of respite, allowing the mothers time for their own rehabilitation and to look after their own needs. The childminder also provides advice on child development and upbringing.

The project, through its NGO partners, has provided essential rehabilitation services to the women prisoners, former prisoners and those serving probation. The services provided include legal aid, psychological counselling, financial support for medical care, training and work opportunities, accommodation for homeless former prisoners in a temporary shelter and support in maintaining regular contact with their children.

## TELEPHONE HELPLINES

The Public Safety Command Center 112 is an LEPL of the Ministry of Internal Affairs of Georgia that ensures an operative response to emergency situations. The main purpose of 112 is to protect human lives, as well as private and public property. The Center receives emergency calls from all over Georgia via the unified emergency number 1-1-2. The service runs 24 hours a day and is free of charge from all landlines and mobile networks even if the number is disconnected from both sides or the mobile phone lacks a SIM card. 112 unifies three different services in Georgia, namely the patrol police, fire/rescue and medical services. The Center ensures the processing of received calls and transfers them to the relevant services.

One of the novelties introduced in September 2017 was a new feature of the mobile application for 112. The 112’s mobile app is a free, innovative and high-tech service, and its greatest advantage is in determining a user’s location. The app includes such features as silent alert (SOS) and chat; if the user cannot talk, or if making a call would be too dangerous, then he/she can use the silent alert or chat options. Such functionality is especially important in cases of domestic violence. It should be pointed out that as soon as the SOS button is tapped, the user’s GPS coordinates are sent immediately to an operator in order to determine his/her location and then send the police to the exact address. Moreover, the “Useful Tips” menu of the 112 app now has a new section on domestic violence. It helps interested individuals easily find the information about different types of domestic violence in addition to what to do if they or someone they know are experiencing domestic violence. The app also provides exhaustive information about the state services available for the victims of violence: the shelters, the crisis centres and a hotline (116 006). The 112 mobile app may be downloaded for free on Android phones and iPhone, and it is available in Georgian, English and Russian. The Public Safety Command Center is planning to create an audio version of its website and mobile app, which will make the services of 112 available for people with vision impairment. In addition, the plan is to add a public feedback feature to the mobile app.<sup>68</sup>

The classification of the incoming calls to 112 is based on the information provided by the caller. The 112 operator determines the type of incident, which is important to prioritize the case and determine the resources needed to respond to the incident.

<sup>68</sup> 112 Development Strategy and Action Plan 2018-2022, pp. 17, 20, 22.

The nationwide 24/7 VAW/DV hotline 116 006 was launched in November 2015 in test mode. With the support of UN WOMEN, 116 006 became fully operational in 2016. After 2017 the hotline is available in Georgian and seven additional languages: Arabic, Armenian, Azerbaijani, English, Farsi, Russian and Turkish.

The rules of communication at the hotline are well established to protect the anonymity of the caller and takes seriously the obligation of non-disclosure and confidentiality. A hotline operator is obliged to protect the personal or professional secret of the caller and does not disclose it unless disclosure is requested by the caller. There is no need to dial a prefix before 116 006 as it is an international phone number. This hotline service is integrated into the office of the Tbilisi Crisis Centre and serves beneficiaries 24 hours a day, 7 days a week.

In 2019, a total of 1,098 beneficiaries used the hotline, of whom 1,085 were VAW/DV victims and 13 were victims of sexual violence. In 2018, the number of hotline beneficiaries reached 1,487, of whom 1,482 were VAW/DV victims and five were victims of sexual violence.

### CHILD WITNESSES

Georgia adopted the Juvenile Justice Code in 2015, and it came into force on 1 January 2016. Compared to the Criminal Code, the Juvenile Justice Code regulates the child protection standard in criminal and administrative legal proceedings, including for children in conflict with the law as well as those who are witnesses and victims. The purpose of the Code is to protect the best interests of minors; to resocialize and rehabilitate minors who are in conflict with the law; to protect minors' rights; to prevent the secondary victimization of the minor victims or minor witnesses and to avoid the revictimization of minor victims; and to prevent new crime and protect the public order in the process of administering justice.<sup>69</sup> All of the criminal cases in Georgia involving minors are handled by those police officers, investigators, prosecutors, judges and lawyers who are specialized in juvenile justice.

According to the Code, a minor victim is a minor who has suffered psychological and/or physical injury, and a minor witness is a minor who may have information related to an administrative offence or a crime.<sup>70</sup> The Juvenile Justice Code includes important principles for the protection of children, stating, for example, that "in juvenile justice procedure, the best interests of minors shall be considered as a priority".<sup>71</sup>

The internationally recognized principle and right of a child to be heard is also regulated by the Juvenile Justice Code: "Minors in conflict with the law have the right to participate in the juvenile justice procedure, directly and/or through a legal representative. They also have the right to be heard and have their views taken into account according to their age and level of development."<sup>72</sup>

In addition, under the Code, the privacy of minors are protected at all stages of the juvenile justice procedure,<sup>73</sup> and the cases of minors in conflict with the law are reviewed in closed court hearings.<sup>74</sup>

Article 24 of the Code regulates the measures to protect the best interests of the minor witnesses and gives the discretionary right to a judge to close the hearing fully or partially,<sup>75</sup> either on his/her

<sup>69</sup> *Juvenile Justice Code of Georgia*, Article 1, paragraph 2.

<sup>70</sup> *Ibid.*, Article 3.

<sup>71</sup> *Ibid.*, Article 4.

<sup>72</sup> *Ibid.*, Article 10, paragraph 1.

<sup>73</sup> *Ibid.*, Article 13, paragraph 1.

<sup>74</sup> *Ibid.*, Article 29, paragraph 1.

<sup>75</sup> *Ibid.*, Article 24, paragraph "c".

own initiative or on the motion of a minor witness, the minor's legal representatives or a lawyer or prosecutor.<sup>76</sup>

Minor victims are granted all the rights and have all the obligations of the minor witnesses, as provided by the Code. Minor witnesses have the right to a lawyer during procedural actions. **Free legal aid is provided to the witness in the event of insolvency.** Specifically, at any stage of the criminal proceedings, accused/convicted/acquitted minors and minor victims shall be provided with free legal aid, unless a defence lawyer (defence by agreement) hired by the minor participates in the proceedings. At any stage of the criminal proceedings, a minor interviewee/witness shall enjoy this right if he/she is unable to pay or is an interviewee/witness with respect to any offence under Chapters XIX, XX and XXII and Articles 144 1–1443 of the Criminal Procedure Code of Georgia.<sup>77</sup>

At any stage of the criminal proceedings, minors shall also enjoy the following rights: the right to receive information in a form that is appropriate for their development; the right to receive an interpreter's services free of charge, if necessary; the right to be accompanied by a legal or procedural representative; the right to assistance from counsel; and other rights provided by the legislation of Georgia.<sup>78</sup>

At any stage of the proceedings, the legal representative of a minor witness is entitled to be informed about the charges brought against the accused minor; to be informed about the relationship between the minor witness and the accused minor; and to obtain information about the pretrial restrictions imposed on the accused minor and about the release of the accused or convicted minor from a detention or prison facility.

The judge during a trial, or the prosecutor during the investigation stage, may prohibit the legal representative of a minor witness from attending procedural actions only if this is necessary for the best interests of the minor.<sup>79</sup>

Minors shall be interrogated in the presence of their legal representatives and the lawyers. If necessary, a psychologist shall also attend the interrogation. If the minor is a witness or a victim of sexual exploitation and sexual abuse, an audio or video recording may be taken during the interrogation. The audio or video recording of the testimony given by the minor may be played (demonstrated) at a court hearing.<sup>80</sup> If the minor is a witness to or a victim of sexual exploitation and sexual abuse, the number of interrogations shall be as limited as possible and shall be determined by the need to achieve the goals of the criminal proceedings.<sup>81</sup>

In cases where the legal representative acts against the best interests of the minor, or the minor is a victim of or an eyewitness to a crime committed by the legal representative, or the legal representative is charged with committing the same crime, then a guardianship or custodianship authority shall – based on the application of an investigator, prosecutor or judge – nominate a candidate for the role procedural representative.<sup>82</sup>

Minor witnesses and minor victims may not be interrogated in connection with domestic violence crimes; moreover, when protective or restraining orders are issued, the minor victims of domestic violence

<sup>76</sup> Ibid., Article 24.

<sup>77</sup> Ibid., Article 23.

<sup>78</sup> Ibid., Article 15.

<sup>79</sup> Ibid., Article 23, paragraphs 2 and 3.

<sup>80</sup> Ibid., Article 52, paragraph 3.

<sup>81</sup> Ibid., paragraph 5.

<sup>82</sup> Ibid., Article 50, paragraph 1.

may not be interrogated (or explanations may not be obtained from them) in the presence of abusive parent(s).<sup>83</sup>

Child rights in Georgia received a welcome boost in 2017 with the creation of the Inter-Agency Council on the Implementation of the UN Convention on the Rights of the Child (CRC). The Council developed a comprehensive plan for CRC implementation and coordinates and monitors Georgia's implementation of its international and national obligations on protecting children's rights. The Council also ensures that the Georgian legislation complies with the CRC and other international standards, collecting the relevant data and information, and works to implement all concluding observations of the UN Committee on the Rights of the Child.

Georgia pays special attention to the children working and living in the streets who can become victims of violence and human trafficking. Legislative amendments were prepared by the Ministry of Justice in order to ensure the protection of the rights of homeless children, the provision of social and medical services and inclusion in state programmes. The legislative amendments to the Law of Georgia on Social Assistance introduced the term "homeless child" as a minor living and/or working in the street and who has been identified as such by an authorized social worker in accordance with the procedures of child protection.

Legislative regulation of this definition allows the State to organize the personal identification documents of such children, which will ensure that they are provided with the different state services. The LEPL Agency for State Care is now authorized to apply to the LEPL Public Service Development Agency of the Ministry of Justice with requests to issue the free-of-charge identification documents for homeless children and child victims of violence. In the past, only a parent or a legal guardian was authorized to request such documents. Between 1 January 2018 and 20 June 2020, LEPL Public Service Development Agency issued 12 temporary identification cards for nine child victims of domestic violence, of whom five were girls. In addition, identification cards were issued for three homeless children and/or victims of violence (two males and one female), thereby ensuring that these children have access to the available medical and social services.

Measures for the protection of children from any form of violence have been improved, and the role of social workers has increased. Now social workers are authorized, when necessary, to make a decision about the immediate removal of a child from a perpetrator. Moreover, administrative liability has been determined for those who do not comply with the social worker's decision. All of these legislative amendments were adopted by the Parliament of Georgia in June 2016.

The child protection referral procedures were approved by Decree No. 437 of the Government of Georgia; they expand the list of agencies – including municipalities – who are involved in child protection referral procedures. The process was previously regulated by a joint decree of three ministers. The purpose of this procedure is to facilitate the protection of children from all forms of domestic violence or other violence through the development of a coordinated and effective system of child protection referral in Georgia. The inclusion of the municipalities in these procedures supports the creation of a coordinated and effective system for the protection of children from domestic violence and any other form of violence.

## COLLECTIVE COMPLAINTS MECHANISMS

During the period from 2016 to 2019, a total of six complaints were submitted to the European Court of Human Rights (four cases) and the CEDAW Committee (two cases). One of the cases has been completed by the CEDAW Committee, while the others are under review.<sup>84</sup>

<sup>83</sup> Ibid., Article 52, paragraph 11.

<sup>84</sup> "X and Y v. Georgia" (Communication No. 4/2009).

The increased number of cases in recent years has been caused by the active application of the legal protection mechanisms at the national and international level in relation to VAW/DV and women's discrimination, as well as the recent reforms made by the Government of Georgia and the improvement of public awareness in this regard.

**Informing the potential victims** - Annual Parliamentary Reports on *Victims' Awareness of International and Regional Human Rights Mechanisms*, is yet another important mechanism. In accordance with the amendments to the Rules of Procedure of the Parliament of Georgia in 2016, the Ministry of Justice submits an annual report to the Parliament on the decisions on individual complaints, as well as the status of the enforcement of judgments made by the European Court of Human Rights (e.g. ongoing enforcement cases, final enforcement, etc.).

Parliamentary committees analyse the report within the time limit set by the Bureau of the Parliament. The annual reports submitted to the Parliament by the Ministry of Justice include detailed information on European Court judgments and decisions and the measures taken to enforce UN judgments, as well as recommendations issued by UN Committees. Reports submitted to the Parliament are public and are available to all interested parties (in Georgian), thereby providing information to the public, including alleged victims of all international grievance redressal platforms.

In addition, in order to raise public awareness on the European Court of Human Rights and its rulings, the Ministry of Justice is continuously translating European Court rulings, which are then sent for publication to the official print body of the Ministry – the Legislative Herald of Georgia – and made available to the public.

## OTHER MEASURES

One of the priorities of the Government of Georgia is to combat human trafficking, especially by proactively identifying and prosecuting trafficking cases against women and girls. Six special mobile groups are operating at the Ministry of Internal Affairs, and their main function encompasses the proactive monitoring of high-risk areas and the identification of trafficking cases throughout Georgia.

Georgia has maintained a high ranking and place among Tier 1 countries in the annual Trafficking in Persons Report of the U.S. State Department<sup>85</sup> since 2016. The most recent report for 2020 states that the "Government of Georgia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Georgia remained on Tier 1. These efforts included increasing overall prosecution and victim protection efforts. The government prosecuted more suspects, identified more victims, and provided more comprehensive victim assistance".<sup>86</sup>

The Government increased its law enforcement efforts. Article 143<sup>1</sup> and 143<sup>2</sup> of the Criminal Code criminalized sex trafficking and labour trafficking, as well as prescribed penalties ranging from 7 to 12 years of imprisonment for offences involving an adult victim and 8 to 12 years for those involving a child victim.

The Government maintained several specialized units, including the Anti-Trafficking and Illegal Migration Unit within the Central Criminal Police Department and mobile groups under the Ministry of Internal

<sup>85</sup> *Trafficking in Persons Report 2020*, p. 55. Available at <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>; *Trafficking in Persons Report 2019*, p. 48. Available at <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>.

<sup>86</sup> *Trafficking in Persons Report 2020*, p. 217.

Affairs; the Anti-Trafficking unit of Adjara's police department and task forces under the Ministry of Internal Affairs. The MIA increased the number of mobile victim identification groups from four to six in order to proactively investigate trafficking and inspect hotels, bars, bathhouses, nightclubs, casinos and other high-risk businesses; mobile groups inspected 107 businesses in 2019 (98 in 2018).

The Government operates two specialized shelters for (statutory) victims in Batumi and Tbilisi and provides them with medical aid, psychological counselling, legal assistance, childcare services, reintegration support and a one-time financial payment of GEL 1,000 (\$380). Victims could initially stay at the shelter for three months, which could be extended upon the (statutory) victim's request. The government-run shelters' personnel include a nurse, social worker, lawyer and psychologist. The shelters offer separate sections for men, women and children. Shelter staff chaperone (statutory) victims when leaving the shelter, but (statutory) victims could request to leave the shelter unchaperoned. In addition to providing equal treatment and services to both domestic and foreign (statutory) victims, the Government makes foreign trafficking (statutory) victims eligible for the renewable one-year residence permits with the ability to seek legal employment. The law prohibits penalizing trafficking (statutory) victims for unlawful acts committed as a direct result of being subjected to human trafficking. The witness and victim coordinators of the Prosecutor's Office provide counsel to (statutory) victims from the beginning of the investigation through the end of the court proceedings.

The Government continues to support anti-trafficking-related hotlines. The hotlines received 65 trafficking-related calls in 2019 (69 in 2018).

The Law on Occupational Safety entered into force in September 2019 and expanded the occupational safety and health standards, including unannounced inspections for the purpose of occupational and safety regulations.

# V. SUBSTANTIVE LAW

*(Chapter V, Articles 29–48 of the Istanbul Convention)*

## LEGAL FRAMEWORK

The Parliament of Georgia confirmed the commitment to combating violence against women by endorsing the ratification of the Istanbul Convention and adopting a milestone legal framework aimed at harmonizing the domestic legislation with the Istanbul Convention (which entered into force on 1 September 2017).

Georgia has signed and ratified and is party to the majority of human rights instruments, thereby confirming the readiness of the State to work towards equality between men and women and towards women's empowerment. In 1994, Georgia acceded to CEDAW, an international instrument for the protection of women's rights, with no reservations, and at the 1995 Beijing Conference, Georgia joined the countries that agreed to develop action plans for improving the conditions of women. In addition, Georgia endorsed the SDGs by nationalizing all 17 goals, including Goal 5 – to achieve gender equality and empower all women and girls, including via the elimination of all forms of violence against all women and girls in public and private spheres. The Constitution is the supreme law of Georgia and recognizes the supremacy of international treaties over domestic laws, unless a treaty contradicts the Constitution.

Georgia made a choice to establish a strong and unified legislative framework and targeted its criminal, administrative, civil, labour and other special legislation on the elimination and prevention of violence against women and domestic violence.

Important legislative proposals have been introduced with the aim of aligning Georgia's legislative framework with the principles of gender equality and ending violence against women. The aim of these amendments was to bring the domestic legislation in compliance with international requirements set by pertinent conventions to which Georgia is a party. These include the adoption of the 2006 Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence; the 2006 Law of Georgia on Combating Human Trafficking; the 2010 Law of Georgia on Gender Equality; and the 2014 Law of Georgia on the Elimination of All Forms of Discrimination. The latter includes the prohibition of discrimination based on sex, sexual orientation and gender identity as well as the amendments made to the Criminal Code in 2012, criminalizing domestic violence.

During the past five years, Georgia has made several significant improvements to accelerate progress for women and girls, to prevent discrimination and to promote the rights of women and girls. It has made significant progress towards its gender equality goals through the enactment and implementation of the legislation and policy reforms and working towards ending violence against women.<sup>87</sup>

The advancement of the fight against domestic violence was supported by the major steps taken by Georgia, including adopting a series of amendments in 2017 to bring the legal framework into alignment with the international standards set forth in the Istanbul Convention. These amendments included, inter alia, adopting definitions of violence against women and stalking, criminalizing forced sterilization

<sup>87</sup> CEDAW Committee, *Concluding observations on the combined fourth and fifth periodic reports of Georgia* (24 July 2014). CE-DAW/C/GEO/4-5.

and female circumcision, providing for temporary residency for foreign women who are the victims of violence, ensuring that the victims of violence are notified prior to the perpetrator's release from custody and expanding the list of aggravating circumstances related to gender-based violence. The Parliament adopted amendments enabling courts to take away the right to carry weapons from persons convicted of domestic violence.

As a result of the legislative reform, the scope of domestic violence-related legislation, previously gender-neutral, has now been expanded to also apply to other forms of gender-based violence against women, thus taking into consideration the gender dimensions of violence. To increase the disclosure rate of VAW/DV instances, the new legislation extended the group of individuals authorized to report domestic violence cases. Exceptional circumstances have been determined for professionals with statutory confidentiality obligations (doctors, teachers, lawyers) that permit them to disclose information in the event of the risk of repeated violence.

The vital legal framework of Georgia combating violence against women and domestic violence include the following legislation:

- Constitution of Georgia
- Criminal Code of Georgia
- Administrative Offences Code of Georgia
- Administrative Procedure Code
- Labour Code of Georgia
- Law of Georgia on Public Service
- Law of Georgia on Legal Aid
- Law of Georgia on International Protection
- Law of Georgia on the Legal Status of Aliens and Stateless Persons
- Law of Georgia on Police
- Imprisonment Code of Georgia
- Law of Georgia on the Elimination of All Forms of Discrimination
- Law of Georgia on Gender Equality
- Law of Georgia on the Elimination of Violence against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence
- Law of Georgia on Health Care
- Law of Georgia on Patient Rights
- Law of Georgia on Combating Human Trafficking

The supreme law of Georgia, its Constitution, establishes the basis for the equality of men and women. Article 11, paragraph 1 reads: "All persons are equal before the law. Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or any other grounds shall be prohibited". According to paragraph 3 of the same article, the State shall ensure "equal rights and opportunities for men and women ... [and] shall take special measures to ensure the essential equality of men and women and to eliminate inequality".

The Law of Georgia on Gender Equality determines the State's obligation to "support and ensure equal rights for men and women in political, economic, social and cultural life" by ensuring the special measures without discrimination.<sup>88</sup> The law guarantees the equality of men and women in all spheres of public life, including labour relations, education and science, access to information resources, health care,

<sup>88</sup> *Law of Georgia on Gender Equality*, Article 4.

social security, family relations and participation in elections.<sup>89</sup> Article 4(2)(b) of the Gender Equality Law guarantees without discrimination “equal access to education for men and women and free choice of education at any stage of learning”. Focusing on vocational and higher education, Article 7 further declares the rights pertaining to vocational and higher education, including the sciences.

On 2 May 2014, the Parliament of Georgia adopted the Law on the Elimination of All Forms of Discrimination by 115 votes to 1, thereby calling for the prohibition of discrimination based on sex, as well as on sexual orientation and gender identity. This law is of paramount importance for the development and well-being of Georgian society. Adoption of this law signifies Georgia’s attempt to make its legal environment more EU-compatible and to adapt its anti-discrimination legislation. The law repeats the definition of direct and indirect discrimination as previously defined by the Law on Gender Equality and has introduced the concept of multiple discrimination and the prohibition of supporting or encouraging discriminatory actions.<sup>90</sup> The law entitles the Public Defender of Georgia to monitor and oversee the efforts for the elimination of discrimination. The Public Defender collects and analyses statistical data, drafts opinions on relevant legislative amendments to be submitted to the Parliament and carries out various events aimed at raising public awareness on discrimination issues.<sup>91</sup>

The law has granted the Public Defender with not only a responsive but also a proactive function, which is crucial when developing policy for the elimination of discrimination. According to the law, the Public Defender examines an act of discrimination on his/her own initiative and/or upon submission of an application/complaint.<sup>92</sup> The role of the Ombudsman, determined by the law, has proved to be a very positive development. The Public Defender is entitled to invite a victim of discrimination and the alleged perpetrator and try to settle the case.<sup>93</sup> In cases where a settlement cannot be achieved and the other party is an administrative authority, the Public Defender addresses the court pursuant to the Administrative Procedure Code and requests the invalidation of the attempted settlement, causing a new case to be issued or the suspension of further proceedings.<sup>94</sup> At the same time, a victim of discrimination is entitled to address the court at all stages of the case’s development, without reporting to the Ombudsman, and to request material and emotional distress compensation from the person who committed the act of discrimination.<sup>95</sup> The law made the effective protection of a discrimination victim’s rights more realistic by imposing the burden of proof on the respondent – either when establishing the fact of discrimination in the case of filing the complaint to the Public Defender, or during the judicial proceedings.<sup>96</sup>

The Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence was first established in 2006 and has undergone a series of amendments to strengthen its provisions, most recently in 2017. According to these amendments, the “primary identification and determination of victims of violence against women and/or domestic violence, their protection, support, rehabilitation and for these purposes, timely and coordinated (mutual) activities of state authorities and other relevant entities shall be determined by the national referral procedures for identifying victims of violence against women and/or domestic violence, for their protection, support and rehabilitation, which shall be approved by the Government of Georgia.” Article 10, paragraphs 2 and 3 provide for the issuance of temporary restraining and protective orders, to be issued by judges and police, respectively. Article 12, paragraph 1 establishes the temporal limit of the protective orders as six months, while paragraph

<sup>89</sup> Ibid., Articles 6-11.

<sup>90</sup> *Law of Georgia on the Elimination of All Forms of Discrimination*, Article 2.

<sup>91</sup> Ibid., Article 6.

<sup>92</sup> Ibid., paragraph 2(b).

<sup>93</sup> Ibid., paragraph 2(e).

<sup>94</sup> Ibid., paragraph 2(g).

<sup>95</sup> Ibid., Article 10.

<sup>96</sup> Ibid., Article 8, paragraph 2.

2 provides for their extension to a maximum of three months, thus providing for a total of nine months of protection. There are three alternative sanctions for breaches of a protective or restraining order. Article 9 of the law provides that the breach of the restraining and protective orders is to be governed by administrative law, civil law and criminal law.

In 2017, the amendments introduced to the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence expanded the scope of this law, and now it deals not only with domestic violence but also general violence against women. The title of the law changed to “Law of Georgia on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence”. Article 3<sup>1</sup> “Violence against women” was added to the law and defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. For the purpose of this law, female juveniles who have not reached 18 years of age are also considered to be a woman.<sup>97</sup>

As of 1 January 2017, marriage in Georgia is permitted from the age of 18,<sup>98</sup> and the spouses have equal personal and property rights and bear equal responsibilities in domestic relations.<sup>99</sup>

According to the amendment to the Imprisonment Code of Georgia for the purpose of protecting female victims of violence, the prison administration shall inform the Ministry of Internal Affairs before the VAW/DV perpetrator is released.<sup>100</sup>

In 2017, Georgia was obliged to make amendments to ensure compliance of the Georgian legislation with EU directives. The directives describe the obligation of the State to protect individual equality rights, define relevant responsible authorities and establish sanctions for the violations. In order to reflect these directives in the Georgian legislation, the package of amendments was developed and adopted by the Parliament in December 2017 and includes the following legislative acts:

- Organic Law of Georgia – Labour Code of Georgia
- Law of Georgia on the Elimination of All Forms of Discrimination
- Law of Georgia on Public Service
- Law of Georgia on Gender Equality

The amendments include the protection of individuals’ equality during labour-related and pre-contractual relations, in education, in social services and in health care;<sup>101</sup> set the prohibitions on directing one individual to discriminate against another;<sup>102</sup> and oblige the employer to protect the individual equality principles in labour relations, as well as in pre-contractual relations. This includes vacancy announcements and the prohibition of discrimination during interviews.<sup>103</sup> Protection of the equality principle for working persons and for employment in the public sector is strengthened by the obligation of the public entity to improve awareness among the public officials on issues of discrimination. The Law of Georgia on Public Service was amended in 2017; according to this amendment, a public entity is obliged to take measures to ensure an equal treatment of the persons employed and to include the provisions prohibiting discrimination in internal rules and other documents and to ensure their enforcement.<sup>104</sup>

<sup>97</sup> *Law of Georgia on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence*, Article 3<sup>1</sup>.

<sup>98</sup> *Civil Code of Georgia*, Article 1108.

<sup>99</sup> *Ibid.*, Article 1152.

<sup>100</sup> *Imprisonment Code of Georgia*, Article 45<sup>1</sup>.

<sup>101</sup> *Law of Georgia on the Elimination of All Forms of Discrimination*, Article 2, paragraph 10.

<sup>102</sup> *Ibid.*, paragraph 5.

<sup>103</sup> *Law of Georgia on Gender Equality; Law of Georgia on the Elimination of All Forms of Discrimination*, Article 9<sup>1</sup>.

<sup>104</sup> *Law of Georgia on Public Service*, Article 56, paragraph 3.

As of May 2019, the Labour Code of Georgia defines sexual harassment as “undesirable sexual behaviour towards a person ... [that] aims and/or tarnishes his/her dignity or creates an intimidating, hostile, degrading or abusive environment for him/her.” Victims of sexual harassment have two options for recourse: they may appeal to the Public Defender or to the Court.

The current composition of the Parliament of Georgia has female representation below 15 per cent. However, the new gender quota (adopted in 2020) will boost the number of female MPs by at least 25 per cent in the tenth term of the Parliament (2020-2024) and more in the future.

Quotas were introduced at the local level in as a so-called “zigzag” system for the proportional part of the local self-government composition, also resulting in approximately 25 per cent female representation.

Georgia previously has already attempted to enlist more women by boosting state funding for parties that include female candidates. Alongside quotas, the financial support for the parties is still available if 3 out of 10 candidates on their list are of the opposite sex.

Under the new law, adopted on 29 June 2020, all parties contending for Parliament will have to award every fourth party-list seat they win to a person “of a different gender”. In practical terms, this means that in the 2020 fall election, of the 120 seats chosen on a proportional basis, at least 25 percent will go to women. The remaining 30 seats (out of total 150 seats) will go to the majoritarian candidates representing the geographical electoral districts and will not be subject to the quota.

In 2024, however, when Georgia transitions to a fully proportional system, at least 37 seats in the Parliament will be held by women. Further changes will go into effect in 2028, when the one-in-every-four formula will be replaced by one-in-every-three, so that 50 seats will go to women. The new law establishes a stricter formula for the local elections. It requires parties competing for the seats in the local legislative councils to include a practically equal number of men and women in their electoral lists.

## GUIDANCE ON THE IMPLEMENTATION OF THE LEGAL FRAMEWORK

The Ministry of Internal Affairs made significant improvements in responding to domestic violence cases and establishing new mechanisms in recent years.

A ministerial decree issued by the Minister of Internal Affairs of Georgia on 13 July 2018 introduced a milestone policy shift in police response against domestic violence. The change requires the police officers to fill out a **risk assessment checklist**<sup>105</sup> to evaluate the risks for lethality and re-abuse by perpetrators in order to identify and protect at-risk victims. The reform ensures improved safety planning for victims, with the ultimate aim of saving more lives.

The domestic violence risk assessment tool, effective as of 1 September 2018, enables police officers to document the history of violence suffered and evaluate the risks for lethality and re-offence using a standardized methodology. The tool further informs the police, prosecution and courts during the investigation and pretrial stage to place appropriate restrictive measures against the perpetrators and protective measures for the survivors. It also helps the prosecution to build stronger cases for adjudication and thus achieve proportional sanctions for the crime.

The enforcement of the risk assessment tool was followed by the **introduction of GPS electronic monitoring bracelets for perpetrators**. The Parliament of Georgia considered the amendments to the Law

<sup>105</sup> For more details, please see Chapter 6.

of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence. The amendments established the legal grounds for the electronic monitoring of the perpetrators of domestic violence, allowing for the electronic monitoring of a person during the course of a restrictive order – one month, in cases where a person’s right to contact the victim is restricted. An authorized police officer is able to assign such electronic monitoring under the restrictive order as a temporary protection measure for the victim. Electronic monitoring is used in cases where there is a real threat of repeated violence from a perpetrator. An assessment of repeated violence is performed according to the decree of the Minister of Internal Affairs. The factors taken into account during the assessment include the facts and nature of violations of restrictive and protective orders in the past, past acts of violence committed by a perpetrator, threats made by a perpetrator and the use of weapons during physical violence. The court approves electronic monitoring orders within 24 hours of issuance. The consent of the victim or his/her representative is necessary for electronic monitoring because it requires the victim to take certain actions, including carrying special technical equipment. The details of the electronic monitoring rules, including the parameters of geographic zones of proximity to a victim (e.g. buffer and alarm zones), are determined by the decree of the Minister of Internal Affairs.

The Ministry of Internal Affairs implemented this important and innovative project in cooperation with UN Women and the EU. The use of the electronic bracelets are complementary to the risk assessment tool: police officers use the electronic bracelets as an alternative form of punishment for control purposes in high-risk cases and when the perpetrator is not imprisoned. This is an additional step forward in the prevention and elimination of reoffending.

In light of the risk assessment tool, the Human Rights Protection and Investigation Quality Monitoring Department also developed a **monitoring mechanism for restrictive orders**. The mechanism provides instruction to the police to monitor compliance to the requirements of the restrictive order, by maintaining robust communication and conducting visits to the victim and the offender according to the level of risk set by the protocol of the restrictive order. Both instruments – the risk assessment mechanism and the monitoring tool – were integrated into the protocols and adopted by the ministerial order that entered into force on 1 September 2018.

The Department developed **recommendations on domestic violence** and gender-based violence. The recommendations include but are not limited to those on the following topics: issues related to the restrictions of the restrictive orders; protection of the statutory victims after the offender is released from prison; obligatory issuance of restrictive orders in parallel with investigations; the process of conducting an interview with the victim; and the process of qualifying an action as a crime.

Along with the above-mentioned list, guidelines on the investigation of gender-based and domestic violence were developed by the department and disseminated to the relevant departments of the MIA.

The Prosecutor’s Office applies the strict criminal law policies in the event of a woman’s murder, when the crime is committed with the signs of domestic violence. While there is no written law or protocol precluding the use of plea agreements and diversion in VAW/DV cases, prosecutors have reportedly been verbally instructed not to offer plea agreements in cases of femicide, nor diversion in cases of VAW/DV. In the past two years, there has not been a single case where a plea agreement was entered for a case of femicide.<sup>106</sup> Since 2014, all cases involving the murder of a woman have been resolved, and all offenders have been identified and subjected to the relevant sentence.<sup>107</sup>

<sup>106</sup> UNDP and the GEC, *Gender Equality in Georgia: Barriers and Recommendations* (2018), vol. 1, p. 79.

<sup>107</sup> *Sixth Periodic Report of Georgia on the Convention on the Elimination of All Forms of Discrimination against Women*, p. 25, paragraph 135.

As for the Prosecutor's Office, as a result of the preventive measures taken and the improvement of the quality of prosecutorial supervision, the rate at which domestic violence is reported by victims/survivors and the rate at which criminal prosecutions are launched have increased significantly – more than fivefold since 2014 – amounting to criminal charges against 4,579 individuals in 2019. The Prosecutor's Office pays special attention to each case, including any past incidents of violence, for the purposes of detecting different forms of violence as well as determining systemic violence. The detection of psychological violence has improved, as has the issue of identifying a gender-based discrimination motive in VAW/DV cases. In 2016, three individuals were charged for crimes motivated by sex/gender; this rose to 111 individuals in 2018 and 120 individuals in 2019.

The Government of Georgia has demonstrated its political commitment to addressing discrimination and eradicating violence against women and girls, recognizing domestic violence as a problem of public concern. To ensure the development and due enforcement of a comprehensive legislative framework for the prevention and elimination of domestic violence, including the establishment of efficient mechanisms for the protection of, assistance to and rehabilitation of the victims/survivors, as well as public awareness-raising, the Government has adopted special action plans. To this day, six **NAPs on VAW/DV** have been adopted since 2007.

## COMPENSATION FROM THE PERPETRATORS AND THE STATE COMPENSATION

Upon ratifying the Istanbul Convention, Georgia made one 5-year reservation to Article 30, paragraph 2, which states that:

adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.

This reservation will expire in September 2022.

In 2016, the Administrative Procedure Code of Georgia was amended in order to allow the courts to consider claims for the allocation of compensation in a simplified procedure in accordance with the jurisprudence of UN Human Rights treaty bodies,<sup>108</sup> stating that “a person for the purpose of obtaining an indemnity for pecuniary and non-pecuniary damage is entitled to file an action in the court with regard to whom there exists a decision of the United Nations Human Rights Committee, the Committee on the Elimination of All Forms of Discrimination against Women, the Committee on the Rights of the Child, the Committee against Torture, or the Committee on the Elimination of Racial Discrimination”.<sup>109</sup>

However, in addition to determining the amount of compensation to be awarded, the Code provides for the possibility for courts to, in the alternative, deny the request for compensation ordered by the treaty body in accordance with the requirements of the Code.<sup>110</sup>

<sup>108</sup> *Administrative Procedure Code of Georgia*, Chapter VII<sup>14</sup>.

<sup>109</sup> *Ibid.*, Article 21<sup>57</sup>.

<sup>110</sup> *Ibid.*, Article 21<sup>58</sup>.

## CRIMINALIZED FORMS OF VIOLENCE

### *Psychological Violence*

Article 126<sup>1</sup> of the Criminal Code of Georgia regulates the criminal liability of domestic violence and states that “violence, regular insult, blackmail, humiliation by one family member against another family member which has resulted in physical pain or anguish and which has not entailed intentional infliction of severely grave, grave injury or less grave injury, is punishable by community service for a term of 80 to 150 hours or imprisonment for a term of up to two years, with or without restriction of the rights regarding weapons”. The second paragraph of the same article determines the aggravating circumstance and states that the “same act committed knowingly against a minor, helpless person, a person with disability or a pregnant woman in the presence of a minor against his/her family member, two or more persons, by a group of persons and repeatedly is punishable by a community service for a term of 200 to 400 hours or with imprisonment for a term of one to three years, with or without restriction of the rights to weapons”.

One of the forms of psychological violence is coercion, which is punishable under Article 150 of the Criminal Code of Georgia. According to this article, the illegal restriction of a person’s freedom to act – i.e. coercing him/her physically or mentally to perform or not to perform an action, perform or abstain from a performance of which is his/her right, or to make him/her experience an influence against his/her own will – shall be punished by one of the following options: a fine; 120 to 180 hours of community service; up to one year of corrective labour; six months to two years of house arrest; or up to one year of imprisonment (all of which may include restrictions to the right to possess weapons). The same act – committed knowingly by an offender against a minor, a person in a helpless condition, a person with disability or a pregnant woman; by a group of persons; or repeatedly – shall be punished by a fine, community service for a term of 170 to 200 hours, corrective labour for a term of up to two years, or imprisonment for a term of up to three years, with or without restriction of the right to own weapons.

Other forms of threatening behaviour are laid out in Article 151. The threat to kill someone, harm their health or destroy their property – when the threatened person has started to have a reasonable sensation of fear that the threat will be carried out – shall be punished by a fine or community service for a term of 120 to 180 hours, or by corrective labour for a term of up to one year or house arrest for a term of six months to two years, or by imprisonment for a term of up to one year, with or without restriction of the right to own weapons. The same act – committed (1) by a group of persons, (2) repeatedly or (c) premeditatedly by a perpetrator against a pregnant woman, a person in a helpless condition, a person with limited capacity or a minor – shall be punished by a fine or community service for a term of 170 to 200 hours, or by corrective labour for a term of up to two years and/or imprisonment for a term of up to three years, with or without restriction of the right to own weapons.

### *Stalking*

The criminal liability for stalking was introduced to the Criminal Code of Georgia under Article 151<sup>1</sup>, which states that “an illegal monitoring, personally or through a third person, of a person, his/her family member or a close relative, or establishment of an undesirable communication by a telephone, an electronic or other means, or any other intentional action conducted regularly and causing mental torture to a person, and/or a reasonable fear of using coercion against a person and/or his/her family member or a close relative, and/or of destroying property, which makes the person substantially change his/her lifestyle, or creates a real need for changing it, shall be punished by a fine or community service

for a term of 120 to 180 hours, or by imprisonment for a term of up to two years, with or without restriction of the rights regarding weapons.”

The same act committed knowingly by an offender against a minor, a person in a helpless condition, a person with disability or a pregnant woman; by a group of persons; repeatedly; and/or by abusing an official position is punishable by imprisonment for a term of two to five years, with or without restriction of the right to own weapons.

For the first time in Georgia, the 2017 National Study on Violence against Women in Georgia also generated data on the prevalence of sexual harassment and stalking at the national level.

Women were asked if they had ever experienced stalking, as defined under several different circumstances such as deliberate interference with or without damage to property; loitering or waiting outside the home, school or workplace, without a legitimate reason and/or deliberate following; sending threatening or offensive letters or electronic stalking; and sharing intimate photos or videos.

Four per cent of women reported that they had experienced at least one form of stalking in their lifetime, and 3 per cent had experienced it in the preceding 12 months. The most common forms of stalking that respondents reported were offensive or threatening text messages or emails (2 per cent), loitering or being followed (1 per cent) and offensive, threatening or silent phone calls (1 per cent).

### ***Aggravating Circumstances***

When determining the aggravating circumstances for punishment, Article 53<sup>1</sup> of the Criminal Code of Georgia states that committing a crime on the basis of race, skin colour, language, sex, sexual orientation, gender, gender identity, age, religion, political or other views, disability, citizenship, affiliation (national, ethnic or social), origin, property or birth status, place of residence or other signs of discrimination with the reason of intolerance is considered to be an aggravating factor for liability for all of the crimes determined under the Criminal Code.

Moreover, a crime committed by one family member against another family member, against a helpless person, a minor or in his/her presence, with extreme cruelty, with the use of a weapon or the threat of using a weapon, or by abusing an official position is an aggravating factor for liability for all respective crimes determined under the Criminal Code.

When imposing fixed-term imprisonment for a crime committed with the aggravating factors described above, the term of the sentence to be served shall exceed, at least by one year, the minimum term of sentence provided for the committed crime under the respective article or part of an article of the Criminal Code.

### ***Physical Violence***

According to Article 126 of the Criminal Code of Georgia, beatings or other violence that has caused a victim physical pain but did not entail intentional, less grave bodily injury is punishable by a fine or community service for a term of 120 to 180 hours or house arrest for a term of six months to one year, or imprisonment for a term of up to one year, with or without restriction of the right to own weapons. The same article contains provisions with regard to the aggravating factors – among which are actions committed knowingly against a minor, a helpless person, a person with disability or a pregnant woman; in the presence of a minor against his/her family member; against two or more persons; by a group of

persons; or repeatedly – shall be punished by community service for a term of 200 to 400 hours or with imprisonment for a term of up to two years, with or without restriction of the right to own weapons. Systematic beatings or other forms of violence that amount to physical or psychological torture are punishable by house arrest for one to two years or by imprisonment for a term of one to three years, with or without restriction of the right to own weapons. Aggravating circumstances are included for this action.

In cases of violence happening between family members, then Article 126<sup>1</sup> applies: Violence, repeated insult, blackmail or humiliation by one family member against another family member that has resulted in physical pain or anguish shall be punished by community service for a term of 80 to 150 hours or imprisonment for a term of up to two years, with or without restriction of the right to own weapons.

If physical violence resulted in grave or less grave bodily injury, then the action will be qualified according to the relevant article rather than the act of violence itself: Article 117, Intentional infliction of grave injury; Article 118, Intentional less grave bodily injury; and Article 120, Intentional less grave bodily injury. These articles specify the aggravating circumstance as a crime committed against a family member. More specifically, Articles 117 and 118 name gender identity as the aggravating factor for the crime committed.

### ***Sexual Violence, including Rape***

Article 137 of the Criminal Code of Georgia defines rape as any form of penetration of a sexual nature of the body of a person with any bodily part or object, committed with violence, under the threat of violence or by abusing the helpless condition of the person affected, and is punishable by imprisonment for a term of six to eight years. The same act that is committed by abusing an official position; that has caused serious harm to the health of the person affected; and/or has caused other serious consequence, is punishable by imprisonment for a term of 8 to 10 years, with or without restriction of the right to own weapons.

The same act committed repeatedly by a person who had previously committed another such act of a sexual nature, coercion into penetration of a sexual nature into the body of another person, or coercion into another act of a sexual nature, penetration of a sexual nature into the body of a person below 16 years of age, or a lewd act by a group of persons; knowingly against a minor, a person with disability or a pregnant woman; or against a person under the offender's custodianship, guardianship or surveillance, is punishable by imprisonment for a term of 10 to 13 years.

The same act that is committed against a person affected or any other person with extreme cruelty; that caused the death of the person affected; and/or is committed knowingly against a person that has not reached 14 years of age, shall be punished by imprisonment for a term of 15 to 20 years, with or without restriction of the right to own weapons.

Article 138 of the Criminal Code refers to another act of a sexual nature that does contain elements of rape, committed with violence, under the threat of violence or the helpless condition of the victim, is punishable by imprisonment for a term of four to six years, with or without restriction of the right to own weapons.

The same act committed repeatedly; by abusing an official position; committed by a group of persons; committed knowingly against a minor, a person with disability or a pregnant woman; committed by

a person who had previously committed rape, coercion into penetration of a sexual nature into the body of another person, or into another act of a sexual nature, penetration of a sexual nature into the body of a person below 16 years of age; or a lewd act committed against a person under the offender's custodianship, guardianship or surveillance; that has caused serious harm to the health of the person affected, or other serious consequence, is punishable by imprisonment for a term of six to nine years, with or without restriction of the right to own weapons. The same act that is committed against a person affected or another person with extreme cruelty; that caused the death of the person affected; and/or is committed knowingly against a person that has not reached 14 years of age, is punishable by imprisonment for a term of 11 to 15 years, with or without restriction of the right to own weapons.

Article 139 of the Criminal Code regulates criminal liability for coercion into penetration of a sexual nature into the body of a person or coercion into another act of a sexual nature. Specifically, coercion into penetration of a sexual nature into the body of a person, or into another act of a sexual nature, committed under the threat of damaging property or disclosing defamatory information, personal/private information or such information that may substantially affect the rights of that person, and/or by abusing the helpless condition of the person affected, or material, official or other kind of dependence, is punishable by a fine or imprisonment for a term of up to five years, with or without restriction of the right to own weapons.

The same act that has caused serious harm to the health of the person affected, or other serious consequence, is punishable by imprisonment for a term of five to seven years, with or without restriction of the right to own weapons. The same act committed repeatedly; by a person who had previously committed rape, another act of a sexual nature, penetration of a sexual nature into the body of a person below 16 years of age, or a lewd act by a group of persons; knowingly by an offender against a minor, a person with disability or a pregnant woman; and/or against a person under the custodianship, guardianship or surveillance of an offender, shall be punished by imprisonment for a term of seven to nine years, with or without restriction of the right to own weapons. The same act having caused the death of the person affected or committed knowingly against a person that has not reached 14 years of age, is punishable by imprisonment for a term of nine to fifteen years, with or without restriction of the right to own weapons.

Under Article 140 of the Criminal Code, the penetration of a sexual nature into the body of a person below 16 years of age shall be punished by imprisonment for a term of seven to nine years. The same act committed knowingly by an offender against a person with disability or a pregnant woman; by a group of persons; against two or more persons; and/or repeatedly, by a person who has previously committed rape, another act of a sexual nature, penetration of a sexual nature into the body of a person below 16 years of age, and/or a lewd act, shall be punished by imprisonment for a term of eight to ten years.

Georgian legislation does not separately define sexual acts, including rape, committed against a current or former spouse. Such acts are instead qualified under the general, applicable article (for instance, Article 137 ("Rape") of the Criminal Code). However, it is important to refer to Article 11<sup>1</sup> of the Criminal Code to determine the general rule for imposing punishment for domestic crimes; the article also lists who is considered a family member. As of 1 September 2020, family members include the following: mother, father, grandfather, grandmother, spouse, a person in an unregistered marriage, child (stepchild), foster child, foster parent (foster mother, foster father), adoptive mother, adoptive father, adopted child, sister, brother, parents of a spouse, parents of a person in an unregistered marriage, spouse of a son/daughter (including a person in an unregistered marriage), former spouse, a person formerly in an unregistered

marriage, guardian, custodian, caretaker, a person under guardianship and custody, support recipient, and any other persons that maintain or maintained a common household.

### ***Forced Marriage***

According to the Civil Code of Georgia, the legal age of marriage is 18,<sup>111</sup> which means that marriage prior to that age is null and prohibited. As of 2015, according to Article 150<sup>1</sup> of the Criminal Code, forced marriage is punishable by community service of 200 to 400 hours or by imprisonment for up to two years, with or without restriction of the right to own weapons. The same act committed knowingly against a minor or repeatedly shall be punished by imprisonment for a term of two to four years, with or without restriction of the right to own weapons.

One of the priorities for the Ministry of Internal Affairs is the timely detection and effective investigation of crimes related to cases of child marriage. The Human Rights Protection and Quality Investigation Monitoring Department of the Ministry of Internal Affairs has studied as many as 200 criminal cases launched in 2019 under Article 140 (“Penetration of a sexual nature into the body of a person below 16 years of age”), Article 143 (“Unlawful restriction of freedom”) and Article 150<sup>1</sup> (“Forced marriage”) of the Criminal Code of Georgia across the country that that were suspected of involving child marriage. Indeed, 175 such cases were revealed to have been committed in 2019 with a motive of child marriage. The number is almost identical to the results of 2018, when 176 such cases were identified.<sup>112</sup>

Compared to the results of 2018, there was an increase in 2019 in the number of police reporting on suspected cases of forced marriage (Article 150<sup>1</sup>) and the number of cases launched. In particular, in 2019, 14 investigations were launched for cases of forced marriage of underage females, while in 2018, the number of initiated investigations of similar crimes amounted to nine. In 2019, legal proceedings were launched against five persons, while in 2018, only one person was brought to criminal justice. In parallel with the investigation, underage persons are transferred to shelters/crisis centres based on the restraining orders, considering the safety aspects of underage victims of violence.

In 2019, with the aim of improving the quality of investigation and to ensure a safe environment for victims, the Human Rights Protection and Investigation Quality Monitoring Department developed special instructions for investigators on the standards of investigating crimes committed on the basis of child marriage. The department is monitoring the active application of these methods in practice.

### ***Female Genital Mutilation***

As of May 2017, the newly added Article 133<sup>2</sup> of the Criminal Code of Georgia prohibits female genital mutilation (FGM) on any grounds. This means that female circumcision, infibulation partially or fully or the coercion of a woman to undergo FGM under religious, ethnic, national or other traditions or for other reasons, as well as persuading or conducting mutilation with the woman’s or girl’s consent, is punishable by imprisonment for a term of two to six years.<sup>113</sup> A similar act against a pregnant, disabled or underage woman will be considered an aggravating circumstance and is punishable by imprisonment for a term of three to seven years.<sup>114</sup> The same act that caused death or other serious result shall be punished by imprisonment for a term of 7 to 11 years.<sup>115</sup>

<sup>111</sup> *Civil Code of Georgia*, Article 1108.

<sup>112</sup> See <https://police.ge/en/shinagan-saqmeta-saministrom-bavshvobis-asakshi-qortsinebis-motivit-chadenil-danashauleb-ze-2019-tslis-angarishi-distantsiurad-tsaradgina/13523>.

<sup>113</sup> *Criminal Code of Georgia*, Article 133<sup>2</sup>, paragraph 1.

<sup>114</sup> *Ibid.*, paragraph 2.

<sup>115</sup> *Ibid.*, paragraph 3.

Information about the existence of FGM in Georgia, specifically in some Kakheti villages populated by the ethnic Avar community, was initially released by the Institute for War and Peace Reporting (IWPR) in November 2016. IWPR reported that when boys are circumcised, they are taken to the district hospital, where a surgeon operates on them. However, for girls, the procedure is usually done at home. After the news article was published, Georgia's Public Defender also began studying the situation. Representatives of the Ombudsman went to visit the aforementioned villages and confirmed the existence of such practices among Avars. As a result, the Government initiated the amendments to the law, which were approved by the Parliament on 24 January 2017.

### ***Forced Abortion***

The Law on Health Care stipulates that abortion can be carried out for any reason if the pregnancy does not exceed 12 weeks.<sup>116</sup> From 12 to 22 weeks, abortion is allowed only on the grounds of a listed medical condition (i.e. therapeutic abortion) and for certain social reasons, including if the pregnancy is the result of rape or if the patient is under 15 or over 49 years of age. In cases of rape, it is required that the crime of rape be confirmed by the court of first instance.<sup>117</sup> Abortion is permitted after 22 weeks for medical conditions and only upon the decision of a medical commission.<sup>118</sup> It is prohibited to terminate a pregnancy after 22 weeks for non-medical reasons.<sup>119</sup>

According to Article 133 of the Criminal Code of Georgia, illegal abortion is punishable by community service for a period of 120 to 300 hours, by house arrest for a period of six months to two years or by imprisonment for a term of one to two years. This is a blanket norm, and illegal abortion is defined in conjunction with other legislation and by-laws. The said act may also be committed under aggravating circumstances – for example, an illegal abortion that is committed by a person already convicted of illegal abortion or that resulted in the permanent loss of fertility or other grave consequences, including the loss of life.

According to Article 22, paragraph 2 of the Law on Patient Rights, “a written informed consent shall be necessary for the medical services including abortion”.

By ratifying the Istanbul Convention, Georgia took on the obligation under Article 39 to take the necessary legislative or other measures to ensure the criminalization of “performing an abortion on a woman without her prior and informed consent”. Sterilization without consent and illegal abortion are punishable by law, but there is no article in the Criminal Code that criminalizes a forced abortion.

### ***Sterilization without Consent***

Under Article 1331 of the Criminal Code of Georgia, performing an operation or manipulation on a person with the purpose of destroying his/her ability to reproduce is punishable by imprisonment for a term of two to six years. The same act committed by a group of persons; knowingly by an offender against a minor, a helpless person, a person with disability or a pregnant woman; repeatedly, is punishable by imprisonment for a term of three to seven years. The same act that caused death or other serious consequence shall be punished by imprisonment for a term of 7 to 11 years.

<sup>116</sup> *Law of Georgia on Health Care*, Article 139, paragraph 2(a).

<sup>117</sup> *Ibid.*, Article 140, paragraph 2; Order No. 01-74/6 of the Minister of Labour, Health and Social Affairs of Georgia, dated 7 October 2014, Tbilisi, On the Approval of the Rules of Artificial Termination of Pregnancy, Annex N1, Article N2.b. and Annex N5.

<sup>118</sup> Order No. 01-74/6 of the Minister of Labour, Health and Social Affairs of Georgia, dated 7 October 2014, Tbilisi, On the Approval of the Rules of Artificial Termination of Pregnancy, Annex N4, Article N1.

<sup>119</sup> *Ibid.*, Annex N6.

### ***Sexual Harassment***

In February and May 2019, legislative amendments were introduced to the Georgian legislation regulating sexual harassment in the workplace and in public life. The package of amendments was developed by the Gender Equality Council of the Parliament of Georgia.

According to the amendments, the definition of sexual harassment was added to the Law on the Elimination of All Forms of Discrimination. Paragraph 32 stating the definition of sexual harassment was added to Article 2 with the following wording: “sexual harassment is any sexualized form of unwanted verbal, non-verbal or physical behaviour, which has the purpose or the effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment”. According to paragraph 5 of the same article, “any action carried out for the purpose of forcing, encouraging, or supporting a person to discriminate against a third person within the meaning of this article” is prohibited.

In addition, the Gender Equality Council of the Parliament of Georgia initiated the changes to the Labour Code of Georgia in order to regulate sexual harassment issues in the workplace. The term “harassment” was part of the Labour Code as one of the elements within the general definition of discrimination. Article 2, paragraph 4 stated that “discrimination (including sexual harassment) shall be defined as the direct or indirect harassment of a person aimed at or resulting in impairing [the] dignity of a person, and in creating an intimidating, hostile, humiliating, degrading, or abusive environment for him/her, and/or creating the circumstances for a person directly or indirectly causing their condition to deteriorate as compared to other persons in similar circumstances”.

The definition of sexual harassment was added to the Labour Code on 3 May 2019, now stating that “sexual harassment is as a behavior of a sexual nature towards a person, which is meant to humiliate him/her and/or causes his/her humiliation and which creates an intimidating, hostile, humiliating or offensive environment for him/her. Now an employer is obliged to take measures to ensure compliance of the principle of equal treatment between employees at an institution, and shall include the anti-discrimination provisions in the internal regulations and other documents of the institution, and ensure their observance”.<sup>120</sup>

For the purpose of the Labour Code, behaviour of a sexual nature shall be defined as saying and/or referencing phrases of a sexual nature, exposing one’s genitals and/or engaging in any other non-verbal physical behaviour of a sexual nature.

The Administrative Offences Code of Georgia was also amended, and now sexual harassment is an administrative offence under Article 166<sup>1</sup>. According to the amendments, sexual harassment in the public sphere is any sexualized form of unwanted behaviour that has the purpose and/or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. For the purposes of the Administrative Offences Code of Georgia, behaviour of a sexual nature shall be defined as saying and/or referencing phrases of a sexual nature, exposing one’s genitals and/or engaging in any other non-verbal physical behaviour of a sexual nature.

Under the Administrative Offences Code, the types of liability are defined. Sexual harassment is punishable by a GEL 300 (EUR 82) fine or GEL 500 (EUR 138) if repeated. The offence is also punishable by up to one month of community service. Deliberate sexual harassment of a minor, a pregnant woman or someone

<sup>120</sup> *Labour Code of Georgia*, Article 13, paragraph 3<sup>1</sup>.

in a critical condition or in the presence of a minor is punishable by a fine of GEL 500 to GEL 800 (EUR 138 to EUR 220) or, if repeated, by GEL 800 to GEL 1,000 (EUR 220 to EUR 276) or 10 days of imprisonment.

Amendments were made to the Organic Law of Georgia on the Public Defender of Georgia. The authority of the Public Defender has significantly increased with regard to the effective application of the anti-discrimination mechanism and enforcement of judgments. According to the changes, the Public Defender of Georgia is authorized to study the cases of sexual harassment in the workplace and enforce the resulting judgments, while the Ministry of Internal Affairs is responsible for sexual harassment cases in the public sphere. Twenty cases of sexual harassment were discovered by the MIA within one year after the law on sexual harassment was enacted, and 21 individuals have been recognized as offenders. The Human Rights Protection and Investigation Quality Monitoring Department of the MIA has developed guidelines for the investigators on sexual harassment that helps law enforcement officers identify and respond to the cases of sexual harassment.

According to the changes to the Organic Law of Georgia on the Public Defender:

- When conducting an inspection, the Public Defender of Georgia may request and receive, immediately or no later than 10 days, from state and local self-government authorities, public entities and officials – and, in cases of discrimination, from physical and legal bodies – all certificates, documents, materials and written explanations necessary for conducting an inspection.<sup>121</sup>
- State and local self-government authorities, public institutions and officials that receive recommendations or proposals from the Public Defender of Georgia are obligated to examine them and report in writing on the results of the examination to the Public Defender of Georgia within 20 days.<sup>122</sup>
- The Public Defender of Georgia is authorized to apply to the court as a plaintiff, according to the Civil Procedure Code of Georgia, and to request the enforcement of a recommendation from a legal entity, organization, union and/or entrepreneur who is suspected of committing a discriminatory act and of failing to respond or agree to the recommendation.
- A person who is considered to be a victim of discrimination is authorized to apply to the court within the one-year period during which the act occurred, even in cases where the labour relationship has already ended.

### ***Attempted Physical or Sexual Violence, Forced Marriage, Female Genital Mutilation or Forced Abortion or Sterilization***

Attempts of physical violence, sexual violence (including rape), forced marriage, FMG, forced abortion and forced sterilization are punishable under the Criminal Code of Georgia and discussed in detail above. The articles that apply to these actions include:

- Article 126 – Violence
- Article 133<sup>1</sup> – Sterilization without consent
- Article 133<sup>2</sup> – Female genital mutilation
- Article 137 – Rape
- Article 150<sup>1</sup> – Forced marriage

The legislation about violence against women and domestic violence is stricter now.

<sup>121</sup> *Organic Law of Georgia on the Public Defender of Georgia*, Article 18.

<sup>122</sup> *Ibid.*, Article 24.

Criminal liability is imposed for the very first occurrence of failing to perform the requirements and/or obligations under a protective or restraining order.

The term of imprisonment for violence, regular insult, blackmail or humiliation by one family member against another family member that has resulted in physical pain or anguish, has increased to up to two years.<sup>123</sup>

Gender identity became an aggravating factor for punishment for certain types of crime under the Criminal Code, including intentional killing under aggravating circumstances (Article 109), intentional infliction of a grave injury (Article 117) and incitement to commit suicide (Article 115).

A domestic crime is a crime committed by one family member against another family member. Criminal liability for domestic crime shall be determined according to the appropriate article of the Criminal Code of Georgia. The punishment for repeated acts of domestic crime is stricter now.

## ADMINISTRATIVE AND JUDICIAL DATA

The establishment of laws, policies and national action plans provides a good basis for driving the demand for gender statistics, although there is a need to elaborate on specific data needs. In 2018, UN Women supported an assessment of the National Statistical System from a gender perspective in Georgia, with the aim of identifying the gaps and opportunities for improving the methodology, collection, distribution and application of sex-disaggregated data for informed policymaking. Some of the recommendations of the assessment included the development of a national strategy and action plan for gender statistics; the adoption of a national set of gender indicators for reporting on national and international commitments, such as the SDGs, the Istanbul Convention, CEDAW and the Beijing Platform for Action; the establishment of the basis for the production, analysis and use of gender-related data; the introduction of regulations and amendments to national policies and plans so that the government ministries may collect, analyse, produce and disseminate sex-disaggregated and gender-related statistics from administrative records; and the transformation of the “Women and Men in Georgia” publication into a national gender profile that could provide more comprehensive information to complement the latest key gender indicators.

### ***Administrative and Judicial Data from the Prosecutor’s Office***

The Human Rights Division of the Prosecutor’s Office of Georgia processes statistical data on crimes such as the killing and attempted killing of women, the incitement and attempted incitement to commit suicide, and crimes committed due to gender/sex intolerance.

#### Killing of Women due to Domestic Crime

2018 – A total of 21 women were killed, seven due to domestic crime; and a total of 15 persons were prosecuted, six of whom for committing domestic crime (one perpetrator committed suicide). The victims ranged in age from 18 to above 70, while the perpetrators were aged from 30 to above 70; all perpetrators were male except one. All crimes were committed by physical violence; the social connection (i.e. family ties) between the victim and perpetrator was as follows: husband/wife (1); son/mother (1); stepfather/stepdaughter (1); sister/sister (1); brother/sister (1); household member/another member (2).

<sup>123</sup> *Criminal Code of Georgia*, Article 126<sup>1</sup>, paragraph 1.

2019 – Eight women were killed by nine perpetrators; the age range of the victims was from 18 to above 70; the age range of the perpetrators was from 30 to above 70; and all perpetrators were male except one. All crimes were committed by physical violence; the social connection (i.e. family ties) between the victim and perpetrator was as follows: husband (former husband) killed wife (former wife) (5); son killed mother (2); mother killed son (1); son-in-law/daughter-in-law (1).

#### Killing of Women due to Other Reasons

2018 – A total of 14 women were killed; criminal prosecution was launched against nine persons. The age range of the victims was from 18 to above 70; the age range of the perpetrators was from 30 to above 60. Seven perpetrators were male, and two were female. The perpetrators had the following social connection to their victim: boyfriend (1); former partner (1); acquaintance (3); unknown person (4). All crimes were committed by physical violence; two killings were preceded by sexual violence and one by attempted sexual violence.

2019 – A total of nine women were killed by 11 perpetrators; criminal prosecution was launched against six persons (one person committed suicide; in four cases, the perpetrator is unknown). The age range of the victims was from 18 to above 70; the age range of the perpetrators was from 30 to above 70. All six perpetrators were male. The perpetrators had the following social connection to their victim: unknown (4); brother-in-law (1); acquaintance (1); neighbour (1). All crimes were committed by physical violence.

#### Incitement to Commit Suicide

2018 – One female victim under the age of 18 was incited to commit suicide. The age range of the perpetrator was from 18 to 30. The perpetrator was male and had no prior connection to the victim. The form of violence was psychological violence.

2019 – Two female victims ranging in age from 30 to 50 were incited to commit suicide. The age range of the perpetrators was from 30 to 60. The perpetrators were males, specifically husbands who killed their wife. The forms of violence were as follows: physical violence (1); physical and psychological violence (1).

#### Attempted Killing of Women due to Domestic Crime

2018 – Nine attempted killings of women due to domestic crime took place; criminal prosecution was launched against nine persons. The age range of the victims was from 18 to 40; the age range of the perpetrators was from under 18 to 70. All perpetrators were male. The social connection between the victim and perpetrator was as follows: former husband attempting to kill his wife (8); son attempting to kill his mother (1). All crimes were committed by physical violence.

2019 – Four attempted killings of women due to domestic crime took place. The age range of the victims was from 18 to 60; age range of the perpetrators was from 30 to 40. All perpetrators were male. The social connection between the victim and perpetrator was as follows: acquaintance (4). All crimes were committed by physical violence.

#### Attempted Killing of Women due to Other Reasons

2018 – Attempted killings took place against seven women ranging between 18 and 60 years of age; the age range of the perpetrators was from 20 to 70. All six perpetrators were male. The perpetrators had the following social connection to their victim: unknown person (2); neighbour (2); intimate partner (1); acquaintance (1). All crimes were committed by physical violence.

2019 – Eleven persons were prosecuted for attempting to kill 12 women. The age range of the victims was from 18 to above 70; the age range of the perpetrators was from 20 to above 70. Ten perpetrators were male and one female. The social connection between the victim and perpetrator was as follows: husband (former husband) against wife (former wife) (7); son against mother (2); mother against son (1); son-in-law against mother-in-law (1); members of a household (1). All crimes were committed by physical violence.

### Women Incited to Attempt Suicide

2018 – Two women aged 18-40 were incited to attempt suicide; criminal prosecution was launched against two perpetrators aged 20-30. Both perpetrators were male. The social connection between the victim and perpetrator was husband and wife (2). The form of violence used was psychological.

2019 – Six women aged 30-40 were incited to attempt suicide; criminal prosecution was launched against seven perpetrators aged 30-70. Six perpetrators were male and one female. The social connection between the victim and perpetrator was as follows: husband and wife (6); mother-in-law and daughter-in-law (1). The reason behind the attempted suicide was as follows: psychological violence (5); physical violence (1); physical and psychological violence (1).

### Women Victims

2018 – Total number of women victims: 7,434

2019 – Total number of women victims: 7,734

### Crimes Committed due to Gender/Sex Intolerance

2018 – Crimes due to gender/sex intolerance were committed against 123 women; criminal prosecution was launched against 110 perpetrators. Perpetrators committed the following crimes against victims with whom they have a connection: husband against wife (104); male partner against female partner (2); father against daughter (2); brother against sister (1); father-in-law against daughter-in-law (1). The forms of violence were as follows: physical (42); psychological (5); physical and psychological (62); physical, psychological and sexual (2).

2019 – Crimes due to gender/sex intolerance were committed against 123 women; criminal prosecution was launched against 119 perpetrators. Perpetrators committed the following crimes against victims with whom they have a connection: husband against wife (91); former husband against wife (8). The forms of violence were as follows: physical (46); psychological (14); physical and psychological (58); physical, psychological and sexual (2).

### Domestic Crime Statistics

2018 – Criminal prosecution was launched against 3,995 persons due to domestic crime, and victim status was given to 3,961 persons, of whom 3,253 were women.

2019 – Criminal prosecution was launched against 4,579 persons due to domestic crime, and victim status was given to 4,429 persons, of whom 3,615 were women.

### Sexual Crimes Committed against Women

2018 – A total of 158 women were acknowledged as victims of sexual violence: 27 victims of rape; 6

victims of another type of sexual act; 6 victims of coercion into penetration of a sexual nature into the body or coercion into another act of a sexual nature; 87 victims of penetration of a sexual nature into the body of a person below 16 years of age; and 32 victims of a lewd act (below 16 years of age). Criminal prosecution was launched against 158 perpetrators.

2019 – A total of 197 women were acknowledged as victims of sexual violence: 42 victims of rape; 16 victims of another type of sexual act; 10 victims of coercion into penetration of a sexual nature into the body or coercion into another act of a sexual nature; 77 victims of penetration of a sexual nature into the body of a person below 16 years of age; and 52 victims of a lewd act. Criminal prosecution was launched against 200 perpetrators.

#### Crimes Committed against the Reproductive Health and Freedom of Women

2018 – A total of 43 women were acknowledged as victims of crimes committed against their reproductive health and freedom: four women due to forced marriage and 39 women due to stalking. Criminal prosecution was launched against 58 perpetrators.

2019 – A total of 86 women were acknowledged as victims of crimes committed against their reproductive health and freedom: seven women due to forced marriage and 79 women due to stalking. Criminal prosecution was launched against 90 perpetrators.

### ***Administrative and Judicial Data from the Supreme Court***

#### Killing of Women

2018 – The first-instance courts heard 13 cases of women being killed, and 13 perpetrators were convicted. The restriction of freedom was imposed with regard to 12 defendants, three of whom received a life sentence. The average imprisonment term was 12 years; one person was given conditional sentence (Article 112 – Intentional infanticide by a mother).

2019 – The first-instance courts heard 12 cases of women being killed, and 12 perpetrators were convicted. The restriction of freedom was imposed with regard to nine defendants, three of whom received a life sentence. The average imprisonment term was 13 years; a conditional sentence was imposed upon two persons; and home imprisonment was used towards one person (Article 116 – Killing by negligence).

2020 (first half) – The courts of first instance heard five cases of women being killed, and five perpetrators were convicted and sentenced to imprisonment. The average term of imprisonment was 17 years.

#### Attempted Killing of Women

2018 – The first-instance courts heard nine cases of the attempted killing of women, and nine perpetrators were convicted. The restriction of freedom was imposed with regard to nine persons, and the average term of imprisonment was 11.4 years.

2019 – The first-instance courts heard 12 cases of the attempted killing of women, and 12 perpetrators were convicted. The restriction of freedom was imposed with regard to 12 persons, and the average term of imprisonment was 12.3 years.

2020 (first half) – The courts of first instance heard three cases of the attempted killing of women, and three perpetrators were convicted and sentenced to imprisonment. The average term of imprisonment was 11.7 years.

### Other Crimes against Women

2018 – A total of 2,392 cases were heard and decisions made with regard to other crimes committed against women except killing and attempted killing; 2,460 persons were convicted. The restriction of freedom was imposed on 728 persons, and the average term of imprisonment was 1.7 years. Conditional sentencing was used in the case of 1,235 persons, while 192 persons were acquitted.

2019 – A total of 2,381 cases were heard and decisions made with regard to other crimes committed against women except killing and attempted killing; 2,457 persons were convicted. The restriction of freedom was imposed on 763 persons, and the average term of imprisonment was two years. Conditional sentencing was used in the case of 1,205 persons, while 375 persons were acquitted.

# VI. INVESTIGATION, PROSECUTION, PROCEDURAL LAW AND PROTECTIVE MEASURES

*(Chapter VI, Articles 49–58 of the Istanbul Convention)*

## A PROMPT AND APPROPRIATE RESPONSE

The classification of incoming calls at the emergency centre 112 is based on the information provided by the caller. The 112 operator determines the type of incident in the software, which is important to prioritize the case and determine resources needed to respond. It is not always possible to determine the gender of a caller; this is why the incoming calls are not disaggregated by sex. The number of calls to 112 claiming an incident categorized as “conflict/domestic violence” increased from 19,078 calls in 2016 to 20,496 calls in 2018.

Several new functions were added to the 112 databases according to which types of domestic violence are specified and to allow better processing of the statistical data. The decisions made on calls are also now being processed, which had not been done in previous years. The 112 call data are processed every six months to determine the number of proved calls, the number of calls on which an investigation has started, and the number of restrictive orders issued.

On 11 December 2019, the Minister of Internal Affairs approved the Decree on “supervision of the requirements and conditions of enforcement of the restrictive and protective orders and the orders on restriction of the rights to weapons”.

The domestic violence protection and prevention mechanisms of the Ministry of Internal Affairs were audited in 2018 by the State Audit Office of Georgia. The then Human Rights Protection and Monitoring Department, in coordination with territorial and structural units of the MIA, implemented all recommendations issued by the State Audit Office. The MIA ensured that all police officers responding to domestic violence have access to necessary information (e.g. previous history of violence, etc.), which allows for an accurate assessment of the risk of repeated violence and improves the quality of victim protection and the determination of appropriate measures for perpetrators.

The Human Rights Protection and Monitoring Department also developed guidelines on keeping perpetrators away from victims and made recommendations on the identification of violence towards the elderly and taking appropriate measures.

## PROCEDURES OF ASSESSMENT

The risk assessment checklist<sup>124</sup> was developed by the MIA with the technical and financial support of UN Women and the European Union and in partnership with the U.S.-based organization Global Rights for Women.

<sup>124</sup> For details on the risk assessment checklist, please see Chapter 5 (Substantive Law).

The tool is entirely based on the global research and studies on domestic violence risk assessment and is informed by internationally established standards and best practices. The draft version of the risk assessment checklist was piloted and tested in 50 cases during the summer of 2018. The lack of a standardized domestic violence risk assessment methodology was repeatedly identified as a major gap in effective police response to domestic violence in the Public Defender's 2015 and 2016 special reports on violence against women in Georgia. The domestic violence risk assessment tool, effective as of 1 September 2018, enables police officers to document the history of violence suffered and evaluate the risks for lethality and re-offence using a standardized methodology.

The tool was developed in broad consultation with national partners, ensuring their active engagement and ownership at every step of the process. The risk assessment checklist was also validated by victims and survivors of violence against women via focus group discussions to elevate the legitimacy of the process and to ensure the tool is based on the experiences of victims/survivors in Georgia.

The risk assessment tool includes a special questionnaire that is integrated into the restrictive order protocol, and it is mandatory to fill it out when responding to an incident of violence. Prior to the enactment of this tool, police officers were required to determine what questions to ask a victim of domestic violence at the crime scene, and usually investigators had their own non-standardized approaches to this process. This risk assessment checklist changes the practice completely as police officers are provided with a set of clear questions to be filled out at the scene. This procedure helps each police officer identify the threats and, therefore, minimize the risk of re-offence.

The risk assessment tool is an integral part of the management of domestic violence cases in Georgia and enables law enforcement to evaluate the risks for lethality and recidivism, thus ensuring improved management of the perpetrators and safety planning for the victims. The tool further informs the police, prosecution and courts during the investigation and pretrial stage to place the appropriate restrictive measures against the perpetrators and protective measures for the survivors, as well as for setting the conditions for the sentencing, supervision and treatment of offenders. It further helps the prosecution build stronger cases for adjudication and thus achieve the proportional sanctions for the crime.

A monitoring mechanism was also approved alongside the risk assessment tool. The mechanism determines the rules that should be applied by an investigator after the detection of risks, as well as the arrangements and intensity of control applied by an investigator towards a victim and perpetrator during the term of a restraining order. This is also an important measure to prevent the reoccurrence of violence. The monitoring process includes ongoing communication with the victim and perpetrator and visits to their residences according to the determined level of risk.

Georgia is the first country in its geographic region to introduce a risk assessment tool to assist on the management of domestic violence cases, which makes the MIA a regional leader in this regard.

### RESTRAINING OR PROTECTIVE ORDERS

Administrative law mechanisms are applied in the form of issuing restraining/protective orders, as well as when the nature of the offence, under the legislation of Georgia, does not invite criminal liability and instead can be addressed under the provisions of the Administrative Procedure Code of Georgia.<sup>125</sup>

To ensure a prompt response to instances of violence against women and/or domestic violence, the authorized body, in order to ensure the protection of the victim and to restrain certain actions by the

<sup>125</sup> *Law of Georgia on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence*, Article 9.

abuser, may issue a restraining or protective order as a temporary measure.<sup>126</sup>

A protective order is an act issued by a court (judge) of first instance through an administrative proceeding that determines the temporary measures for protecting the victim. When the recently proposed amendments enter into force, protective orders will be issued based on the risk assessment questionnaire.<sup>127</sup>

A restraining order is an act issued by an authorized police officer that determines the temporary measures for protecting a victim of violence against women and/or domestic violence.<sup>128</sup>

Victims, their family members and/or – with the consent of the victim – a social worker or a person who provides medical, legal or psychological assistance to the victim may apply for a protective order and a restraining order. In cases of violence against minors, the issuance of a protective order and a restraining order may be requested by the relevant guardianship and custody authority.<sup>129</sup> Protective orders shall be issued for a period of up to six months. A court shall specify its validity.<sup>130</sup>

In order to ensure the protection of victims and the restriction of certain actions by abusers, the issuance of a restraining order by an authorized police officer as a temporary measure shall be binding upon initiation of an investigation or in the case of a pending investigation under the following articles of the Criminal Code:<sup>131</sup>

- Article 108 – Intentional killing
- Article 109 – Intentional killing under aggravating circumstances
- Article 115 – Incitement to suicide
- Article 117 – Intentional infliction of grave injury
- Article 118 – Intentional less grave bodily injury
- Article 120 – Intentional less grave bodily injury
- Article 126 – Violence
- Article 137 – Rape
- Article 138 – Another action of a sexual nature
- Article 143(3)(e) – Illegal restriction of freedom committed using violence or threat of violence dangerous for life or health
- Article 143(4) – Illegal restriction of freedom committed by an organized group; caused the death of the victim or resulted in other grave consequences
- Article 144(2)(i) – Taking a hostage using violence or threat of violence which is dangerous for life or health
- Article 144(3) – Taking a hostage committed by an organized group; has caused the death of the victim or resulted in other grave consequences
- Articles 144<sup>1</sup> – Torture
- Articles 144<sup>2</sup> – Threat of torture
- Article 144<sup>3</sup> – Humiliation or inhuman treatment
- Article 151 – Threat
- Article 160(2)(a) – Violation of inviolability of domicile or of any other property committed using violence or threat of violence

<sup>126</sup> Ibid., Article 10, paragraph 1.

<sup>127</sup> Ibid., paragraph 2.

<sup>128</sup> Ibid., paragraph 3.

<sup>129</sup> Ibid., Article 11.

<sup>130</sup> Ibid., Article 12.

<sup>131</sup> Ibid., Article 10, paragraph 1<sup>1</sup>.

## INVESTIGATION, PROSECUTION, PROCEDURAL LAW AND PROTECTIVE MEASURES

- Article 160(3) – Violation of inviolability of domicile or of any other property committed by a group of persons; by using one’s official position or arms; or repeatedly
- Article 381<sup>1</sup> – Failure to perform the requirements and/or obligations provided for by a protective or restraining order. Failure to observe a social worker’s decision on separation of a minor

A restraining order shall specify the following:

- Date and place of its issuance
- Circumstances depending on which the restraining order has been issued
- Name, surname, date and place of birth of the abuser, as well as his/her profession and place of residence
- The list of those actions that are prohibited to be carried out by the abuser

A restraining order shall be signed by the person authorized to issue it and by the victim. If for any reason the victim fails to sign the restraining order, it shall be signed only by the person who is authorized to issue the restraining order. In this case, an appropriate record shall be made in the restraining order, and the victim shall specify the reason for his/her failure to sign the order.<sup>132</sup>

A restraining order includes the following details:<sup>133</sup>

- A matter related to removing an abuser from the house of a victim, whether or not he/she is an owner of the house
- The matters related to separating a victim or a person dependent on the victim from an abuser and placing them in a shelter
- Restriction of the right of an abuser to use the joint property ownership at his/her own discretion
- The matters related to separating an abuser from a minor
- The matters related to an abuser’s approach of a victim, his/her workplace and those places where the victim stays
- Restriction or prohibition of the right of an abuser to use a weapon (including a service weapon), restriction of the right of an abuser to purchase a weapon or to obtain a permit or a license, and the conditions of keeping or temporarily seizing a weapon (including a service weapon) in his/her ownership and/or belonging to him/her during the validity of the said order or during the period determined by the order
- Warning of an abuser if he/she violates the requirements under the order related to the imposition of liability determined by the legislation of Georgia
- Other matters that need to be resolved in order to ensure the safety of the victim

Restraining orders shall be written clearly and explicitly, and they are issued for up to a one-month period. Protective orders shall be issued for a period of up to nine months and can be extended for an additional term not exceeding three months, if the victim and other family members of the victim are at risk.<sup>134</sup>

A restraining order shall enter into force immediately after its issuance. It shall be sent/served to the victim and the abuser within 24 hours. The victim or the abuser may appeal a restraining order within three days after the order was submitted/served to him/her.<sup>135</sup>

<sup>132</sup> Ibid., paragraph 3<sup>3</sup>.

<sup>133</sup> Ibid., paragraph 3<sup>2</sup>.

<sup>134</sup> Ibid., paragraph 2.

<sup>135</sup> Ibid., paragraphs 3<sup>5</sup>, 3<sup>6</sup> and 3<sup>8</sup>.

A copy of the restraining order is sent to the following bodies:<sup>136</sup>

- The Ministry of Internal Affairs of Georgia:
  - The relevant district service of the territorial body, according to the victim's place of residence, for the purpose of responding to the non-fulfilment of the requirements and duties provided for by the restraining order
  - The Information-Analytical Department for the purpose of registering relevant information into the appropriate electronic database in order to generate a quick and effective response to violations of the law and for the purpose of producing statistical data
  - The LEPL Service Agency, if the restraining order concerns matters related to weapons
- The relevant local guardianship and custody authority, if the matters under the order concern minors

A protective order may instruct the abuser to complete mandatory training courses that are focused on changing his/her violent attitude and behaviour. Non-fulfilment of the requirements under a restraining or protective order by the abuser, as well as disobedience of the decision taken by the social worker on the abuser's separation from a minor, shall result in legal liability under the procedure established by the Criminal Code of Georgia.

Article 381<sup>1</sup> of the Criminal Code defines liability and states that the failure to perform the requirements and/or obligations under a protective or restraining order as well as the failure to observe a social worker's decision on the abuser's separation from a minor, is punishable by a fine, by community service for a term of 180 to 240 hours or by imprisonment for a term of up to one year, with or without restriction of the right to own weapons. The same act committed repeatedly shall be punished by imprisonment for a term of one to three years, with or without restriction of the right to own weapons.

## ADMINISTRATIVE AND JUDICIAL DATA

### *Ministry of Internal Affairs*

The Human Rights Protection and Investigation Quality Monitoring and the Information-Analytical Departments of the MIA improved the process of analysing the statistical data regarding the issued restraining orders. The restraining orders are processed according to the age and sex of the victim and the perpetrator, the types of violence and the family relationship between the victim and the perpetrator. An analysis about the violations of the restraining orders and their content is regularly drafted. In 2018, the police issued 7,646 restraining orders, and the Human Rights Protection and Investigation Quality Monitoring Department analysed as many as 5,000 orders.

The statistical data collected by the Information-Analytical Department of the MIA are as follows:

- In 2018:
  - Number of restraining orders issued for domestic violence: 7,646
  - Number of restraining orders issued for violence against women: 205
  - Number of investigations initiated due to violations of restraining orders: 60
- In 2019:
  - Number of restraining orders issued for domestic violence: 10,266
  - Number of restraining orders issued for violence against women: 557
  - Number of investigations initiated due to violations of restraining orders: 516

<sup>136</sup> Ibid., paragraph 3<sup>7</sup>.

## **Supreme Court**

In 2018, the first-instance courts issued 130 protective orders, 128 of which were due to domestic violence.

In 2019, a total of 102 protective orders were issued, 98 of which were due to domestic violence.

In the first six months of 2020, the first-instance courts issued 40 protective orders, 36 of which were due to domestic violence.

In 2018, the courts heard 19 criminal cases of violations of a restraining order, 16 of which were for domestic violence. Imprisonment was imposed in nine cases, a conditional sentence in two cases, a fine in three cases, and community service in two cases.

In 2019, the courts heard 197 criminal cases of violations of a restraining order, 180 of which were for domestic violence. Imprisonment was imposed in 28 cases, a conditional sentence in 63 cases, a fine in 62 cases, and community service in 27 cases.

In the first six months of 2020, the courts heard 90 criminal cases of breaches of protective or restraining orders, 87 of which involved violence against women. Imprisonment was imposed in 19 cases, a suspended sentence in 36 cases, a fine in 12 cases, and community service in 19 cases. One person was released from punishment.

## **Prosecutor's Office**

In 2018, criminal prosecution was launched against 51 persons (1 female and 50 males) aged 18-64. The victims included 29 females and 8 males ranging in age from 18 to above 65.

In 2019, criminal prosecution was launched against 437 persons (25 females and 412 males) ranging in age from 18 to above 65. Victim status was given to 350 persons (322 females and 28 males) ranging in age from 18 to above 65.

## **EX PARTE LEGAL PROCEEDINGS**

The Georgian criminal legislation acknowledges public prosecution on behalf of society and in the public interest and ensures the application of the law where breaches of the law carry a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system. Accordingly, the position of a victim does not determine the fate of continuation or termination of criminal legal proceedings against the perpetrator. The Criminal Procedure Code determines that no one is obliged to give an incriminating testimony against himself/herself or a close relative.<sup>137</sup> Close relatives are also defined under the Criminal Procedure Code.<sup>138</sup>

Unfortunately, there are cases when a victim of domestic violence refuses to testify against the relative in court, applying the above-mentioned right. New legislative changes to the Criminal Procedure Code entered into force on 1 January 2020 according to which an interrogator shall offer a consultation with the witness and victim coordinator<sup>139</sup> along with a reflection period of three days to a victim who is

<sup>137</sup> *Criminal Procedure Code of Georgia*, Article 49, paragraph 1.d.

<sup>138</sup> *Ibid.*, Article 3, paragraph 2. "Close relative – a parent, an adoptive parent, a child, a foster child, a grandfather, a grandmother, a grandchild, a sister, a brother, a spouse (including a divorced spouse)."

<sup>139</sup> For more details about the Witness and Victim Coordinator Service, please see Chapter 4.

a close relative of the accused and who personally suffered emotional or physical harm or property damage.<sup>140</sup> This provision is an additional opportunity for the prosecution to be able to avoid a victim's refusal to testify against a close relative and to avoid a repeated risk of violence and threat of violence that can be the result of an acquittal.

### NGOS OR OTHER CIVIL SOCIETY ACTORS AND DOMESTIC VIOLENCE COUNSELLORS

According to the Law on Lawyers of Georgia, a lawyer may be a citizen of Georgia who has a higher legal education; has passed a bar exam or passed a qualification examination for judges or prosecutors; or has completed a one-year professional adaptation programme approved by the Executive Board of the Georgian Bar Association consisting of a theoretical course and an internship.<sup>141</sup>

Any citizen of Georgia who fulfils these requirements is authorized to provide legal advice or represent a client in court despite the fact they are solo practitioners, are a partner in a law firm or work for an NGO.

The Network of Legal Aid Providers was established on 6 November 2017 by 11 founding organizations, namely the Human Rights Development Fund, the Municipal Center of Legal Aid and Public Inclusion (Legal Clinical Programme – My Lawyer), the Tolerance and Diversity Institute, the Legal Clinical Programme of Free University, the Human Rights Center, Transparency International Georgia, the Legal Aid Center “Fides et Spes”, the Georgian Young Lawyers' Association, the Georgian Democracy Initiative, the Legal Aid Service, and the Legal Aid Center of New Vision University. The Legal Aid Service serves as the Chairman of the Network.

The main objectives of the Network's legal aid providers include providing support in the process of creating accessible and effective legal aid in Georgia; creating an effective and sustainable referral system for legal aid; and strengthening cooperation and coordination among the legal aid providers, among other goals.

The criteria for NGOs to become members of the Network include the provision of free legal aid during the preceding two years (e.g. representation at local or international courts or an administrative body; drafting legal documents; providing legal consultations); at least five cases of court representation and a minimum of 50 consultations during the preceding year; and at least one employee providing free legal aid who is a member of the Georgian Bar Association.

The **Free Legal Aid Portal** (<http://free.mylaw.ge>) was created for those who do not have the financial resources to hire a lawyer and are looking for free legal aid. The portal includes information about the key public institutions that issue free consultations within their competence, such as the Network of Legal Aid Providers and other NGOs providing free legal aid and advice throughout the country. The search engine allows users to look for legal services by organization, case category, city, type of service and type of consultation. The portal and website were produced by the Professional Association of Court Personnel with the assistance of the European Union and UNDP.

One of the priorities for the Government of Georgia is to cooperate with local NGOs to ensure the effective protection of the victims of domestic violence. An example of such cooperation is the work with the NGO Anti-Violence Network of Georgia (AVNG). The cooperation included raising awareness and educating police officers on domestic violence through the development of a module titled “Police

<sup>140</sup> *Criminal Procedure Code of Georgia*, Article 50.

<sup>141</sup> *Law of Georgia on Advocates*, Article 10.

and Domestic Violence” for police officers alongside a practical textbook for police titled “Manual for Police Officer Trainers on Domestic Violence”; the development of a curriculum on the topic “Domestic violence and operating mechanisms against it based on Georgian legislation” for the students of the Police Academy; trainings for police officers throughout Georgia; and the creation of permanent, so-called “open meetings” with the representatives of the MIA, the Prosecutor’s Office, the MoLHSA and the local government.

The AVNG is an NGO with the goal of promoting the creation of a non-violent society. The organization’s short-term objective is to ensure an appropriate response towards the violence against women and to protect victims. There are more than 400 members in the AVNG.

AVNG member organizations are spread across the country in almost every region of Georgia. Members in Kakheti region are the Anti-Violence Network of Georgia Kakheti regional committee /Women’s Voice (Gurjaani municipality); Anti-Violence Network of Georgia Lagodekhi committee (Lagodekhi municipality); and Rural Women for Human Rights (Telavi municipality). Network members in Guria region are the Anti-Violence Network of Georgia regional committee (Ozurgeti municipality); Education Center (Chokhatauri municipality); and Women for Regional Development (Dvabzu municipality). Members in Mtskheta-Mtianeti region include the Anti-Violence Network of Georgia Mtskheta-Mtianeti committee (Mtskheta municipality); and Women’s Movement for Equality (Tserovani municipality). Members in Shida Kartli region are the Anti-Violence Network of Georgia Shida Kartli committee (Gori municipality); and Karaleti Women Solidarity Center (Karaleti municipality). Kvemo Kartli region is represented by the Union of Azerbaijani Women of Georgia (Marneuli municipality). Samtskhe-Javakheti region is represented by the Samtskhe-Javakheti Democrat Women’s Organization (Akhalsikhe municipality). Imereti region is represented by the Cultural-Humanitarian Fund “Sukhumi” (Kutaisi municipality). Samegrelo-Zemo Svaneti is represented by the Rehabilitation and Development Charity Center “Tanaziari” (Zugdidi municipality). Racha-Lechkhumi and Kvemo Svaneti region is represented by the Racha-Lechkhumi and Kvemo Svaneti Municipality Resource Center (Ambrolauri municipality).<sup>142</sup>

The AVNG provides victims with a wide variety of quality services. All of the services provided by the AVNG are free of charge and anonymous. The services include the following:

- **Legal consultations:** The applicant is provided with information on the existing legal mechanisms for protecting victims. The applicant receives a consultation directly from an AVNG lawyer from a member organization, as well as online. The AVNG lawyer provides the beneficiaries of the member organization with representation at the first-instance court on civil and administrative cases.
- **Psychological support:** The AVNG crisis centre offers quality psychological assistance to the victims of domestic violence (children, teenagers and their family members, as well as adults). The service includes individual consultations, group therapy and training in social skills. AVNG’s beneficiaries are also involved in a self-help group that functions with the support of AVNG.
- **Support from a social worker:** The beneficiary that comes to the office receives comprehensive information from a social worker on the existing services for victims of domestic violence.
- **Shelter service:** If the life and/or health of the domestic violence victim is being threatened, he/she is placed in a shelter, where he/she undergoes the relevant psychosocial rehabilitation. The organization frequently plays the role of mediator between the beneficiary and his/her family.
- **Hotline:** The applicants have the opportunity to receive information on the services of the organization over the phone and online and to receive the appropriate legal consultation.

<sup>142</sup> See <http://avng.ge/menu/9>.

## MEASURES OF PROTECTION DURING INVESTIGATIONS AND JUDICIAL PROCEEDINGS

Article 57 of the Criminal Procedure Code regulates the rights of a victim during criminal legal proceedings. According to this article, a victim has the following rights:

- Be informed about the essence of the charges brought against the accused
- Be informed about the procedural actions
- Give testimony – during a hearing on the merits, during the review of a motion for rendering a ruling without a hearing on the merits and at the sentencing hearing – concerning the harm he/she has incurred as a result of the crime, or submit, in writing, that information to the court
- Obtain, free of charge, copies of a decree/ruling and/or of a judgment on the termination of investigation and/or criminal prosecution, or of other final court decisions
- Be indemnified for the expenses incurred as a result of participating in the proceedings
- Recover his/her own property that was temporarily confiscated during the investigation and the court hearing for the needs of the case
- Request the application of the special measures of protection if his/her or his/her close relatives' or family members' lives, health and/or property are endangered
- Be informed on the progress of the investigation, and review the materials of the criminal case, unless this contradicts the interests of the investigation
- Obtain information, upon request, on the measure of restraint applied against the accused, as well as information on the accused/convicted person's release from a penitentiary institution, unless this creates a risk for the accused/convicted person
- Review the materials of the criminal case at least 10 days before a preliminary hearing
- Request that the prosecution file a motion for closing (in part or in full) a court hearing for the purpose specified in Article 182(3) of the Criminal Procedure Code
- Receive explanations as to his/her rights and obligations
- Enjoy other rights granted under the Criminal Procedure Code

The Imprisonment Code of Georgia regulates the visitation rights of an accused person, as well as the privilege to send and receive correspondence and have telephone conversations, all of which can be restricted based on a resolution from the investigator or prosecutor.<sup>143</sup> This rule is applied by the prosecution in the criminal cases of violence against women and domestic violence.

Since 2015, the state-funded Legal Aid Service has provided the survivors of domestic violence and violence against women with free legal consultations, the drafting of legal documents and court representation in protective order proceedings, irrespective of the victim's socioeconomic status.<sup>144</sup> The Legal Aid Service provides free legal representation to the victims of domestic violence only if the person is socially vulnerable.

State shelters have been established for the victims of gender-based violence against women, where psychosocial rehabilitation, medical care and legal counselling are provided to the victims. Crisis centres are institution-run places of temporary placement for the alleged victims of violence and provide psychosocial rehabilitation, basic and emergency medical care and legal counselling. It is also possible

<sup>143</sup> *Imprisonment Code of Georgia*, Articles 77 and 79.

<sup>144</sup> According to the changes introduced in 2018

to allow a victim to remain in his/her place of residence and remove the perpetrator from the premises, even if the perpetrator is the owner of those premises.

More detailed information about the state-funded Legal Aid Service, shelters and crisis centres is available in Chapter 4.

### PROTECTION TO CHILD VICTIMS AND CHILD WITNESSES OF VIOLENCE

According to the Law of Georgia on the Elimination of Violence against Women and/or Elimination of Domestic Violence and the Protection and Support of Victims of Such Violence, “a victim may also [be] deemed a child who has witnessed violence”.<sup>145</sup>

On 12 June 2015, the Parliament of Georgia adopted Georgia’s first Juvenile Justice Code, which entered into force in January 2016. The new Code – which considers both minor victims and witnesses – brings the Georgian juvenile justice system into compliance with international standards. In juvenile justice procedure, the best interests of minors and the individual approach towards them are considered as a priority.

The purpose of the Juvenile Justice Code is to resocialize and rehabilitate minors who are in conflict with the law; to protect the rights of minor victims and witnesses; to prevent the secondary victimization of minor victims and minor witnesses and avoid the revictimization of the minor victims; and to prevent new crimes and protect public order in the process of administering justice.<sup>146</sup>

The Juvenile Justice Code applies to all cases where a juvenile is in conflict with the law and/or where a juvenile witness and/or victim is involved. The Code also applies to persons aged 18-21 when they are accused or convicted and in the case of diversion.

It is important to underline that the Code has provided for the mandatory specialization of the parties to the juvenile proceedings and the conductors of the juvenile proceedings.<sup>147</sup> Decree No. 668 of the Government of Georgia was adopted on 30 December 2015 on the approval of a standard of specialization for those who administer juvenile justice proceedings. The specialization of the prosecutors, investigators and lawyers began in 2015, and by 1 January 2016, all structural units of the Prosecutor’s Office had a specialized prosecutor and a specialized investigator on juvenile proceedings.

Following the legislative changes and for the purpose of identifying the problems in the field of juvenile justice, planning for the ways to solve said challenges, efficiently realizing the rights of children and ensuring uniform judicial practice, in 2017, the Prosecutor’s Office initiated a local coordination mechanism composed of the following: prosecutors, investigators, judges, attorneys, social workers, mediators, and the representatives of municipalities and educational and penitentiary establishments. The meetings of the local coordination mechanism for minor citizens are held twice a year.

A special chapter in the Juvenile Justice Code (Chapter IV) is dedicated to minor witnesses and minor victims.

The Code determines that a procedural action for the prevention of secondary victimization and revictimization, in which a minor witness is involved, shall be attended by his/her legal representative. The

<sup>145</sup> *Law of Georgia on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence*, Article 4, paragraph “f”.

<sup>146</sup> Juvenile Justice Code, Article 1, paragraph 2.

<sup>147</sup> *Ibid.*, Article 16.

minor witness may have a defence lawyer during the procedural action. Considering the best interests of the minor, a psychologist shall also be involved in the procedural action on the initiative of a judge, when a case is heard in a court, and on the initiative of the prosecution, when a case is at the investigation stage. A psychologist shall assess the needs of the minor and shall provide him/her with psychological support during the procedural action. The judge during a trial, or the prosecutor at the investigation stage, may prohibit the legal representative of a minor witness from attending the procedural actions only if this is necessary for the best interests of the minor.<sup>148</sup>

A witness and victim coordinator may, by the decision of a prosecutor, be involved in a criminal case to which a minor witness or a minor victim is a party.<sup>149</sup> The prosecutor shall make the decision to involve a witness and victim coordinator in a criminal case based on the interests of the minor witness or the minor victim.<sup>150</sup>

The witness and victim coordinator shall:<sup>151</sup>

- After a preliminary consultation with a prosecutor, provide a minor witness or a minor victim, under the procedure established by the Juvenile Justice Code – in the presence of or through a legal representative and/or a lawyer – with the necessary information about the progress of the investigation and the court hearing
- Communicate to a minor witness or a minor victim, in a language understandable to them, their rights and duties, and explain to them the legal procedures for the investigation and court hearing
- During the investigation, be present at an investigative action and a procedural action conducted involving a minor witness or a minor victim in order to provide emotional support to the witness/victim
- During the court hearing, be present at the interrogation of a minor witness or a minor victim in the courtroom and at the examination of evidence involving them in order to provide emotional support to the witness/victim
- Provide a minor witness or a minor victim, in the presence of or through a legal representative and/or a lawyer, with information about the necessary legal, psychological, medical and/or other services; and, when needed, assist in contacting an appropriate body/organization

A minor witness and a minor victim, as well as their legal representative, are authorized to refuse to cooperate with the witness and victim coordinator.

To protect the best interests of the minor witnesses, a judge may – on his/her own initiative or on the motion of a minor witness, his/her legal representatives or a lawyer or prosecutor – deliver a decision on the following circumstances:

- The interrogation of the minor witness by using a device that alters the image and/or voice of the witness, or interrogation behind a non-transparent screen, or interrogation remotely
- The interrogation of the minor witness before a court hearing with the participation of the lawyer of the defendant and with a video recording of the interrogation process
- The partial or full closure of a court hearing
- The temporary removal of the defendant from the courtroom if the minor witness refuses to give testimony in the presence of the defendant or if the existing circumstances suggest that the minor

<sup>148</sup> Ibid., Article 23, paragraph 3.

<sup>149</sup> Ibid., paragraph 4.

<sup>150</sup> Ibid., paragraph 5.

<sup>151</sup> Ibid., paragraph 7.

witness might refrain from telling the truth in the presence of the defendant, or that secondary victimization of the minor witness might occur; in this case, the participation of the lawyer of the defendant in the court hearing is compulsory

In the framework of the protection of the rights of juveniles, the state-funded Legal Aid Service offers the following services:

- Protection of the rights of the juvenile defendants/convicts/acquitted persons or victims at any stage of the criminal procedure
- Free legal aid provided to the witness in the event of insolvency
- Protection of the rights of the juveniles charged with administrative offences in cases envisaged by the Juvenile Justice Code

# VII. MIGRATION AND ASYLUM

(Chapter VII, Articles 59–61 of the Istanbul Convention)

## RESIDENCE STATUS AND GENDER-BASED ASYLUM CLAIMS

The Law of Georgia on International Protection regulates the grounds for granting international protection. The forms of international protection in Georgia are as follows:

- Refugee status
- Humanitarian status
- The status of a person under temporary protection

**Refugee status** shall be granted to an alien or a stateless person who is outside his/her country of origin and has a well-grounded fear that he/she may become a victim of persecution on the grounds of his/her race, religion, nationality, affiliation to a certain social group or political views, and who does not wish to, or cannot, return to his/her country of origin or enjoy the right to be protected from his/her country due to such fear.<sup>152</sup>

**Humanitarian status** shall be granted to an alien or a stateless person who does not comply with the conditions for granting refugee status as provided for by the law where there is a real risk that upon returning to his/her country of origin, he/she will face a serious threat of harm.<sup>153</sup>

**The status of a person under temporary protection** is granted to those who require international protection and cannot return to their country of origin due to violence, aggression, international or internal armed conflict, or mass violation of human rights.<sup>154</sup>

In the case of the illegal entry into or stay in the territory of Georgia of an alien or a stateless person, he/she shall immediately apply to the authorized official with a request for granting the appropriate status.

Humanitarian status and the status of a person under temporary protection are granted for a one-year term. The term may be extended by an additional year, and it may be extended more than once.<sup>155</sup>

According to the Georgian legislation, an action is deemed to be an act of persecution if the action is so serious by its nature or repetition or represents a combination of various actions that are so severe that fundamental human rights continue to be violated.<sup>156</sup>

Persecution may take different forms, including physical or psychological violence; sexual violence; discriminatory legal, administrative and/or judicial acts and measures; disproportionate or discriminatory criminal persecution or punishment; or an act that, by its nature, is related to gender identity, sex or a juvenile.<sup>157</sup>

<sup>152</sup> *Law of Georgia on International Protection*, Article 15.

<sup>153</sup> *Ibid.*, Article 19.

<sup>154</sup> *Ibid.*, Article 21.

<sup>155</sup> *Ibid.*, Articles 19 and 21.

<sup>156</sup> *Ibid.*, Article 32, paragraph 1.

<sup>157</sup> *Ibid.*, paragraph 2.

Serious harm is considered to be the death penalty or the threat of punishment by death; torture, degrading or inhuman treatment or punishment; and serious threat to the life of a person due to violence, international or internal armed conflict, or mass violation of human rights.<sup>158</sup>

When assessing a reasonable fear of persecution or the possibility of serious harm, an authorized official shall rely on the circumstances that arose in the asylum seeker's country of origin prior to or after the asylum seeker left the country.<sup>159</sup>

The application for international protection shall be reviewed in an ordinary manner within six months of its receipt. If needed, the consideration period may be extended.

If the application is rejected, the decision can be appealed to a court. An asylum seeker can apply to the Legal Aid Service during the appeal procedures and request the appointment of a lawyer.

The Legal Aid Service offers free legal consultations in order to ensure the protection of the rights of asylum seekers. They are entitled to use person-to-person and telephone/online consultation services. The Legal Aid Service provides legal assistance (court representation) to asylum seekers despite their insolvency.

Protection of the rights of the asylum seekers, refugee and humanitarian status holders, and persons under temporary protection is guaranteed by the national and international legislation.

In accordance with the rules established by the legislation, the Legal Aid Service ensures the provision of free legal assistance to the asylum seekers and persons under temporary protection in cases where their application has been rejected and where their status has been terminated, suspended or revoked.<sup>160</sup> They are released from the payment of court fees during the litigation proceedings related to being granted international protection.

An asylum seeker is entitled to the services of an interpreter free of charge and to be interviewed by an authorized official and use the services of an interpreter of the same gender during the implementation of the asylum procedure.<sup>161</sup>

If an asylum seeker has been refused a refugee or humanitarian status or if his/her humanitarian status has been terminated, cancelled or withdrawn, and if it is also impossible to exile him/her to the country of origin in accordance with the Law of Georgia on the Legal Status of Aliens and Stateless Persons, he/she may be granted the right to remain in Georgia temporarily.

An asylum seeker can be temporarily housed in a reception centre designated for asylum seekers. The placement term for a person in a reception centre depends on the length of proceedings related to the review of his/her application.<sup>162</sup>

The LEPL Agency for State Care serves beneficiaries (and their legal representatives) irrespective of their race, skin colour, gender, language, religion, political or other belief, origin (national, ethnic and social), property status or health condition.

The Agency for State Care is authorized to apply to the LEPL Public Service Development Agency of the Ministry of Justice of Georgia with the request to issue temporary residence permits for its beneficiaries.

<sup>158</sup> Ibid., paragraph 3.

<sup>159</sup> Ibid., Article 31.

<sup>160</sup> Ibid., Article 76.

<sup>161</sup> Ibid., Article 56.

<sup>162</sup> Ibid., paragraph "f".

A temporary residence permit can be issued to a foreign citizen or a stateless person if he/she has victim status under the Law of Georgia on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence and if a recommendation is given by the victim's service provider or the authority in charge of the proceedings.<sup>163</sup>

The following shall be taken into consideration when assessing an application for international protection:

- All relevant facts related to the country of origin, including the legislation and other regulations, as well as established practices
- Documentation submitted by the asylum seeker, including information regarding the fact that he/she is being persecuted or may become a victim of persecution and that he/she has suffered or may suffer serious harm
- The personal information of the asylum seeker
- The possibility that the asylum seeker may be persecuted or seriously harmed if he/she returns to the country of origin
- The possibility that the asylum seeker may enjoy the protection of a country that is not his/her country of origin and to which he/she is a citizen<sup>164</sup>

Status holders are entitled to exercise the right to employment, to education (including preschool and secondary education and professional and higher education) and to medical assistance through state health-care programmes that citizens of Georgia enjoy, as well as the right to be provided with social, economic and day-to-day living conditions and to be employed independently or with the help of an employer. Persons with refugee or humanitarian status are entitled to the right to free movement both inside as well as outside the country.

## NON-REFOULEMENT

The principle of non-expulsion is covered by Article 8 of the Law on International Protection and determines that an asylum seeker or internationally protected person shall not be returned or expelled to the border of the country where his/her life or freedom is endangered on the grounds of his/her race, religion, nationality, affiliation to a certain social group or political views.

The non-refoulement principle does not apply to an asylum seeker or internationally protected person in connection with whom there are sufficient grounds to believe that he/she poses a threat to the state security of Georgia, nor to those who have been convicted of committing a grave crime in Georgia on the basis of a court ruling having entered into legal force, nor to those who pose a threat to the public.

It is important to refer to the Law on the Legal Status of Aliens and Stateless Persons, which lists those persons who cannot be removed from Georgia, among whom are the following: an alien under the custody of a citizen of Georgia; an alien reasonably assumed to be a victim of, or affected by, the crime of human trafficking; an alien who is a victim of violence against women and/or domestic violence, until the relevant proceedings are finished and/or during the temporary housing period at a shelter for domestic violence victims; an alien who has been given a conditional sentence or a non-custodial sentence, except where there is a court decision on his/her deportation and if he/she is a danger to state security and public order in Georgia.<sup>165</sup>

<sup>163</sup> Law of Georgia on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence, Article 17, paragraph 4.

<sup>164</sup> Law of Georgia on International Protection, Article 36.

<sup>165</sup> Law of Georgia on the Legal Status of Aliens and Stateless Persons, Article 61.

## CONFLICT-AFFECTED WOMEN AND THE PEOPLE LIVING IN THE OCCUPIED TERRITORIES OF GEORGIA

The Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia determines the legal status of an IDP; the basis and the procedure for granting, terminating, withdrawing and restoring IDP status; and the legal, economic and social guarantees as well as the rights and duties of an IDP.

According to the law, an internally displaced person (IDP) is a citizen of Georgia or a stateless person with said status in Georgia who was forced to leave his/her permanent place of residence because the occupation of the territory by a foreign country, aggression, an armed conflict, global violence and/or massive violation of human rights posed a threat to his/her or his/her family members' life, health or freedom, and/or, taking any of the said reasons into consideration, he/she cannot return to his/her permanent place of residence.<sup>166</sup>

A minor citizen child of Georgia or a stateless minor child with said status in Georgia shall be entitled to IDP status if one or both of his/her parents have been granted and/or were granted IDP status, only on the basis of the consent of a parent(s) or any other legal representative.<sup>167</sup>

IDPs are entitled to:

- Receive IDP allowance
- Receive social and other assistance, in accordance with the procedure and terms established by the legislation of Georgia
- Use a proper living accommodation on the territory of Georgia until returning to their permanent place of residence, except when he/she has been provided with a long-term living accommodation<sup>168</sup>

The well-being of IDPs from the occupied territories of Georgia is one of the most important challenges for the country and has been the focus of many active efforts for several years. The protection of IDPs' rights is one of the main functions of the state-funded Legal Aid Service, which offers legal advice to IDPs for this purpose. IDPs are entitled to use person-to-person and telephone/online consultation services.

The Legal Aid Service provides legal assistance for the protection of refugees' rights when:

- The rights determined under the Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia or by-laws have been violated and when the insolvent IDP is authorized to request the appointment of a lawyer
- The provision of legal assistance to a refugee (e.g. representation in a court or administrative agency) is advisable because a case is categorized as complex and important

The current grave security, humanitarian and human rights situation in the occupied territories has been caused by Russia's large-scale military invasion of Georgia in 2008 and the resulting illegal occupation of Georgia's indivisible regions of Abkhazia and Tskhinvali region/South Ossetia. More than 12 years have passed since the Russia-Georgia war, and throughout this period, the security and human rights situation in Abkhazia and Tskhinvali regions, as well as in the territories adjacent to the occupation line, has been further aggravated. The Russian Federation is taking steps towards the de facto annexation of the occupied territories and continues the militarization of those regions. Human rights violations that take place in the occupied territories include but are not limited to the following: infringement of the right to

<sup>166</sup> *Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia*, Article 6, paragraph 1.

<sup>167</sup> *Ibid.*, Article 6, paragraph 2.

<sup>168</sup> *Ibid.*, Article 12, paragraph 1.

life; torture and ill treatment; kidnapping and arbitrary detention; violations of property rights; violations of the right to receive education in one's native language; restrictions on the freedom of movement and residence; discrimination on ethnic grounds; and pressure on and intimidation of people. On top of that, people residing in the occupied regions of Abkhazia and Tskhinvali face serious humanitarian challenges, as Moscow and its occupation regimes spare no effort to isolate the two regions from the rest of Georgia. Amid the COVID-19 pandemic, the situation in this regard has been further exacerbated.

The Russia-Georgia conflict particularly affects women and exposes them to an increased risk of violence. This problem is aggravated by a lack of proper protection mechanisms, crisis centres and psychological rehabilitation services. The occupied territories remain inaccessible to international human rights organizations and watchdogs.

In order to deter and prevent Moscow's illegal activities and further deterioration of the situation in Abkhazia and Tskhinvali regions, and facilitate improvement of human rights and humanitarian conditions of conflict-affected people and ensure that the right of IDPs and refugees to return to their homes is exercised, Georgia has been using all the available diplomatic instruments. The Georgian participants have been actively raising the dire security, humanitarian and human rights challenges on the ground, including infringement of women's rights and the right of return at the Geneva International Discussions, which is the only formal format between Georgia and the Russian Federation to discuss the security and humanitarian challenges stemming from the Russian occupation. However, at every round of the GID meetings we have been witnessing destructive attitude avoiding substantial discussions and even the walkouts of the Russian Federation and its occupation regimes at the agenda item related to the issue of the return. In parallel, the Government of Georgia uses all relevant multilateral and bilateral fora to mobilize the international attention and help mitigate the human rights and humanitarian situation of the people on the ground. It should be emphasized that throughout the past years numerous resolutions and reports were adopted by particular countries and by international organizations, which reflect the severe security, humanitarian and human rights situation in occupied regions and the rights of IDPs, and underline the responsibility of the Russian Federation in this regard as a power exercising effective control over those territories (among them the UNGA annual Resolutions on the Status of IDPs and Refugees from Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia; UNHRC annual Resolutions on Cooperation with Georgia; CoE CMD Decisions; reports of the UN Secretary General, UN High Commissioner for Human Rights, CoE Secretary General; US State Department annual Human Rights reports; UK FCO annual Human Rights reports and others).<sup>169</sup>

With the adoption of the landmark UN Security Council resolution 1325 (2000) on Women, Peace and Security, the global WPS agenda has gained significant normative strength.

For Georgia – as a country where 20 per cent of its territory is still occupied by the Russian Federation and where more than 53 per cent of the officially registered 283,058 IDPs<sup>170</sup> are women – UNSCR 1325 and its related resolutions on WPS are of paramount importance.

In order to achieve the implementation of UN Security Council resolutions 1325 (2000), 1820 (2009), 1888 (2009), 1889 (2010) and 1960 (2011), National Action Plans for the periods 2012-2015, 2016-2017 and 2018-2020 were adopted in accordance with the statute of the Parliament of Georgia on "Women, Peace and Security" issued on 5 May 2011. The 2016-2017 and 2018-2020 National Action Plans were

<sup>169</sup> Among the multitude of reports are the UN General Assembly annual Resolutions on the Status of IDPs and Refugees from Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia; the UNHRC annual Resolutions on Cooperation with Georgia; CoE CMD Decisions; reports of the UN Secretary-General, the UN High Commissioner for Human Rights and the CoE Secretary General; the U.S. State Department annual Human Rights reports; and the UK FCO annual Human Rights reports.

<sup>170</sup> As of March 2019

adopted as a result of consultations with the appropriate institutions tasked with its implementation, 25 gender focal points from the line ministries, and state institutions and civil society.

To better reflect the needs of the conflict-affected and IDP women, consultative meetings were held with the women and girls living in the villages adjacent to the occupation lines with Abkhazia and Tskhinvali region – specifically Anaklia, Ganmukhuri, Khurcha and Perevi – by the Prime Minister’s Advisor on Human Rights and Gender Equality, who leads the Inter-Agency Commission. In addition to human security-related issues, women shared the health-care and socioeconomic challenges they face on a daily basis. Another objective of the visit was advocacy for the localization of the NAP and discussion on the mechanisms for the improved coordination between the central government and local self-governance bodies for its implementation. Thus, meetings were held with the municipality representatives in Zugdidi and Sachkhere to further identify their role in the development and implementation process of the NAP in partnership with the CSOs and the municipal gender equality councils.

The former Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia was one of the first line ministries to adopt a gender equality strategy and action plan in 2016. The promotion and observance of gender equality, the prevention and elimination of discrimination and sexual harassment, the combating of VAW/DV, the protection of victims/survivors and the implementation of the UN Security Council resolutions on WPS, are some of the key principles of the documents that are based on the fundamental guarantees of equal rights, freedoms and opportunities for women and men as stipulated by the Georgian Constitution and legislation and in international conventions ratified by the Government. The Ministry’s Gender Equality Strategy and Action Plan were harmonized with other national policies on gender equality and women’s empowerment.

The Ministry has created an internal gender equality mechanism by appointing a Gender Advisor to the Minister, establishing a Gender Equality Commission and appointing gender focal points in the regional branches. The Gender Equality Strategy and Action Plan envisage gender mainstreaming in the Ministry’s internal policies and structures as well as the programmes for Ministry beneficiaries, IDPs, refugees, immigrants and other vulnerable groups of the population.

The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia functioned from 1996 until 2018, at which time the Ministry’s various tasks were assigned to the Ministry of Regional Development and Infrastructure, the Ministry of Internal Affairs and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs.

In order to study the needs of the population (including women and young people) living in the villages adjacent to the occupation line and to update the information, the Ministry of Regional Development and Infrastructure of Georgia periodically requests information and needs analyses from the respective municipalities. The Public Defender’s Office has no direct representation in the occupied Abkhazia and Tskhinvali regions of Georgia and, therefore, has no direct access to the regions,<sup>171</sup> due to their occupation by the Russian Federation.

Based on an assessment by the Public Defender, domestic violence represents one of the most complex and latent problems in the occupied Abkhazia and Tskhinvali regions. In most cases, victims residing in the occupied regions continue to live with abusive spouses, as long as the central government’s law enforcement agencies do not have the opportunity to exercise their duty in the occupied regions to properly protect victims’ interests. There are no shelters or crisis centres to provide victims with protection and safety. A mobile team continues to function in Gali. The team regularly visits local villages to provide

<sup>171</sup> *Special report of the PDO on the rights of women and children in conflict affected areas*, p. 36.

psychological, medical and legal counselling to women and raise awareness about women's issues in local communities.<sup>172</sup> According to the Women's Development Fund (formerly known as Avangard), a Gali-based NGO, in 2016, 75 cases of domestic violence were reported in occupied Abkhazia's districts of Gali, Ochamchire and Tkvarcheli combined, compared to 44 cases in 2015.<sup>173</sup>

The Public Defender is aware of 11 cases of early marriage among girls in Gali over the past three years.<sup>174</sup> Based on the information available to the Public Defender's Office, early marriage among girls is a common social problem. Justice, however, rests within families themselves as the Government of Georgia cannot exercise its jurisdiction in the occupied regions, Georgian law enforcement agencies cannot operate in Abkhazia in Tskhinvali regions to respond to early marriage cases, and occupation regimes tend to be indifferent regarding human rights issues. However, in most cases, families refuse to accept the return of female victims of early marriage, as they believe it will damage the family's honour and public reputation. So-called honour killing constitutes one particularly egregious form of violence against women.<sup>175</sup>

In January 2019, the opening of a crisis centre for victims/survivors of violence in Zugdidi and the existence of a similar centre in Gori are very important as these two cities are located close to the occupation lines and can provide a one-stop shop for support services to victims/survivors of violence.

On 9 February 2016, the Sokhumi occupation regime made a decision regarding banning the termination of a pregnancy, even in cases when the pregnancy threatens the health of the mother. The only exception was made with regard to antenatal death, commonly referred to as stillbirth. Statistics suggest that 700 abortions were performed in the occupied Abkhazia region in 2015, only 15 of which were justified by medical reasons, with social factors accounting for most of the remaining cases. The rationale behind the aforementioned decision was an effort to combat demographic decline. However, international practice suggests that banning abortion is not a solution to demographic problems; rather, doing so results in an increased rate of illegal abortions and higher mortality rates among women.

The free health-care service is one of the most successful directions of the engagement strategy. Individuals living in the occupied territories are able to use the different types of state programmes, the most important of which is the referral service. Since 2017, the referral service programme has been available for the residents of the district of Gali.

Despite the restricted freedom of movement, compared to data from 2012, the number of individuals from the occupied Tskhinvali region willing to be medically treated has increased. At the same time, the number of patients from the Abkhazia region engaged in the referral programme has increased six times.

The Universal Healthcare Programme developed by the Government of Georgia is available for all ages of the population residing in the occupied territories and holding neutral documentation. In April 2015, a Hepatitis C elimination programme was initiated. Based on the initiative of the central Government of Georgia, residents of the occupied territories were able to participate in the programme. In March 2017, the Hepatitis C Control Center was established in Zugdidi city. This center serves individuals from the occupied territories, and participation in the Hepatitis C elimination programme is available to those with neutral documentation.

<sup>172</sup> Ibid., p. 37.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid., p. 39.

<sup>175</sup> Ibid.

Under the UN Development Programme and with support of the “Coordination Mechanism” established under the scope of a state engagement strategy action plan, citizens living in the region of Abkhazia are regularly provided with different medications and vaccines. During 2017, Abkhazia was provided with immunization vaccines, Hepatitis B vaccines, Hepatitis C tests and medications for diabetes, tuberculosis and AIDs. The region was also provided with ambulances, medical inventory, equipment and other medical assets through the coordination mechanism.

In order to simplify the procedures regarding the provision of health-care, in close proximity to the occupation line, particularly in the neighbourhood of Zugdidi municipality, the construction of a university clinic in the village of Rukhi was completed in 2018. The construction of the medical centre was initiated by the Government of Georgia in August 2014. The university clinic is equipped with 220 beds and modern technologies and provides services to residents of the occupied territories.

### **IMPLEMENTATION OF THE UN SECURITY COUNCIL RESOLUTIONS ON WOMEN, PEACE AND SECURITY**

The Ministry of Defence of Georgia, together with DCAF (Geneva Centre for Security Sector Governance) and in partnership with the Spanish and UK defence ministries, implemented the “Women, Peace and Security Organizational Assessment” project, financially supported by the NATO Science for Peace and Security Programme. The project was designed to improve the gender balance and reduce the barriers to women within the Defence Forces of Georgia by contributing to Georgia’s strategic objectives to implement UNSCR 1325 and its related resolutions. Moreover, it aimed to build the Ministry’s capacity to design, develop and execute gender-related organizational climate studies and develop recommendations.

Training on gender perspectives and UNSCR 1325 and its related resolutions is part of pre-deployment training for peacekeepers. About 1,600 military service men and women were trained in 2019. Gender and domestic violence issues are also subjects included in PTSD (post-traumatic stress disorder) sessions held by Ministry psychologists post-deployment.

Since 2016, the regular information-sharing meetings between civil society and representatives of the local conflict-affected community and the participants of the GID and the Incident Prevention and Response Mechanism (IPRM) have been led by the Office of the State Minister for Reconciliation and Civic Equality and the Ministry of Foreign Affairs of Georgia. The information-sharing meetings have become a well-established platform for regular dialogue between civil society representatives, GID and IPRM participants.

Georgian participants of the GID and the IPRM meet regularly with the representatives of civil society, including NGOs, women’s rights defenders and with the conflict-affected and IDP women in order to ensure that the needs and priorities of women IDPs and conflict-affected women are integrated into the planning for the peace process and raised at the negotiation formats, particularly at the GID and IPRM.

The NAP on WPS envisages increasing the expertise of staff members in WPS issues. As the provision of tailored trainings is the primary mechanism of implementing this commitment, the Ministry of Foreign Affairs of Georgia together with UN Women developed a training course at the Levan Mikeladze Diplomatic Training and Research Institute of the Ministry of Foreign Affairs of Georgia that was piloted in February 2020. The training is intended for public servants dealing with the issues related to the peaceful resolution of conflict.

The Mental Health System Development Strategy is being updated to address the needs of displaced and conflict-affected populations, especially women and girls.

In 2019, the gender advisers institutionalization process was completed at the Ministry of Defence of Georgia. At the brigade level, military appointees in G1 and S1 positions fulfil the same functions as gender advisers.

Moreover, a special training curriculum for gender advisers was created that itself became mandatory for the above-mentioned positions at the Ministry of Defence of Georgia. In addition, a special MOC (Military Occupational Code) was defined for gender advisers by the decree of the Chief of Defence of the Georgian Defence Forces.

In addition to increasing staff expertise on WPS issues, the NAP on WPS envisages addressing the needs of IDP and conflict-affected women in the official negotiations. Representatives of the Government of Georgia continuously raise the issues of IDP and conflict-affected women in both the GID and the IPRM with the aim of finding durable solutions for the needs of the women affected by the Russia-Georgia conflict. The Georgian representatives especially highlight the challenges related with illegal detention and kidnapping, oppression and ethnic discrimination of women, as well as other cases of grave violations of basic human rights and freedoms.

Moreover, the NAP on WPS envisages facilitating women's meaningful participation in the peace negotiations. The Georgian Government continues its efforts to further support women's meaningful engagement in the GID and IPRM. Between 2017 and 2020, the involvement of women in both formats has varied between 20 per cent 40 per cent.

# ANNEX 1.

## COMPILATION OF EXTRACTS OR SUMMARIES OF THE RELEVANT LEGAL TEXTS REFERENCED IN THE LEGAL FRAMEWORK<sup>176</sup>

### CONSTITUTION OF GEORGIA

#### Article 11 – Right to equality

1. All persons are equal before the law. Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited.
2. In accordance with universally recognized principles and norms of international law and the legislation of Georgia, citizens of Georgia, regardless of their ethnic and religious affiliation or language, shall have the right to maintain and develop their culture, and use their mother tongue in private and in public, without any discrimination.
3. The State shall provide equal rights and opportunities for men and women. The State shall take special measures to ensure the essential equality of men and women and to eliminate inequality.
4. The State shall create special conditions for persons with disabilities to exercise their rights and interests.

### LAW OF GEORGIA ON GENDER EQUALITY

#### Article 4 – Guarantees for gender equality

1. The State shall support and ensure equal rights for men and women in political, economic, social and cultural life.
2. To protect gender equality, the following shall be ensured without discrimination:
  - a) equal individual rights and freedoms of men and women;
  - b) equal access to education for men and women and free choice of education at any stage of learning;
  - c) equal rights of spouses;
  - d) equal rights and duties in matters relating to children;
  - e) equal rights and duties of men and women with regard to guardianship, wardship, trusteeship, or adoption of children;

<sup>176</sup> The extracts of the laws are taken from the Legislative Herald of Georgia, representing an official gazette of Georgia and a comprehensive database of all normative acts having legal effect. The texts are available at <https://matsne.gov.ge>.

- f) supporting elimination of violence in families and society;
  - g) free choice of profession or career, promotion, vocational training/retraining;
  - h) assumption of public office based on professionalism, skills and qualifications;
  - i) equal treatment in evaluation of the quality of work of men and women;
  - j) equal social security for men and women in cases of illness and infirmity;
  - k) creation of equal opportunities for men and women to receive health care;
  - l) creation of equal opportunities for men and women to access information.
3. The legislation of Georgia on gender equality is based on the Constitution of Georgia, treaties and international agreements of Georgia, this Law and other normative acts.

### **Article 7 – State guarantees for gender equality in education and science**

1. Everyone shall have the right to freely choose a profession and specialty according to their abilities. Such equality shall be ensured through equal access, without discrimination, to general, vocational and higher education.
2. The State shall ensure that equal conditions are created for men and women to acquire general, vocational and higher education in all kinds of educational establishments, and to participate in educational and scientific processes.

### **Article 9<sup>1</sup> – Ensuring Gender Equality in Provision and Access to Product or Services**

Provision and access to any products or services, including financial services shall be provided without gender discrimination. During the provision of insurance services use of gender, as well as pregnancy/motherhood as risk factor shall not cause difference in insurance premium and determination of insurance amount.

## **LAW OF GEORGIA ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION**

### **Article 2 – Notion and prohibition of discrimination**

2. Direct discrimination is the kind of treatment or creating the conditions when one person is treated less favorably than another person in a comparable situation on any grounds specified in Article 1 of this Law or when persons in inherently unequal conditions are treated equally in the enjoyment of the rights provided for by the legislation of Georgia, unless such treatment or creating such conditions serves the statutory purpose of maintaining public order and morals, has an objective and reasonable justification, and is necessary in a democratic society, and the means of achieving that purpose are appropriate.
3. Indirect discrimination is a situation where a provision, criterion or practice, neutral in form but discriminatory in substance, puts persons having any of the characteristics specified in Article 1 of this Law at a disadvantage compared with another person's in a comparable situation, or equally treats persons who are in inherently unequal conditions, unless such situation serves

the statutory purpose of maintaining public order and morals, has an objective and reasonable justification, and is necessary in a democratic society, and the means of achieving that purpose are appropriate.

5. Any action the purpose of which is to force, encourage or support a person or give him/her a task to implement discrimination determined under this article towards a third persons.
10. Principle of equal treatment applies to:
  - a) labor and pre-contractual relations;
    - a.a) prior pre-contractual relations and hiring conditions, as well as access to carrier promotion, at all level of professional hierarchy, despite the field of work;
    - a.b) at all levels of professional hierarchy, improvement of qualification, access to professional training and retraining (including professional experience;
    - a.c) employment, labor, labor reimbursement and termination of labor relationship;
  - b) membership and employment at employers' organization, employee organizations or such organization the members of which are representatives of certain profession, including the benefits from such organizations;
  - c) social protection and health protection, education, provision of products and services including:
    - c.a) social protection, social security, social benefits and etc;
    - c.b) healthcare service;
    - c.c.) access to education;
    - c.d) receipt of publicly accessible products and services

**Article 6 – Monitoring the elimination of discrimination and the process of ensuring equality**

1. The Public Defender of Georgia shall monitor issues regarding elimination of discrimination and ensuring equality.
2. To exercise the powers under the legislation of Georgia, the Public Defender shall:
  - a) discuss the applications and complaints of natural and legal persons or groups of persons, who consider themselves to be victims of discrimination;
  - b) examine acts of discrimination based on applications or complaints, as well as on his/her own initiative and make appropriate recommendations;
  - c) prepare and forward general proposals to relevant institutions or persons on the issue of preventing and combating discrimination;
  - d) for the purposes of this Law, prepare opinions regarding necessary legislative changes and submit them to the Parliament of Georgia as legislative proposals;

- e) invite a victim of discrimination and an alleged discriminating person, and try to settle the case by mutual agreement of the parties;
- f) submit recommendations to relevant institutions or persons to restore the rights of victims of discrimination if the parties fail to reach an agreement and if there is sufficient evidence of discrimination;
- g) be authorized to apply to a court, as an interested person, according to the Administrative Procedure Code of Georgia, and request the issue of an administrative legal act or the performance of an action, unless an administrative body responds to or shares a recommendation and there is sufficient evidence of discrimination;
- h) record and analyze statistical data on discrimination cases;
- i) organize events to raise public awareness of discrimination;
- j) cooperate with various international governmental and non-governmental organizations, local non-governmental organizations and the representatives of local civil society on discrimination issues.

#### **Article 8 – Hearing a case by the Public Defender of Georgia**

1. A person who submits an application/complaint to the Public Defender of Georgia shall indicate the facts that provide grounds for the alleged discriminatory action and shall present relevant evidence.
2. A person shall submit the facts and relevant evidence to the Public Defender of Georgia that give reason to suspect discrimination, as a result of which the alleged discriminating person shall bear burden of proving that discrimination did not occur.
3. If the Public Defender of Georgia considers it to be necessary, it may schedule an oral hearing and invite both parties to settle the case by mutual agreement. If the case is settled by mutual agreement, the Public Defender of Georgia shall monitor the fulfilment of the obligations determined by the settlement agreement.
4. Any administrative, local self-government and state body (including the Prosecutor's Office, investigation and court bodies) shall be obliged to transfer materials, documents, other information and explanations related to the case hearing to the Public Defender within 10 calendar days after request as provided for by law. If information is provided voluntarily by private persons, the persons may request reimbursement of the expenses of making copies and postal service related to the provision of information.
5. The Public Defender of Georgia shall examine the application/complaint as determined by the legislation of Georgia.

#### **Article 10 – Application to the court**

1. Any person considering himself/herself to be a victim of discrimination may bring a court action against the person/institution which he/she considers to have committed the discrimination and may claim for moral and/or material damages.
2. The procedure for bringing a court action is governed by the Civil Procedure Code of Georgia.

## **LAW OF GEORGIA ON VIOLENCE AGAINST WOMEN AND/OR ELIMINATION OF DOMESTIC VIOLENCE, PROTECTION AND SUPPORT OF VICTIMS OF VIOLENCE**

### **Article 3 – Domestic violence**

Domestic violence is the violation of constitutional rights and freedoms of one family member by another family member through neglect and/or physical, psychological, economic, sexual violence or coercion.

### **Article 3<sup>1</sup> – Violence against women**

1. Violence against women involves all actions in the public or private life that are characteristic to violence against women committed on the grounds of sex, which entail or may entail physical, mental or sexual abuse of women, and which cause or may cause economic damage to women, including the threat of committing such actions, coercion of women, or unauthorized deprivation of liberty of women.
2. For the purposes of this Law, a female minor who has not reached the age of 18 shall be also deemed a woman.

### **Article 4 – Definition of terms**

Terms in this Law shall have the following meaning:

- a) physical violence – beating, torture, damage to health, illegal deprivation of liberty or any other action that causes physical pain or suffering, withholding health needs, which leads to damage to health or death of a victim of violence;
- b) psychological violence – offence, blackmailing, humiliation, threats, or any other action that violates a person's honor and dignity;
- c) coercion – compelling a person by using physical or psychological force to carry out or fail to carry out an act, carrying out or refraining from which is the right of that person, or making a person tolerate an action carried out against his/her will;
- d) sexual violence – sexual act by violence or threat of violence, or by taking advantage of the victim's helplessness; sexual act or other acts of sexual nature or child sexual abuse;
- e) economic violence – an act, which causes restriction of the right to have food, dwelling and other conditions for normal development, to enjoy property and labor rights, to use common property and to administer one's own share of that property;

## **CIVIL CODE OF GEORGIA**

### **Article 1108 – Marriageable age**

1. Marriage shall be permitted from the age of 18

### **Article 1152 – Equality of spouses**

In domestic relations the spouses shall have equal personal and property rights and shall bear equal responsibilities.

## **IMPRISONMENT CODE OF GEORGIA**

### **Article 451 – Obligations of the administration when releasing a person convicted for domestic violence**

The administration shall, not later than three months before the term of imprisonment imposed on a person convicted for domestic violence expires, notify in writing the district police according to the place of commission of the crime

## **LAW OF GEORGIA ON PUBLIC SERVICE**

### **Article 56 – Safe and necessary working conditions for officers**

3. Public entity is obliged to take measures to ensure equal treatment of persons employed and to include provisions prohibiting discrimination in internal rules and other documents and to ensure their enforcement

## ANNEX 2. INITIAL TRAINING (EDUCATION OR PROFESSIONAL TRAINING)

	PREVENTION AND DETECTION OF VIOLENCE	STANDARDS OF INTERVENTION	EQUALITY BETWEEN WOMEN AND MEN	NEEDS AND RIGHTS OF VICTIMS	PREVENTION OF SECONDARY VICTIMIZATION	MULTI-AGENCY COOPERATION	KNOWLEDGE REQUIRED FOR QUALIFICATION TO PRACTISE THE PROFESSION	LENGTH OF CURRICULUM
<b>Police and other law enforcement officials</b>	Basic Training Course (for officers, district inspectors – investigators, patrol police officers and inspectors, border police) at the LEPL Academy of the Ministry of Internal Affairs of Georgia that includes 27 different subjects (including VAW/DV)	Standard of communication with the citizens; non-verbal communication; characteristics of communication with socially vulnerable groups; anger and aggression management; standard of working with juveniles in the streets						14 weeks (on 27 subjects)
<b>Prosecutors</b>	Fight against violence against women and domestic violence and its prevention (11 hours)/ HELP distance-learning course on violence against women and domestic violence (3 months)/hate-motivated crimes and hate speech (11.5 hours)	Effective response to domestic violence (12 hours)	Gender and sex discrimination (14 hours)/ discrimination based on sexual orientation and gender identity (13.5 hours)	Integration of LGBTI women issues into mechanism of protection and prevention from violence (TOT) (14.5 hours)		Importance of multisectoral coordination in fight against violence against women and family crimes (6.5 hours)	Effective investigation of gender violence crimes and criminal prosecution (10.5 hours)/ specialized course on domestic violence and family crimes (23.5 hours)	Length of the curriculum is indicated in parentheses after each training
	Domestic violence course is integrated into intern prosecutor training course; it is mandatory for all intern prosecutors to attend this course							2 months
<b>Judges</b>	Administrative legal proceedings, including the appellate court, for elimination of domestic violence, protection of victims of domestic violence and their assistance	Restrictive and protective orders – rules of issuance, appeal and determination of criminal prosecution, issues to be covered in restrictive and protective orders		Definitions of domestic violence, a victim of domestic violence and the forms of domestic violence			Characteristics and evidence of domestic violence cases	1 full day

<p><b>Social workers and Psychologists, in particular counselors/ psychotherapists</b></p>	<p>Training course on violent attitudes and behavior change is integrated into the basic course for social workers, psychologists and probation officers.</p>	<p>Training course for staff (social worker, psychologist, probation officer)</p>	<p>Understanding the consequences of domestic violence, gender-based violence, gender equality, and violent behavior between couples; Non-violent methods of resolving family conflict. Women's and girls' rights and children affected by domestic violence.</p>	<p>«Training Course on Violent Attitudes and Behavior Change»</p>		<p>24 hours</p>
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# ANNEX 3. IN-SERVICE TRAINING

	NUMBER OF PROFESSIONALS TRAINED	MANDATORY NATURE	AVERAGE LENGTH OF CURRICULUM	PERIODICITY	FUNDING SOURCE	BODY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING	TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS
Police and other law enforcement officials	7,792 (2018) and 890 (2019)	Yes	11 hours			LEPL Academy of the Ministry of Internal Affairs of Georgia	
Prosecutors	451	Mandatory	23.5 hours		Internal resource and donor organizations	Professional Development and Career Management Centre of the Department of Human Resource Management and Development at the Prosecutor's Office	The trainings are planned based on the outcomes of training needs assessments.  The specialized course on domestic violence and family crimes is based on the decree on the specialization.
Judges	51	Not mandatory	2 days	Every year	State budget and donor support (UN Women and CoE)	LEPL High School of Justice (there is no certified training on domestic violence)	Curriculum on domestic violence: VAW/DV and its psychological aspects; international instruments and practice; national legislation; legislative changes; femicide
Social workers	43	No	24 hours	Once in a year	State budget and donor support (UN Women)		Trainings for staff are planned on specific issues of violence against women and domestic violence.
Medical doctors							
Nurses and midwives							
Psychologists, in particular counsellors/ psychotherapists	11	No	24 hours	Once in a year	State budget and donor support (UN Women)		Trainings for staff are planned on specific issues of violence against women and domestic violence.
Immigration/asylum officials							
Educational staff and school administrators	7,000	No	24 hours	4 days for 6 hours each day	State budget	National Center for Teacher Professional Development	
Journalists and other media professionals							
Servicemen and service-women							

(continue)

	NUMBER OF PROFESSIONALS TRAINED	MANDATORY NATURE	AVERAGE LENGTH OF CURRICULUM	PERIODICITY	FUNDING SOURCE	BODY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING	TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS
<b>Any other relevant category</b>	52 employees of the revenue service	No			UN Women and the Public Defender's Office	UN Women and the Public Defender's Office joint electronic training programme on gender equality	
	17 employees of the Ministry of Foreign Affairs	No			UN Women and the Levan Mikeladze Diplomatic Training and Research Institute of the Ministry of Foreign Affairs of Georgia	"Inclusive Peaceful Process, Negotiation and Gender Perspectives" organized by UN Women and the Levan Mikeladze Diplomatic Training and Research Institute of the Ministry of Foreign Affairs of Georgia	
	17 employees of the Ministry of Foreign Affairs	No			UN Women and the Public Defender's Office	Ministry of Foreign Affairs	Electronic Course on Gender Equality
	9 employees of the Ministry of Environmental Protection and Agriculture of Georgia	No			FAO	Agriculture and Rural Development Agency	Distance-learning course on gender mainstreaming
	68 employees of the Agriculture and Rural Development Agency	No			FAO and the Agriculture and Rural Development Agency	Agriculture and Rural Development Agency	Gender Limitations in Agriculture Sector of Georgia
	4 training sessions for users of the Gender Statistics Portal	No			UN Women and Geostat	UN Women and Geostat	
	100 Probation Officers	No	24 hours	Once in a year	State budget and donor support (UN Women)		Trainings for staff are planned on specific issues of violence against women and domestic violence.

October 2020