



**Domestic Violence
And Child Abuse in Georgia:**

An Assessment of Current Standings of Law and Practice

**Tbilisi, Georgia
December, 2006**

DOMESTIC VIOLENCE AND CHILD ABUSE IN GEORGIA:

**An Assessment of Current Standings of Law and Practice Regarding
Domestic Violence and Child Abuse in Georgia, and Recommendations
for Future United Nations Country Team Involvement**

**TBILISI, GEORGIA
DECEMBER 2006**



UN Country Team in Georgia (UNDP, UNFPA, UNICEF, UNIFEM and RC Office)

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Institute for Policy Studies



Minnesota Advocates for Human Rights



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The views expressed in this publication are those of authors and are not necessarily shared by the UN Country Team member agencies.

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An Assessment of Current Standings of Law and Practice Regarding Domestic Violence and Child Abuse in Georgia, and Recommendations for Future United Nations Country Team Involvement

December 15, 2006

I. Preface

Domestic violence is a pervasive and devastating social problem. Research has documented that domestic violence exists throughout the world and transcends class, income, education and culture.¹ Occurring mainly within the privacy of the home, domestic violence often goes unreported. The damage done to the victim, to the family unit and to society as a whole is widely discounted.² Societies struggle to effectively address this epidemic as neighbors, law enforcement and the government are reluctant to involve themselves in what is often interpreted as a private family matter. The United Nations has repeatedly condemned domestic violence as a human rights violation and called upon governments to address the problem through legal reform, social services and public education.³

The Republic of Georgia has taken an important step to address domestic violence. In May of 2006, the Georgian Parliament enacted the Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims (hereinafter the Law).⁴ The Law requires a large-scale prevention effort through cooperation of government Ministries, courts, prosecutors, and other stakeholders.⁵ The new Law calls for the use of administrative, criminal and civil penalties where appropriate,⁶ and provides two new remedies: a protective order and a restrictive order, to be issued by courts and police to provide immediate protection for the victim.⁷ The Law also requires the police to perform other specific duties to ensure victim safety.⁸ The Law requires the establishment of shelter and social services⁹ and requests that the Government of Georgia

¹ *See generally*, The Declaration on the Elimination of Violence Against Women (DEVAW), UN Gen. Assembly Res. 48/106 A/RES/48/104 (20 December 1993).

² Statistics however indicate a significant societal problem: “Through 1998-2002, 21.4% of committed murders, 16.36% of attempts of murder, 47.24% of health injuries and 5.14% of rapes have been committed in the familial context.” Sanikidze, Lia et al. “The Reality – Women’s Equal Rights and Equal Opportunities in Georgia” p.21 (Tbilisi 2006).

³ *See generally*, UN Secretary General’s Study of Violence Against Women, A/61/122/Add.1

⁴ *See* Appendix C, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims

⁵ *See* Article 7, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

⁶ *See* Article 9, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

⁷ *See* Article 10, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

⁸ *See* Article 16, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

⁹ *See* Articles 17-21, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

approve an Action Plan to support these measures within four months of publication of the new Law.¹⁰

A working group of government and NGO representatives has drafted the Action Plan and delivered it to the government.¹¹ It has been awaiting final approval since early fall of 2006. However, the draft¹² indicates no detailed goals, measurable objectives or monitoring indicators. There is no national referral system for domestic violence cases, and there are no protocols for each of the key stakeholders in the process. Strategies beyond the draft of a decree or order are outlined only broadly. The draft Action Plan's directives for financing are tentative, incorporating only "suggestions" and identifying expenses that will be "aimed for."¹³ Georgian domestic violence advocates have noted that the lack of government resources dedicated to addressing domestic violence indicates a lack of political will on the part of the government to address this issue.¹⁴ Advocates expressed skepticism of the government's serious intentions regarding the implementation of the law, noting that the Plan of Action for Combating Violence against Women 2000-2004 remains largely unfulfilled.¹⁵

Minnesota Advocates for Human Rights and the Institute for Policy Studies prepared this assessment on domestic violence at the request of a consortium of United Nations agencies, including the United Nations Development Fund for Women (UNIFEM), the United Nations Population Fund (UNFPA), the United Nations Development Program (UNDP), the United Nations Children's Fund (UNICEF), and the UN Resident Coordinator in Georgia (RC). The assessment provides a general description of the problem of domestic violence and child abuse in Georgia and the response of government agencies, international institutions and social service agencies. The assessment includes recommendations for the United Nations to support the actions of government institutions, social service and advocacy organizations and other key stakeholders as they address the problem of domestic violence.

Although the elderly, the disabled, and mature male members of a family can fall in the category of victims of domestic violence, for the purposes of this assessment, domestic violence is defined as physical, sexual, psychological and economic violence occurring in

¹⁰ See Article 21, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

¹¹ The working group included the initial drafters of the law along with representatives from the Ministry of Labor, Health and Social Affairs, the Ministry of Education and Science, and the Ministry of Finance. Interview with General Prosecutor's Office, November 3, 2006; Interview with UNFPA, November 2, 2006

¹² For the purposes of this assessment, the authors considered a draft of the Action Plan which they believe to be identical to the one awaiting approval. The Plan is attached as Appendix D. The authors were unable to obtain the final document in English.

¹³ See Appendix D, Draft Activity Plan to Combat and Prevent Domestic Violence 2006-2008

¹⁴ Dadunashvili, Ketevan, et al. "Violence Against Women and Right to Adequate Housing: the Case of Georgia" p. 6 (October 2003).

¹⁵ See Sakhli Advice Center for Women, *Monitoring of the Plan of Action for Combating Violence against Women*, Tbilisi 2004, which stated its conclusion: "the Plan of Action for Combating Domestic Violence against Women was destined to fail from the very start. It is impossible to plan and implement effective activities without qualified human resources...The failure was further accounted for the fact that the criteria and indicators for the monitoring were not developed." Page 90

the family towards women and children, encompassing but not limited to battering, sexual abuse of children, marital rape, threatening, insulting, isolating, and traditional practices that are harmful to women and children.¹⁶ This assessment addresses domestic violence against women and domestic child abuse separately.

II. Domestic Violence Against Women

A. Available Data

There have been a number of studies that address domestic violence against women in Georgia. The studies have examined the scope of domestic violence as well as attitudes and knowledge about the problem. Reported rates of violence vary from 5% to 31% of families. The majority of the studies are mixed methodology, a combination of qualitative and quantitative methods. There has also been a report using a human rights methodology. The UN Country Team of Georgia has supported the publication of the only existing large-scale quantitative research on the issue of domestic violence carried out by the NGO Caucasus Women's Research and Consulting Network, with financial support of the Global Fund for Women. Following are summaries of these studies.

i. Caucasus Women's Research and Consulting Network

In 2005, the Caucasus Women's Research and Consulting Network (CWN) published a study on domestic violence.¹⁷ The study interviewed 1000 women throughout the country. 22.2% of respondent women reported that their husbands had physically abused them at least once. Approximately 5% of respondents described frequent abuse. 25.5% reported sexual assaults by their husbands. The study suggested significant barriers to women seeking protection and services. 13.1% reported that they had considered calling the police to protect themselves from physical domestic violence, but only 1.8% of all women interviewed actually approached the police. Similarly 8.4% required medical help at least once as a result of domestic violence, however, only 2.7% actually sought medical treatment. Societal attitudes may account, in part, for the discrepancy between those needing and those accessing services. Over 90% of the women surveyed considered that the "woman should be more modest and try not to provoke violence." Over 60% of women responded that "no matter what, whatever happens in the family should stay within [the] family."

ii. Reproductive Health Surveys

The UNFPA has conducted Georgian Reproductive Health Surveys (RHS) in 1999 and 2005.¹⁸ According to both surveys, less than 20% of the women interviewed reported

¹⁶ Minnesota Advocates for Human Rights has concerns about including psychological violence in a legal definition of domestic violence. See Appendix A for a discussion of these concerns.

¹⁷ Family Violence on Women: Multi-Component Research. (ed.) N. Tsikhistavi. The Caucasus Women's Research and Consulting Network (CWN). Tbilisi 2005

¹⁸ A. Khomasuridze, J. Kristesashvili, G. Tsuladze. Male Reproductive Health Survey. UNFPA. Tbilisi, 2005; F. Serbanescu et al. Reproductive Health Survey: Georgia, 2005. UNFPA. Tbilisi 2005; F. Serbanescu et al. Reproductive Health Survey, Georgia, 1999–2000.

verbal abuse by a current or former spouse, 5% reported physical abuse, and approximately 2% reported they had experienced sexual abuse at some point in their lives and 1% had in the past 12 months. In a companion survey conducted among males, 5.6% admitted having used physical violence against their spouses.¹⁹ According to the 2005 RHS, 5% of victims had reported domestic physical abuse to the police and 4% of women had sought medical help following physical domestic violence. Compared with reports from currently-married women, previously-married women experienced levels of verbal abuse that were twice as high, physical abuse 12 times as high, and sexual abuse nine times as high.²⁰

The attitudes toward domestic violence demonstrate gender-related asymmetry. While men overwhelmingly (89%) stated that there was no excuse for a woman to use force against her husband, the picture significantly changes for the case of wives: only half of male respondents (54%) think that a man must not use force against his wife. Over a third (38%) of males argued that a man is justified in using physical force against his wife if she is unfaithful to him.

The studies also reveal the reluctance of the victims of domestic physical abuse to report the abuse. Generally, between 50% and 70% of women who were physically abused had talked to a family member or a friend about it, but only 5% reported the abuse to the police, 4% sought medical help, and 3% sought legal counsel. The most common reasons cited by a battered woman for not seeking formal help were a sense of distrust that law enforcement agencies or health providers could be helpful (38%) and embarrassment associated with disclosing the abuse (32%). Other reasons mentioned were concerns that reporting violence would bring the family a bad reputation (10%), an assertion that the physical abuse was not very severe (7%), a fear of more beating (5%), and a fear of marriage dissolution (3%).²¹

iii. Studies by NGO Sakhli

The NGO Sakhli has conducted a series of studies on domestic violence. In 2002, Sakhli conducted research on “Violence in the family - Study of the gender relations.” A sample size of 400 male and female respondents were presented a list of 8 optional answers of what they considered to be domestic violence. The majority (94.8%) reported that beating/battering constituted domestic violence.

In 2003, Sakhli conducted research on “Gender Aspects of the Family Conflicts” with the stated goal of identifying reasons for violence related to gender, as well as examining the links between domestic violence and socioeconomic status, family functioning, conflict resolution styles, and self-esteem. The sample size was 400 people (43.3% female and

¹⁹ A. Khomasuridze, J. Kristesashvili, G. Tsuladze. Male Reproductive Health Survey. UNFPA. Tbilisi, 2005.

²⁰ F. Serbanescu et al. Reproductive Health Survey: Georgia, 2005. UNFPA. Tbilisi 2005; F. Serbanescu et al. Reproductive Health Survey, Georgia, 1999–2000.

²¹ F. Serbanescu, M. Goodwin. “Domestic Violence in Eastern Europe: Levels, Risk Factors and Selected Reproductive Health Consequences”. Paper at the European Conference on Interpersonal Violence. 26th September 2005, Paris, France

56.8% male). The researchers concluded that economic difficulties were a main cause of family violence, that men tended to blame women for domestic violence and women tended to blame men, and that the ability for the parties to recognize their responsibility for the conflict was recognized as the most successful way to reduce tension. The researchers found the need for further study.

In 2005, Sakhli conducted research on “Domestic Violence – Personal Profiles” with the stated goal of studying the psychological aspects of domestic violence between husbands and wives.

In 2006, Sakhli conducted research on “Domestic Violence – Threat to the Health” with the stated goal of examining the attitudes of health care professionals on domestic violence. 79.5% of respondents acknowledged that domestic violence is a social problem and 20.5% reported that domestic violence was a private family problem. 95.2% of respondents do not record information about domestic violence. 49.4% of the respondents expressed discomfort about discussing domestic violence with their patients. 56.4% indicated that discussing domestic violence may offend the patient. 57.8% reported that the lack of available services for referring patients hinders them from addressing domestic violence, and 31.3% reported the lack of a health care policy on domestic violence hinders them from addressing domestic violence. 62.7% consider registration of domestic violence cases necessary, and 16.9% consider it not necessary as the social issues are not addressed and general health care policies are not introduced.

iv. Studies by International Organizations

The U.S. Center for Disease Control and Prevention published a comparative study entitled “Domestic Violence in Eastern Europe: Levels, Risk Factors and Selected Reproductive Health Consequences,” which looked at selected countries in Eastern Europe and Eurasia. According to its findings, physical abuse against women in the family was lower in Georgia, at a lifetime rate of about 5%, than in the other countries in the region. The researchers concluded that this “may be attributed to differences in cultural definitions and perceptions or to a particularly strong role of the extended family and friends in the life of a Georgian woman.”²²

In 2002, ABA-CEELI surveyed 1,560 people in West Georgia on the issue of domestic violence. Over 31% of respondents stated that domestic violence occurred in their own families, while nearly 58% stated they knew of it occurring elsewhere. 77% of respondents admit that domestic violence is a crime.

In 2006, ABA-CEELI conducted a survey of knowledge and attitudes about domestic violence in Georgia with a sample size of 1200 people. Self-acknowledged victims of domestic violence were excluded from the sample pool. 29 victims, identified through domestic violence organizations, were interviewed separately. 62% of those surveyed

²² F. Serbanescu, M. Goodwin. “Domestic Violence in Eastern Europe: Levels, Risk Factors and Selected Reproductive Health Consequences”. Paper at the European Conference on Interpersonal Violence. 26th September 2005, Paris, France

were able to offer a definition of the term domestic violence. Physical forms of violence were the most frequently described forms of domestic violence. 76.9% of respondents think that domestic violence is hidden primarily because of fear of public opinion and 55.5% expressed a belief that family problems should not be made public. Unemployment, poverty and economic problems, followed by alcoholism, infidelity, jealousy and drug addiction were named as the main reasons for domestic violence.

In September 2006, Amnesty International published a human rights report entitled “Georgia: Thousands Suffering in Silence: Violence Against Women in the Family,” which examined domestic violence in Georgia.²³ The report outlines government failure to protect women from domestic violence or to provide redress through the criminal and civil justice system. The report includes numerous testimonies of domestic violence victims and advocates. It includes recommendations to the government for improving its response to domestic violence.

v. Other Studies

The International Centre for Education and Informing the Women (ICEIW) published a book containing reports of sociological studies on gender issues in 2002. Several studies reported in the book refer to domestic violence. According to the opinion of 28.8% of 500 surveyed pupils of Tbilisi schools (8th-11th grades), their fathers have beaten their mothers at least once and 51.4% claimed that they knew of families where this would happen regularly. Among the pupils of Mtskheta-Mtianeti region, 65.8% were aware of incidents of wife battering, while 29.7% reported it happening in their own family. Of 500 university students surveyed, 20.8% admitted being battered by their mothers and 54.0% were aware of incidents of domestic violence against women.

The Institute for Policy Studies conducted a survey in the region of Samtskhe-Javakheti. About 16.8% of respondents (14.4% of men and 19.2% of women) indicated that they know families where husbands beat wives. Up to 15.9% of respondents (22.2% of men and 9.9% of women) responded that beating a wife could be justified by her behavior. In their 2005 study on youth attitudes toward domestic violence, researchers found that while 47.1% of respondents hold the abuser responsible for domestic violence, 8% blamed the victim and 32.4% reported that victims and abusers share responsibility.²⁴ Additionally, their 2006 survey on social change included three questions on attitudes towards domestic violence. The researchers found that while the vast majority (97.6%) of the population find it unacceptable to physically abuse elder family members, only 66% found it unacceptable to physically abuse a wife in the case of adultery.

²³ “Georgia: Thousands Suffering in Silence: Violence Against Women in the Family,” Amnesty International <http://web.amnesty.org/library/index/engeur560092006> (September 25, 2006).

²⁴ Sumbadze, Nana, ed. Institute for Policy Studies and Tbilisi State University: “Youth Attitudes on Domestic Violence from a Gender Perspective” (Spring 2005).

vi. Gaps in Existing Data

Although there have been several studies which address domestic violence, they are mostly either relatively small in scale or include domestic violence as only one component of a larger study. Additionally, although multiple studies have been conducted over the last six years, a variety of issues, including a lack of clearly defined terms, inconsistent definitions, and inconsistent data-gathering practices make it difficult to draw meaningful conclusions about trends. Due to barriers to acknowledging domestic violence, rates of incidence are regularly underreported. A large scale mixed-methodology research survey should be conducted to provide data on the prevalence and scope of domestic violence, as well as attitudes and levels of knowledge about the problem. The survey should be conducted initially to establish a baseline and then repeated on a regular basis to measure progress.²⁵

B. Existing Legal and Institutional Mechanisms Addressing Domestic Violence Against Women

i. Laws on Domestic Violence

The May 2006 Law on Elimination of Domestic Violence, Protection of and Support to Its Victims reflects the recognition that the Georgian legal system's response to domestic violence needs to be improved. Advocates working on the issue of domestic violence in Georgia agree that more effective laws and better implementation of those laws are necessary to prevent domestic violence crimes and punish offenders.

1. Criminal Laws Relating to Domestic Violence

Although there is no specific criminal provision on domestic violence, domestic violence crimes have been addressed using various provisions of the Criminal Code of Georgia. Article 125 describes premeditated trivial injury, which involves a minor loss of working capacity, Articles 122-130 proscribe different degrees of damage to health, and other articles cover torture, murder, rape and sexual abuse. Criminal justice officials used Article 130, Beating, and Article 244, Hooliganism, in domestic violence cases before the new Law was enacted. Police continue to use these provisions of the criminal law to address domestic violence cases.²⁶

Article 244, Hooliganism, allows police to initiate proceedings despite the level of injury if there is a public disturbance. Other, less severe types of domestic violence are subject to Article 27 of the Criminal Procedure Code, which requires the victim to initiate

²⁵ The Committee on the Elimination of Discrimination Against Women shares this concern. In the concluding comments to the most recent Georgian report to the Committee, the Committee issued the following statement: "The Committee regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation of women and in their enjoyment of their human rights in regard to all areas covered by the convention." CEDAW/C/GEO/CO/3 p.2 (August 2006)

²⁶ Interview with District Police, November 8, 2006. "For a long time we had no cases under the new law due to inertia, we just did what we did before."

charges. Article 27 also provides for termination of proceedings based on the reconciliation of the victim and the perpetrator in all but the most severe levels of crimes.²⁷ Reconciliation traditionally has been encouraged by police and society. Indeed, in one survey of police officers, no one could recall “finishing” a domestic violence case.²⁸ Finally, cases can also be initiated under the Administrative Code solely by the victim. Again, all privately-initiated cases can be terminated due to reconciliation of the parties, some on the request of the victim alone, and others with the cooperation of the prosecutor. The authors are concerned about laws providing for the dismissal of cases upon reconciliation. Such practices prioritize reunification of the parties over the health and safety of victims.²⁹

None of the statutes in the various Codes described above contain provisions regarding the prevention or monitoring of domestic violence.

2. The Law on Elimination of Domestic Violence, Protection of and Support to Its Victims

The Law on Elimination of Domestic Violence, Protection of and Support to Its Victims, (hereinafter, the Law) represents a commitment to address domestic violence through a wide array of social and legal services. A major criticism of the Law was that it damages families. “Thirty or forty percent of the comments we received were that this Law is breaking up our families,” stated Ketil Makharashvili, the Member of Parliament who introduced the new Law. However, one lawyer who represents victims of domestic violence believes that in fact, victims of domestic violence will use the Law as a way of preserving their families, since it provides a remedy other than divorce and is less serious than criminal prosecution. Other lawyers reported that their clients expressed similar views.³⁰ A commentary on the Law prepared by Minnesota Advocates is attached as Appendix A to this report.

The Law defines domestic violence, provides new remedies for victims, guarantees legal and social protections for victims, and calls upon the government to empower the legal and social systems to provide these services. The following is a general description of the new Law.³¹

²⁷ See Criminal Procedure Code Article 27.

²⁸ Family Violence on Women: Multi-Component Research. (ed.) N. Tsikhistavi. The Caucasus Women’s Research and Consulting Network (CWN). p. 69 (Tbilisi 2005).

²⁹ Amnesty International shares this concern “Georgia: Thousands Suffering in Silence: Violence Against Women in the Family,” Amnesty International <http://web.amnesty.org/library/index/engneur560092006> p. 27 (September 25, 2006).

³⁰ Interview with CPR, November 6, 2006; interview with GYLA, November 7, 2006; interview with AVN, November 8, 2006.

³¹ Although the law is also relevant to the discussion of domestic violence against children (*See* section III at p. 33), the authors feel that a complete description of the law is best placed in the domestic violence against women section of this assessment because intimate partner violence has traditionally been the primary area of application of these laws.

a. Legal Definition of Domestic Violence

The definition of domestic violence provided in the Law is very broad. Domestic violence encompasses a violation of constitutional rights and freedoms by physical violence, which includes battery, torture, and restriction of liberty, and also by harming the health of a minor. It covers psychological violence, including blackmail and degrading treatment, as well as sexual and economic violence and coercion. A family member is defined to include relatives by blood, marriage or adoption, as well as persons who live or lived together. The concept of shelter is expanded to include a relative's or friend's home, until the national shelters are in operation.³²

b. Police and Court Responsibilities under the New Law

The new Law includes greatly expanded responsibility and authority for police in domestic violence cases. Police are required to inform victims of their rights, transfer them to a hospital or shelter³³ upon request, help them to transport their personal belongings and ensure the safety of the person who reported the case of violence (which may or may not be the victim).³⁴ Police are required to take all measures to eliminate domestic violence. They have explicit authority to remove the victim from her home.³⁵ They have implicit authority to remove the perpetrator from the home.³⁶ They also must issue a restrictive order, which defines temporary protective measures, and submit it to the court within 24 hours.³⁷

If the police issue a restrictive order, the court must review and either extend or deny the order within twenty-four hours.³⁸ A victim of domestic violence may also apply directly to the court for protection.³⁹ Upon application by a victim, the administrative court must

³² See Chapter One, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

³³ Shelter, as stated previously, includes the home of a friend or relative until the official shelter system is established. Victims are allowed to stay in shelter for a period not to exceed two months, but can stay longer if the charter of the shelter allows. A continuing threat to the victim after her shelter stay is required to be reported to the police, and the victim's employment is guaranteed despite her placement in shelter. Any information about her physical or psychological status is required to be kept confidential. See Articles 18-19, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

³⁴ See Article 16, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

³⁵ See Article 16, 18, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

³⁶ See Article 16, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

³⁷ See Article 10, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

³⁸ See Article 10, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

³⁹ See Article 11, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

hold a hearing and may issue a protective order. The details of what provisions and protections the orders should contain are not specified under the Law.⁴⁰

c. Prevention Mechanisms

The new Law addresses the prevention of domestic violence in great detail, and requires the state to support and ensure the mechanisms of prevention, which are envisaged as a “unity of social, economic, legal and other means, aimed at elimination of reasons and preconditions of domestic violence, as well as the fact of the violence itself and the prosecution of the abuser.”⁴¹

Prevention mechanisms include introducing effective legal methods to identify and eliminate domestic violence, holding a know-your-rights awareness-raising campaign which will provide information on the rights of victims, offering educational courses to support and protect victims and rehabilitate abusers, and developing programs with stakeholder organizations to ensure the implementation of the above measures.⁴² These measures are to be introduced by the Ministry of Labor, Health and Social Affairs, the Ministry of Internal Affairs, the Ministry of Education and Science, and the Procurators and Judiciary of Georgia. They are charged with cooperating with other stakeholders working on domestic violence in planning and implementing joint projects.⁴³

The new Law requires the Ministry of Labor, Health and Social Affairs to establish all means to prevent domestic violence by providing social services to families, and by providing shelters for victims. The Ministry is charged with defining the mechanisms to provide these services, and with supporting the training of social workers.⁴⁴ The Ministry must provide for the study and analysis of the causes of domestic violence, give support to victims, and work with relevant state institutions in identifying those at risk for committing domestic violence. The Ministry must participate in the issuance of protective orders and lend its support to developing and implementing programs both for victims and abusers.⁴⁵ Finally, the Ministry must establish and regulate a system of shelters. However, this provision is not effective until January 1, 2008.⁴⁶ Abuser rehabilitation centers must be established by the Ministry and other nonprofit entities “in order to

⁴⁰ See Article 10, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

⁴¹ See Article 6, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

⁴² See Article 6, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

⁴³ See Article 7, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

⁴⁴ See Article 21, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C. Currently in Georgia it is estimated that there are fewer than 15 people with university social work degrees. Interview with TACIS Project, November 13, 2006.

⁴⁵ See Article 8, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

⁴⁶ See Article 22, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

ensure temporary placement and rehabilitation of the abuser.”⁴⁷ There is no date required for establishing centers for abusers; however, the Ministry must immediately determine minimal standards for temporary shelters and abuser rehabilitation centers.⁴⁸

d. Monitoring

There are two important specific references to monitoring in the new Law against domestic violence: In Article 8 (e), the Ministry of Labor, Health and Social Affairs is required to provide for monitoring the activities under the protective and restrictive order, and in Article 16, the police are required to send a record of the case and measures taken (which would include the restrictive order) to the supervising prosecutor. The Prosecutor’s Office will need to develop a protocol for evaluating the cases and actions taken. At the time of this assessment, no restrictive orders had been issued. Therefore, the response of the prosecutor’s office to the Law is unknown.⁴⁹

e. Summary of Draft Action Plan to Combat and Prevent Domestic Violence 2006-2008

The draft Action Plan contains five goals: to develop a legal foundation to prevent domestic violence and provide support to its victims; to inform the public about domestic violence; to protect and rehabilitate victims; to include the necessary expenses for preventing and combating domestic violence and for supporting victims; and to develop a database of cases of domestic violence. The objectives simply restate the goals and add the necessity of enacting mechanisms for assistance and implementation.

Strategies include drafting amendments to the new Law and preparing various governmental decrees and orders which will, among other things, regulate a special judge in charge of domestic violence cases, identify the police who have the authority to issue domestic violence orders, set up standards for a shelter, provide an expert for the victims of domestic violence, amend the Criminal Code to consider domestic violence as a mitigating circumstance in a case against the victim, and train all segments of civil society and the government which will have contact with victims. The strategies also include creating shelters, hotlines, and rehabilitation centers which are compatible with international standards and informing the public about them, suggesting necessary expenses to be included in the budget to support those systems, providing victims with free medical aid, psychological help and socio-economic rehabilitation, preparing a report for CEDAW, creating a computerized registration system of cases, developing and implementing domestic violence surveys and analyzing and publishing the results.

⁴⁷ See Article 20, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

⁴⁸ See Article 21, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

⁴⁹ Interview with Ministry of the Interior, November 14, 2006; interview with General Prosecutor’s Office, November 3, 2006.

Responsibility for these objectives is given to various Ministries of the Georgian government, with the Ministry of Labor, Health and Social Affairs taking on the most duties. The Ministries of the Interior, Justice, Finance, Economy, and Education are charged with implementing certain strategies, and the “interested NGO sector” is partnered with the Ministries on several tasks.

f. Public Education and Awareness on Domestic Violence

Slowly, information about the new Law is becoming available to the public. The NGO Center for Protection of Constitutional Rights (CPCR) purchased TV advertising time through which they received their first client in an application for a protective order.⁵⁰ There have been a few articles in the newspaper which have also produced results.⁵¹ The first protective order issued in Tbilisi, on November 5, 2006, involved a client who approached the Antiviolence Network after reading such an article and realizing that her problem was, in fact, domestic violence.⁵² NGOs have printed brochures and sponsored radio programs about domestic violence.⁵³ CPCR has made stickers about the new Law which have been posted in the courts and in police stations.⁵⁴ Hotlines for domestic violence victims are advertised by the government and NGOs.⁵⁵ The NGO Georgian Young Lawyers’ Association (GYLA) has placed domestic violence posters in the public transit system, which has generated clients.⁵⁶ Public awareness activities are key to any domestic violence program: a recent survey of youth in Georgia indicated that nearly half believe that it is possible to decrease the incidence of domestic violence by disseminating information about the issue.⁵⁷

ii. Implementation of the Laws Addressing Domestic Violence Against Women

It is difficult to obtain information from the legal system about domestic violence cases, since there has been no official record-keeping or statistics kept by any department on this problem. Prior to the new Law, official statistics on crime identified domestic violence only as a motive. Records did not disaggregate those crimes. The Georgian Young Lawyers’ Association conducted a survey to monitor domestic violence cases in several Tbilisi and Kutaisi courts, including the Supreme Court of Georgia.⁵⁸ The survey

⁵⁰ Interview with CPCR, November 6, 2006.

⁵¹ Interview with GYLA, November 7, 2006.

⁵² Interview with AVN, November 8, 2006.

⁵³ Interview with CPCR, November 6, 2006; interview with AVN, November 3, 2006.

⁵⁴ Interview with CPCR, November 6, 2006.

⁵⁵ Interview with Member of Parliament, November 10, 2006; Japaridze, Sophio et al., “Violence against Women in Georgia: Report Submitted on the Occasion of the 36th Session of the UN Committee on the Elimination of Discrimination against Women.” GYLA and OMCT, p.14, (August 2006).

⁵⁶ Interview with GYLA, November 7, 2006.

⁵⁷ Sumbadze, Nana, ed. Institute for Policy Studies and Tbilisi State University: “Youth Attitudes on Domestic Violence from a Gender Perspective,” (Spring 2005).

⁵⁸ Japaridze, Sophio et al., “Violence against Women in Georgia: Report Submitted on the Occasion of the 36th Session of the UN Committee on the Elimination of Discrimination against Women.” GYLA and OMCT, p.16, (August 2006).

was also sent to the Ministry of the Interior, which includes the police. Very few of the courts provided statistics on domestic violence cases, with most noting that it was impossible to comply with a request for the number of domestic violence cases when there was no law on the subject and no separate statistics available. Only the Patrol Police in Tbilisi offered any significant numbers: for the last 4 months of 2005, they responded to 1,466 cases of family conflict.⁵⁹ The Deputy Head of the District Police for Tbilisi provided the following statistics for Tbilisi for January through October of 2006: there have been 2400 registered cases of family conflicts, 166 of which resulted in criminal charges. An additional 550 cases were referred to administrative or civil court proceedings and are currently pending.⁶⁰

However, interviewees reported that since the passage of the new Law, the Department of Statistics is compiling new numbers in accordance with the Law.⁶¹ An Appellate Court Judge also reported that they are beginning to develop a data management system to identify the types of cases.⁶² The Public Defender's Office recently sent a request to the criminal court, the administrative law court, the civil court and the police, requesting information on how many restrictive orders and protective orders have been filed under the new Law. The Public Defender's Office plans to meet separately with each court or office to discern the obstacles to implementing the orders, and will develop recommendations to overcome those obstacles.⁶³

1. Police Intervention in Cases of Domestic violence Against Women

Interviewees described that, traditionally, police policy in domestic violence cases had been to refrain from interfering in the family unless injuries were repeated or severe.⁶⁴ The CWN study found that a significant percentage, approximately 86%, of women who consider calling the police because of domestic violence, do not report the crime.⁶⁵ Currently in Tbilisi, from 10-27 people per month approach the Public Defender's Ombudsman Office with complaints that the police did not intervene in a domestic violence case.⁶⁶

In an interview with the Ministry of the Interior, a police officer stated that his district in Tbilisi received 25-30 complaints of domestic violence each day, and of these, 6 or 7

⁵⁹ Japaridze, Sophio et al., "Violence against Women in Georgia: Report Submitted on the Occasion of the 36th Session of the UN Committee on the Elimination of Discrimination against Women." GYLA and OMCT, p.16, (August 2006).

⁶⁰ Interview with District Police, November 8, 2006.

⁶¹ Interview with General Prosecutor's Office, November 3, 2006.

⁶² Interview with Appellate Court Judge, November 6, 2006

⁶³ Interview with Public Defender's Office, November 14, 2006

⁶⁴ Interview with Public Defender's Office, November 2, 2006. Also See Amnesty International shares this concern "Georgia: Thousands Suffering in Silence: Violence Against Women in the Family," Amnesty International <http://web.amnesty.org/library/index/engeur560092006> p. 7 (September 25, 2006).

⁶⁵ Family Violence on Women: Multi-Component Research. (ed.) N. Tsikhistavi. The Caucasus Women's Research and Consulting Network (CWN). Tbilisi 2005.

⁶⁶ Interview with Public Defender's Office, November 2, 2006.

involved a serious degree of violence.⁶⁷ This officer described that police practice is to check on a family regularly as a preventative practice if such a complaint is repeated two or three times in a period of about three months.⁶⁸ According to another patrol police officer, the typical police response in domestic violence cases is as follows: First, the officers separate the couple to interview each person. They fill out the form required for statistical reasons, and try to find witnesses. The officer explained that police give the victim a list of NGOs and the number of the shelter that exists under the sponsorship of the Antiviolence Network.⁶⁹ If there is evidence that a crime involving serious injury has been committed, they will detain the perpetrator.⁷⁰

a. Police Implementation of the New Law

Under the new domestic violence Law, if there is not a serious injury but it is obvious that violence has occurred, police are required to issue a restrictive order.⁷¹ At the time of this assessment (November, 2006), although the Law has been in effect since May, the authors were not able to identify any police officers with experience in issuing a restrictive order.⁷² Interviewees from the Ministry of Interior reported that the restrictive order form had become available for the first time on the day of the interview.⁷³

Some interviewees expressed considerable optimism that police response to domestic violence will improve with implementation of the new Law.⁷⁴ Other interviews revealed concern about the increased responsibility and power the new Law envisions for police. Interviewees expressed concern about the law providing authority to police to remove victims from their home.⁷⁵ Minnesota Advocates for Human Rights shares this concern.⁷⁶ This gives “enormous power to the police” stated a representative from the Ombudsman’s office. She added that “...protection of the victim turns into something completely different.”⁷⁷ “This worried us so we arranged special training for the police,” reported a lawyer active in legal reform.⁷⁸ For many officers, removing the victim is the one way they can ensure her safety. In numerous interviews, the authors were assured that the police would, in fact, remove the abuser from the home in a domestic violence

⁶⁷ Interview with Ministry of Interior, November 14, 2006.

⁶⁸ Interview with District Police, November 8, 2006.

⁶⁹ Interview with Patrol Police, November 9, 2006.

⁷⁰ Interview with Patrol Police, November 9, 2006.

⁷¹ Interview with Patrol Police, November 9, 2006.

⁷² Interview with Patrol Police, November 9, 2006; interview with District Police, November 8, 2006. (One NGO reported that in Samagrello-Sugdidi an officer did issue a restraining order, prior to November 3, 2006, but the judge who was supposed to approve it within 24 hours was not aware of the law.) Interview with AVN, November 3, 2006.

⁷³ Interview with Ministry of Interior, November 14, 2006.

⁷⁴ Interviewees reported that recent reforms in the police department have increased their effectiveness and had a positive effect in Georgian society. They are accessible by hotline (022 number) and considered approachable by the public. Interview with Appellate Court Judge, November 6, 2006; interview with ABA-CEELI, November 2, 2006.

⁷⁵ See Article 16 (d) and (e), Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

⁷⁶ See Comments of Minnesota Advocates for Human Rights Appendix A

⁷⁷ Interview with Public Defender’s Office, November 2, 2006.

⁷⁸ Interview with ABA-CEELI, November 2, 2006.

case.⁷⁹ Yet, interviewees explained that removal of the perpetrator may not ensure victim safety because "...in 90% of the cases, he will come back, and possibly be looking for revenge."⁸⁰

Under the new Law, police are required to respond immediately to domestic violence cases.⁸¹ According to one domestic violence advocate, police officers are relieved that the law provides a remedy for less severe cases. "Before [the new Law] the police would require the perpetrator to write a note, but everyone knew it was just a piece of paper, and that the violence would continue."⁸² Because the police could interfere only if there was a serious injury or a murder, "...they felt insulted that they would go to a place where there was violence and not be able to do anything."⁸³ Other interviewees agreed that, prior to the new Law, police would only take the perpetrator away in very violent situations.⁸⁴

Interviewees also explained that police are concerned about their greatly expanded responsibility under the new Law.⁸⁵ Without social services in place to provide support for victims of domestic violence, police are concerned about taking the steps to remove offenders or victims from their homes. "There are 276 district police officers for the city of Tbilisi, which has a population of 2 million," stated one district officer. "[Under the new Law], the district police are supposed to be social workers, psychologist, and teachers because there are no people to do these jobs."⁸⁶ The police are concerned that they will need to take a victim to a far-away relative's house, because there are not enough shelters.⁸⁷ They are concerned that they will have the responsibility to bring the victim to court for subsequent hearings. A primary concern is that after they report to a scene of domestic assault, if the abuser later murders the victim, the prosecutor will blame them for not keeping the victim safe.⁸⁸

⁷⁹ Interview with ABA-CEELI, November 2, 2006; interview with CPR, November 6, 2006; interview with Member of Parliament, November 2, 2006.

⁸⁰ Interview with Ministry of Interior, November 14, 2006; interview with ABA-CEELI, November 3, 2006.

⁸¹ See Article 16, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

⁸² Interview with AVN, November 3, 2006.

⁸³ Interview with AVN, November 3, 2006.

⁸⁴ Interview with GCRT, November 13, 2006.

⁸⁵ Interview with District Police, November 8, 2006; interview with Ministry of the Interior, November 14, 2006. Minnesota Advocates shares the concerns of domestic violence advocates and police officers that additional police training is essential for effective implementation of the new law. "As air and water we need this training." Interview with District Police, November 8, 2006.

⁸⁶ Interview with District Police, November 8, 2006.

⁸⁷ The officer told of one incident in which a patrol officer, prior to the promulgation of the restrictive order forms, kept a domestic violence victim and her child in his car all night because there were no available shelter spaces and the officer determined she would not have been safe remaining in the home. Interview with District Police, November 8, 2006.

⁸⁸ Interview with Ministry of the Interior, November 14, 2006.

2. Prosecutors' and Courts' Activities Regarding Cases of Domestic Violence Against Women

Until the passage of the new Law, there had been no system for record keeping or gathering of statistics on prosecution or court resolution of domestic violence cases in Georgia.⁸⁹ The new Law requires such record keeping.⁹⁰ Several interviewees reported that prosecutors are generally not involved in domestic violence cases unless the assault involves serious injury or homicide or it involves a public official.⁹¹ However, it is important to note that in all cases the law grants discretion to prosecutors to be involved.⁹²

To the extent that domestic violence cases are privately prosecuted, there are procedural hurdles for domestic violence victims. For example, one lawyer explained that the evidentiary requirements to prove bodily injury are often difficult for domestic violence victims to meet. To prove injuries related to domestic violence, a victim must have a certificate from a forensic physician. Unless the court or police request such a certificate, the victim must pay for it herself, which many victims cannot afford.⁹³

By criminalizing the violation of an order for protection, the new Law appears to provide a new possibility for involvement of prosecutors in domestic violence cases.⁹⁴ Practicing attorneys reported that the criminal code also provides that violations of court orders are criminal offenses.⁹⁵ Therefore, a violation of the protective order or a restrictive order is a criminal offense with a potential three-year prison term as a penalty.⁹⁶

Prosecutor involvement in the overall effort to address domestic violence and hold offenders accountable is essential. ABA-CEELI reported that they are working with the Prosecutor's Human Rights Office to develop training for prosecutors on domestic violence. ABA-CEELI also recently provided training for prosecutors with an expert from the United States.⁹⁷

⁸⁹ Amnesty International's 2006 Report refers to statistics related to domestic violence, but they are limited to particular courts and government agencies. "Georgia: Thousands Suffering in Silence: Violence Against Women in the Family," Amnesty International <http://web.amnesty.org/library/index/engneur560092006> (September 25, 2006).

⁹⁰ See Article 6, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

⁹¹ Interview with ABA-CEELI, November 14, 2006; interview with Appellate Court Judge, November 6, 2006; interview with CPR, November 6, 2006. It is important to note that most domestic violence cases involve low level injuries, which under the Georgian criminal procedure code are designated as privately prosecuted. See *infra* section II(b)(i)(1) at p. 7.

⁹² Interview with General Prosecutor's Office, November 3, 2006.

⁹³ Interview with CPR, November 6, 2006.

⁹⁴ See Article 10(4), Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

⁹⁵ Interview with Anti-Trafficking Center, November 7, 2006; interview with AVN, November 8, 2006.

⁹⁶ Interview with Anti-Trafficking Center, November 7, 2006; interview with AVN, November 8, 2006. One of these lawyers cited Article 162 of the Criminal Procedure Code.

⁹⁷ Interview with ABA-CEELI, on November 14

On the date of this report, the authors are aware of four very recent court hearings on applications for protective orders under the new Law. All of these cases are in Tbilisi and in all four cases, protective orders were issued by the courts.⁹⁸ The fact that there are so few cases in Tbilisi or the regions is “very alarming,” according to one lawyer.⁹⁹ Preparations to implement the new law have been slow. Although the new Law was passed in May 2006, the new form for a protective order only became available much later. The form for the restrictive order was issued by the Ministry of Interior in the middle of November, 2006.¹⁰⁰

The lawyer for the applicant in the court hearing on November 5, 2006, explained to Minnesota Advocates that hearings on Protective Orders are held at the Administrative Court in Tbilisi.¹⁰¹ This court is a considerable distance from the city center, making it difficult for some applicants to access. This lawyer explained that the applicant was required to sign a statement verifying that her testimony was true; this is only required in domestic violence cases under an amendment to the Administrative Procedure Code.

Judges have received some training about the new Law. The Georgian Young Lawyers’ Association (GYLA) recently trained 20 judges. One lawyer explained that judges at the Administrative Court, including the judge who presided over the hearing on November 5, received training on the new Law and were recently given copies of newly prepared protective order forms.¹⁰²

The High School of Justice will begin a two-year training program of new judges starting in September, 2007. There is no current plan to include domestic violence in the curriculum, but the director reported that, with nine months of theory classes, “there should be time for everything.”¹⁰³ The High School of Justice is fully funded by the government of Georgia, and as a government institution, plans to take over all judicial training.

a. Divorce Cases Involving Domestic Violence Victims

Many domestic violence victims’ involvement with the courts is through divorce proceedings and/or proceedings seeking resolution of their property rights.¹⁰⁴ Amnesty International recently reported that these court proceedings take considerable time to resolve. Although the law provides that courts rule on divorce cases within two months,

⁹⁸ See Appendix B for a summary of the cases for restrictive and protective orders in Georgia from November 3, 2006 to December 3, 2006.

⁹⁹ Interview with ABA-CEELI, November 3, 2006

¹⁰⁰ Interview with CPCR, November 6, 2006

¹⁰¹ Interview with AVN, November 8, 2006.

¹⁰² Interview with AVN, November 8, 2006.

¹⁰³ Interview with High School of Justice on November 10, 2006.

¹⁰⁴ Interview with Sakhli; also See “Georgia: Thousands Suffering in Silence: Violence Against Women in the Family,” Amnesty International <http://web.amnesty.org/library/index/engneur560092006> p.11 (September 25, 2006).

in practice it takes much longer.¹⁰⁵ Amnesty International expressed concern about the risk of violence during this period.¹⁰⁶ The authors share that concern.

The fees in a divorce hearing are also a barrier to domestic violence victims. The person applying for a divorce must pay a court tax of 100 GAL (about 72 USD). If there is a property dispute, the one who demands the property will pay 3% of the value of the property to the court. There is also a fee for registration of the divorce.¹⁰⁷ A lawyer who represents domestic violence victims stated, “According to the present situation in Georgia, it is expensive, and a woman with 2 kids and no job - this is a lot of money for her.”¹⁰⁸

iii. Medical System’s Response to Domestic Violence Against Women

The medical system of Georgia is a key access point for victims. In addition to the direct injuries they suffer from assaults, women who suffer from abuse frequently have more problems with chronic illnesses, psychological effects, and reproductive health issues.¹⁰⁹ The Georgian medical system is a hybrid of privatized and socialized health care. It includes hospitals, polyclinics, private clinics and emergency services. Except when specifically provided by a government program, health care is the financial responsibility of the individual.¹¹⁰ Private health insurance is a relatively new industry in Georgia and only a small percentage of the population is insured.¹¹¹

1. Barriers to Accessing Medical Services

Treatment for crime victims’ injuries is not covered by a government program.¹¹² A primary medical exam is free if ordered by police referral.¹¹³ However, in most

¹⁰⁵ “Georgia: Thousands Suffering in Silence: Violence Against Women in the Family,” Amnesty International <http://web.amnesty.org/library/index/engneur560092006> (September 25, 2006).

¹⁰⁶ “Often court proceedings take a long time and, especially if the woman still lives with her partner, the risk of violence during this time is particularly high. According to the law, the court has to rule on divorce cases within two months after it has received the legal suit. In practice, however, court proceedings in divorce cases often take much longer.” “Georgia: Thousands Suffering in Silence: Violence Against Women in the Family,” Amnesty International <http://web.amnesty.org/library/index/engneur560092006> p.13 (September 25, 2006).

¹⁰⁷ Interview with CPR, November 6, 2006.

¹⁰⁸ Interview with CPR, November 6, 2006.

¹⁰⁹ Interview with Women’s Center, November 9, 2006.

¹¹⁰ There are government programs which cover childbirth, AIDS screening for pregnant women and STD screening and treatment. The government also operates an emergency medical service, the 03 line, which provides first aid assistance to the population without charge. Transportation to a hospital and any follow-up care beyond the first aid, such as surgery, is not provided by the government. Interview with Women’s Center, November 9, 2006; interview with Sapari November 6, 2006.

¹¹¹ Interview with Women’s Center, November 9, 2006.

¹¹² Interview with Women’s Center, November 9, 2006.

¹¹³ Family Violence on Women: Multi-Component Research. (ed.) N. Tsikhistavi. The Caucasus Women’s Research and Consulting Network (CWN). P. 68 (Tbilisi 2005).

circumstances, a more complete check-up is required to adequately assess the injuries.¹¹⁴ For many women in Georgia, their only contact with a health care provider is in the context of reproductive or child health services. “Women are members of a socially unprotected part of society, and when they are the victim of domestic violence, their physical condition can be severe, yet they have no money for doctors and the state offers them nothing...”¹¹⁵

A sense of shame can also prevent a woman from seeking treatment. “Women go when the bruises are faded,” reported a physician at a women’s center. “Usually they are trying to hide this from the family doctor, because it is taboo.”¹¹⁶ In a pilot survey of doctors with a wide range of experience, ten percent of their injured women patients admitted that the real cause of their injuries was domestic violence,¹¹⁷ while over 87% of the doctors believe that they have had patients whose health has deteriorated from domestic violence.¹¹⁸

Lack of confidentiality is another deterrent for women who need health care related to domestic violence injuries. Medical records are not confidential unless the patient specifically requests confidentiality and completes a form.¹¹⁹ Women rarely do this and therefore any disclosure made by a victim to the medical professional may be relayed to her abuser or her relatives-in-law. This possibility reduces the likelihood a victim will accurately report the source of her injuries to her doctor. This can compromise her care as well as her ability to use her medical records in a court proceeding to substantiate abuse if she later chooses to seek redress there.¹²⁰

2. Current Medical Practices Regarding Domestic Violence Against Women

A 2006 survey on the attitudes of health care professionals concluded that the response of doctors to patients suffering from domestic violence was “chaotic”, due to the lack of an established protocol to follow in such situations.¹²¹ Most health care professionals do not report such injuries to the police, although they are required to do so if injuries are severe, or if the woman comes more than once for treatment of suspicious injuries.¹²²

¹¹⁴ Family Violence on Women: Multi-Component Research. (ed.) N. Tsikhistavi. The Caucasus Women’s Research and Consulting Network (CWN). P. 68 (Tbilisi 2005).

¹¹⁵ Interview with Sapari, November 6, 2006.

¹¹⁶ Interview with Sapari, November 6, 2006.

¹¹⁷ Interview with Sapari, November 6, 2006.

¹¹⁸ Imedadze, Rusudan, *Research of Issues of Domestic Violence from the Medical Representatives’ Point of View*, a pilot study of 57 doctors with a wide range of experience.

¹¹⁹ Interview with the Ministry of Labor, Health and Social Affairs, November 13, 2006.

¹²⁰ Interview with the Ministry of Labor, Health and Social Affairs, November 13, 2006; Interview with Women’s Center, November 9, 2006.

¹²¹ “Domestic Violence - Threat to the Health” findings published in 2006 by Sakhli- Advice Center for Women, in cooperation with the NGO “Woman and Health,” funded by Oxfam (for a full summary of the findings please See page 5 of this report)

¹²² Interview with Women’s Center, November 9, 2006.

There is an urgent need for training of medical professionals on the issue of domestic violence. There are no courses offered in Georgia medical schools on this subject. One physician at the Women's Center has created a manual for doctors on the impact of domestic violence upon a woman's health. The manual offers such crucial information as diagnosing domestic violence from clues in the medical history of the patient, from the physical exam or from her partner's behavior. It explains how to assess a patient's level of risk, how to help her to develop a safety plan, and gives advice on referring a patient to other community resources.¹²³ The author of the manual has initiated a five-day continuing education course on domestic violence, which has been approved by the Ministry of Health. Twenty-five doctors have taken the course to date. Funding is needed to make training available to more health care professionals.¹²⁴

An official at the Ministry of Labor, Health and Social Affairs recognized the need for her department to keep records of domestic violence.¹²⁵ The training of special medical workers under the Action Plan will come under her jurisdiction.¹²⁶

iv. Social Services Addressing Domestic Violence

Since the 1990s, social services for domestic violence victims in Georgia have been predominately the domain of the NGO community.¹²⁷ NGOs have been actively involved in direct service and advocacy for domestic violence victims. They have also addressed prevention of domestic violence by participating in the preparation of the new Law and conducting trainings on domestic violence for police and other professionals. A few NGOs have attempted to monitor domestic violence through surveys.¹²⁸ NGOs provide legal, medical, and psychological assistance to victims, and run the only shelters in Georgia.¹²⁹ Some NGOs are now encouraging victims to use the new Law. NGOs are providing legal representation for women in these cases.¹³⁰ The Ministry of Labor, Health and Social Affairs must plan and implement the process of training social workers on the issue of domestic violence by June, 2007.¹³¹ Interviewees are concerned that the cost of training social workers will be prohibitive.

¹²³ Verulashvili, Ia, and Mzhavia, M., *Medial Aspects of Domestic Violence*, pages 93-100.

¹²⁴ Verulashvili, Ia, and Mzhavia, M., *Medial Aspects of Domestic Violence*, and interview with Women's Center, November 9, 2006.

¹²⁵ Interview with the Ministry of Labor, Health and Social Affairs, November 13, 2006.

¹²⁶ Interview with the Ministry of Labor, Health and Social Affairs, November 13, 2006.

¹²⁷ See Article 21, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C. Article 21 establishes the provision and training of a social services system under the province of the Ministry of Labor, Health and Social Affairs.

¹²⁸ See Tsikhistavi, Nino, ed., *Domestic Violence Against Women - The Multi-Component Study*, ISBN 99940-805-1-2, by The Caucasus Women's Research and Consulting Network, 2005 and "Violence in the family - a study of gender relations" by "Sakhli, Tbilisi, 2002

¹²⁹ The AVN of Georgia and Sapari have shelters.

¹³⁰ See Case reports, Appendix B; Interview with AVN, November 8, 2006

¹³¹ See Article 21, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C University and graduate level degrees are now being offered in Tbilisi. Interview with the Ministry of Labor, Health and Social Affairs, November 13, 2006

1. Barriers to an Effective Social Service Response

A variety of NGOs currently offer social services to domestic violence victims in Georgia. The many services of Georgian NGOs are described in detail in the section on Non-State Stakeholders below.

One of the most significant barriers for victims of domestic violence seeking social services is a sense of shame. Employees of the Sapari Center say that it is difficult for women to accept that they need help. They offered this example: A 56-year old woman came to the Center with a broken nose and admitted that her husband had beaten her throughout their entire married life. She almost agreed to go through Sapari's free treatment program, but at the last minute she refused and left, saying, "I have some people to take care of me." The staff at Sapari felt that she didn't want people in the village to know that she came to Sapari for help, even though her neighbors are aware that she is a victim of repeated assaults by her husband.¹³²

The lack of sufficient shelter space is a significant barrier to victim advocacy and effective response by all stakeholders. There are several shelters in Georgia, but only two are specifically for victims of domestic violence and together have space for less than twenty victims.¹³³ Interviewees reported that the shelters are always full and that there is an urgent need for more space.¹³⁴ As discussed on page 14, the new Law gives police the authority to remove victims from their homes. Without adequate shelter space to accommodate victims, such removal is not practical.

According to the new Law, the state must establish at least one shelter. The Law also allows NGOs to establish shelters as long as they meet the standards set by the Ministry of Labor, Health and Social Affairs.¹³⁵ These shelters must be available for use by January of 2008.¹³⁶

The lack of shelters is compounded by another obstacle to a successful implementation of the new Law on domestic violence, the lack of adequate housing in Georgia.¹³⁷ One author identifies this problem as a primary reason women stay with violent partners.¹³⁸ An NGO employee stated, "The woman needs a place to go...these women endure violence to have a roof over their heads."¹³⁹

¹³² Interview with Sapari, November 6, 2006

¹³³ Interview with Sapari, November 6, 2006

¹³⁴ Interview with District Police, November 8, 2006; interview with Patrol Police, November 9, 2006.

¹³⁵ Interview with Ministry of Labor, Health and Social Affairs, November 13, 2006 and see Article 17, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

¹³⁶ See Article 22, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

¹³⁷ See generally, Dadunashvili, Ketevan, et al. "Violence Against Women and Right to Adequate Housing: the Case of Georgia" (October 2003).

¹³⁸ Dadunashvili, Ketevan, *Violence Against Women and the Right to Adequate Housing: the Case of Georgia*, October, 2003

¹³⁹ Interview with Sapari, November 6, 2006

It is very common for a woman to live in a home owned solely by her husband or her husband's parents. Without formal documentation of ownership, upon divorce she has no legal right to the property.¹⁴⁰ Her own family home, by custom, is often given to her brother, despite gender-neutral inheritance laws.¹⁴¹ Although the new Law appears to provide police with authority to remove an abusive man from a home he owns, this idea is not acceptable to many Georgians.¹⁴² In fact, one interviewee explained that this was a primary reason drafters of the Law granted police authority to remove victims from their homes.¹⁴³

Finally, NGOs providing social services to victims of domestic violence repeatedly referred to the lack of consistent and reliable funding as a barrier to an effective response to domestic violence.¹⁴⁴ Funding limitations restrict effective long range planning and applying for funding for each new short term project takes time and energy away from the ongoing work.¹⁴⁵

C. Identity, Activities and Future Plans of Key Stakeholders

i. State Stakeholders

The Ministry of Economy's Department of Statistics is responsible for developing and implementing the methodology for data collection on domestic violence, and for analyzing, publishing and disseminating reports based upon this data.

The Ministry of Finance must prepare the financial accounts and elaborate on suggestions of necessary expenses which will aim for the establishment of a social services system, temporary and permanent shelters and rehabilitation centers, hotlines, computer registration systems, and the provision of anonymous medical assistance to domestic violence victims.

The Ministry of the Interior is responsible for the actions of all the patrol police and the district inspectors who identify and respond to cases of domestic violence. It is responsible for the restrictive and protective order forms and for identifying the police who can issue the restrictive order. It must work with the other ministries on the domestic violence survey methodology, and enact protective mechanisms to be used for the benefit of the victim in domestic violence investigations. In partnership with the Ministry of Labor, Health and Social Affairs and interested NGOs, it is responsible to train all persons who interact with domestic violence victims in an official capacity.

¹⁴⁰ Dadunashvili, Ketevan, et al. "Violence Against Women and Right to Adequate Housing: the Case of Georgia" p.7 (October 2003).

¹⁴¹ Dadunashvili, Ketevan, et al. "Violence Against Women and Right to Adequate Housing: the Case of Georgia" p.7 (October 2003).

¹⁴² See Article 16, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

¹⁴³ Interview with Parliamentarian, November 10, 2006

¹⁴⁴ Interview with AVN, November 8, 2006; Sanikidze, Lia et al. "The Reality – Women's Equal Rights and Equal Opportunities in Georgia" (Tbilisi 2006)

¹⁴⁵ Interview with AVN, November 8, 2006.

The High School of Justice is responsible for the initial training of new judges, for the ongoing training of judges, and for administering examinations to judicial candidates. It has not included training on domestic violence in the curriculum it is developing.¹⁴⁶ It is responsible for preparing the presidential order which will appoint a special judge in charge of domestic violence cases.

The Ministry of Labor, Health and Social Affairs is to work with the Ministry of Education and Science to create the legal and organizational basis for the social service system. The Ministry must also develop standards for a shelter, be a part of the team that develops and implements the survey on domestic violence, partner with interested NGOs to put the shelter and rehabilitation centers into operation by January of 2008, create a hotline and computer registration system, work together with NGOs and the Ministry of Interior to train first responders and others who interact with domestic violence victims, and provide free medical aid, psychological help and socio-economic rehabilitation to the victim.

The Public Defender's Office plans to seek feedback from the court and the police about the issuance of protective and restrictive orders, to see what the obstacles are to implementation of the orders, and to develop recommendations to make the Law effective. This office reports to the Chief of Parliament twice a year on human rights issues.

The Prosecutor's Office has not traditionally handled domestic violence cases, but has the authority to intervene at will. The Human Rights Unit receives complaints from individuals and is a part of the working group that drafted the Action Plan. The Prosecutor's Office will receive a record of every case of domestic violence investigated by the police.¹⁴⁷

ii. Non-governmental Organization Stakeholders

One of the most active NGOs, the Anti-Violence Network (AVN) has eleven crisis centers throughout Georgia, and provides "psycho-social rehabilitation to women and children." AVN has published a brochure written in easy-to-read language on domestic violence. They have conducted police trainings in all of the regions, and estimate that they have trained approximately 280 police in Georgia.¹⁴⁸ At present, the Antiviolence Network has had 8 police trainings in the city of Tbilisi, with up to 25 patrol police and district inspectors attending each session. They also had trainings in the regions by representatives of their partner offices in the AVN, and about 22 officers per region were trained. Many more officers need this initial training, and those who were trained have requested a more in-depth training – particularly on risk assessment and lethality assessment.¹⁴⁹ AVN co-authored the draft Action Plan, and has initiated a series of

¹⁴⁶ Interview with High School of Justice, November 10, 2006.

¹⁴⁷ See Article 16, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

¹⁴⁸ Interview with AVN, November 2, 2006.

¹⁴⁹ Interview with AVN, November 8, 2006; Interview with AVN, November 2, 2006.

roundtables for the elaboration of the Action Plan and to determine the responsibilities of the various Ministries in implementing it. They plan to direct all of their action to support the implementation of the new law, including reaching 3000 patrol police officers with training on the new law and conducting a separate training for district inspectors.¹⁵⁰ A lawyer from AVN represented the victim in the first court hearing on a protective order in Georgia in November, 2006.

The NGO Sakhli provides free psychological consultations to victims as well as legal consultations and develops and conducts training programs. Sakhli has also done research work on domestic violence and conducted several surveys on different aspects of domestic violence.¹⁵¹ Currently they are implementing a project that addresses property issues and domestic violence.

The Georgian Young Lawyers' Association (GYLA) is a legal training and information center which provides legal aid and runs many other important regional projects.¹⁵² GYLA has been instrumental in drafting the new Law and has begun to handle cases under it.¹⁵³ They have represented victims of domestic violence in criminal, civil and divorce proceedings. GYLA has worked with local and international NGOs in drafting reports on such issues as women's right to housing and women's equal rights in Georgia.¹⁵⁴

The Center for the Protection of Constitutional Rights implements different projects on human rights and represents victims throughout Georgia. They also work on projects involving drug addicts and juvenile delinquents.¹⁵⁵ Legal experts from the CPRC co-authored the new Law and amendments to the Administrative Procedural Code concerning domestic violence.¹⁵⁶ Lawyers from CPRC represented victims of domestic violence in three of the first cases brought for protective orders under the new Law.

The Women's Center of Georgia offers medical care to victims of domestic violence and trafficking and also works on reproductive health issues. They compiled a detailed training program for health care practitioners, discussed in the section on Medical Services above.¹⁵⁷

The Sapari Center offers medical services to women and children, does group counseling in prisons, and offers psychological services to domestic violence victims and

¹⁵⁰ Interview with AVN, November 8, 2006.

¹⁵¹ See page 5.

¹⁵² GYLA has an anti-corruption project, a project on oil, and a freedom of information project, among others, and has 7 regional offices. Interview with GYLA, November 7, 2006.

¹⁵³ See case reports, Appendix B.

¹⁵⁴ Dadunashvili, Ketevan, *Violence Against Women and the Right to Adequate Housing: the Case of Georgia*, October 2003, and NGO "Women for Future" and Georgian Young Lawyers' Association, *The Reality: Women's Equal Rights and Equal Opportunities in Georgia*, sponsored by UNIFEM, Tbilisi 2006

¹⁵⁵ Interview with CPRC, November 6, 2006.

¹⁵⁶ Interview with CPRC, November 6, 2006.

¹⁵⁷ Interview with Women's Center, November 9, 2006.

perpetrators. They run a closed, confidential shelter. They also work with refugees and internally displaced persons.¹⁵⁸

iii. International Organization Stakeholders

Many international organizations have published reports and provided assistance, expertise and funding to governmental agencies and NGOs. These organizations have also developed policies and programs and provided direct service to victims of domestic violence. They include the UN organizations sponsoring this assessment (UNDP, UNIFEM, UNICEF, and UNFPA), WHO, Amnesty International, the Council of Europe, OXFAM, OSI, OSGF, OSCE/ODIHR, Kvina till Kvina, Mama Cash and Project Harmony, among others.

The Open Society- Georgia Foundation Women's Program (OSGF WP) began participating in the OSI Violence Against Women Program in 2001. They played an active role in the development of the Anti-Violence Network of Georgia and initiated many projects and training programs that were part of a nationwide effort to create a long-term active response to domestic violence, including supporting the publication of a handbook for lawyers and human rights activists,¹⁵⁹ helping to sustain crisis centers and the shelter in Tbilisi, and hosting seminars for police and international participants. They are active in the area of reproductive health, media initiatives, and numerous gender study projects. The OSGF WP played a key role in drafting the new Law and participated in drafting the Action Plan.

The American Bar Association's Central and Eastern European Law Initiative (ABA-CEELI) Tbilisi has worked on the issue of domestic violence in Georgia for many years. ABA-CEELI prepared a recent survey of 1200 Georgians on their knowledge, attitude and experience with domestic violence and contributed to the draft of the new Law.¹⁶⁰ They plan to prepare a roundtable on domestic violence which will present findings from their survey and will include a discussion of the new Law. Judges and law enforcement personnel will be invited to this roundtable.¹⁶¹

D. Recommendations for UN Agencies to Address Domestic Violence Against Women

i. Monitoring of Data on Domestic Violence

The authors recommend that in all protocols and processes of gathering data on domestic violence, careful attention is given to the safety of victims who may be at risk based on their decision to report violence against them.

¹⁵⁸ Interview with Sapari, November 13, 2006.

¹⁵⁹ Bakakuri, Nino, *How to defend our rights in cases of domestic violence and trafficking in human beings*, (pub. 2004).

¹⁶⁰ ABA-CEELI Tbilisi Office and ACT, Domestic Violence Survey, August 2006

¹⁶¹ Interview with ABA-CEELI, November 14, 2006.

The authors recommend that the UN Country Team¹⁶² partner with the Department of Statistics of the Ministry of Economy, the Ministry of Labor, Health and Social Affairs, the Ministry of Justice and the Ministry of the Interior to develop a reliable model of a mixed methodology research survey on domestic violence in Georgia. The authors recommend that the UN Country Team provide these governmental bodies with training in utilizing the best techniques to gather and analyze data in the field of domestic violence. The authors recommend that the UN Country Team ensure that internationally comparable measurements about the different aspects of domestic violence (i.e. the prevalence, scope and incidence) are taken in order that the survey may be applicable in international comparisons and to monitor Georgia's progress in meeting international human rights obligations. The survey should request information about different forms of violence against women, the extent of the violence against women, identity of the abuser, and the relationship between the victim and the abuser. It should request information about economic deprivation and exploitation of the victim, and about substance abuse or weapons used in the abuse. All data should be disaggregated by gender and relationship. The survey should be conducted initially to establish a baseline and then on a regular basis to measure progress over time and the impacts of different actions.¹⁶³ Statistics can also be used to determine if patterns of abuse exist (for example, regionally or age-group specific).

The authors recommend that the UN Country Team work with the Ministry of the Interior to ensure that statistics are kept on reports of domestic violence, arrests of perpetrators, public and private prosecutions of domestic violence cases and their final disposition, including details about penalties ordered by the court. Special emphasis should be placed on the issuance and disposition of protective and restrictive orders. The results of this monitoring should be available to the public.

The authors recommend that the UN Country Team work with the Department of Statistics in composing a comprehensive data form for each entry point, such as the criminal justice system, national hotlines, health care providers and women's NGOs.

The authors recommend that the UN Country Team work with the health care system of Georgia to monitor other less prominent forms of violence against women which have heretofore been unaddressed: the number of women who are forced to have abortions by their intimate partners, the number of miscarriages due to domestic violence, and the number of abortions due to the (usually female) gender of the fetus. Other strategies should be developed which can monitor issues relevant to the vulnerability of specific groups of the Georgian population - the elderly, the disabled, and IDPs - and which can be the basis for meeting their unique needs.

¹⁶² The UN Country Team includes UNDP, UNFPA, UNHCR, UNICEF, WFP, FAO, WHO, IOM, IMF and WB.

¹⁶³ See, for example, *Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them*, at www.un.org/womenwatch/daw/egm/vaw-stat-2005, and also tips in the *Summary report: WHO Multi-Country Study on Women's Health and Domestic Violence Against Women, 2005*.

ii. **UN Support of Capacity Building of Key Stakeholders on Prevention, Advocacy, Monitoring and Response to Domestic Violence**

1. Capacity Building in the Legal System

The authors recommend that the UN Country Team partner with the Ministry of the Interior, the Ministry of Labor, Health and Social Affairs, and the relevant NGOs especially, Anti-Violence Network of Georgia, Sakhli, the Georgian Young Lawyers' Association, and The Center for Protection of Constitutional Rights, to train police, prosecutors, lawyers, and judges about domestic violence issues and the new domestic violence Law. This training should have high priority.

Police training on domestic violence and the new Law should occur in the initial orientation to the force and on an ongoing basis. It should be updated regularly as best practices with the new Law evolve. Trainings should cover the dynamics of domestic violence, including its causes and consequences, best practices in interviewing victims and perpetrators at the scene of an assault, evidence collection in domestic violence cases, identifying the primary aggressor, risk factors in domestic violence cases, lethality assessment, and the specific responsibilities of the police under Article 16 of the new Law. Police training should also incorporate gender sensitivity and human rights issues. Police training on domestic violence and the new Law has already occurred through the Anti-Violence Network. The relationships fostered between AVN and police will contribute to the development of ongoing police training.

Prosecutor training should cover the dynamics of domestic violence, including its causes and consequences, the importance of aggressive prosecution of cases involving low level injuries, use of evidence in domestic violence cases, risk assessment, lethality assessment, absent victim prosecution and prosecution of violations of orders for protection under the new Law.

The authors recommend that the UN Country Team partner with the High School of Justice to ensure that judicial training is ongoing as more applicants apply for restrictive and protective orders. Trainings should cover the dynamics of domestic violence, best practices in issuing and enforcing restrictive and protective orders, risk factors in domestic violence cases, lethality assessment, and judicial demeanor in hearings on domestic violence cases.

2. Capacity Building in the Medical System

The authors recommend that the UN Country Team partner with the Women's Center to support the comprehensive training of health care providers on domestic violence. This training should include forensic physicians. Content of the training should cover: screening to identify domestic violence victims, identification of domestic violence injuries, management and referral of domestic violence cases, risk assessment, lethality assessment, safety planning and confidentiality. Protocols for trainings are included in a

training manual prepared by Dr. Ia Verulashvili of the Women’s Center. Reproductive health care providers and emergency room staff, in particular, should be the top priority for training.

3. Capacity Building of the Social Service System

The authors recommend that the UN Country Team partner with the Ministry of Labor, Health and Social Affairs and the Ministry of Education, which are currently developing a curriculum for social workers, to incorporate domestic violence issues into the training for social workers. The curriculum should include general training on the new Law, the dynamics of domestic violence, causes and consequences of domestic violence, screening and treatment protocols, safety planning for victims, referral of domestic violence victims and substance abuse issues.

Domestic violence issues should also be incorporated into the regional youth summer camps such as “Patrioti” which is supported by the government of Georgia, and the UN agencies’ other regional projects including those on reproductive health.

iii. Developing an Overall Strategy with Key Stakeholders on Prevention, Advocacy, Monitoring and Response to Domestic Violence

1. Amendments to the New Law and Other Laws Related to Domestic Violence

The authors recommend that the UN Country Team partner with the Ministry of the Interior, the Ministry of Justice, the Prosecutor’s Office, the Ministry of Labor, Health and Social Affairs and NGOs with particular expertise in representing domestic violence victims including GYLA, CPR, ABA-CEELI, AVN and Sahkli to form a working group to monitor the implementation of the new Law and identify amendments needed to the Law itself, the Criminal Code, Criminal Procedure Code, Civil Code and Administrative Code. This working group should facilitate communication between law enforcement, prosecutors, courts, health care providers and social service organizations to obtain information on the efficacy of the new Law and make recommendations for necessary changes. This working group should recommend the amendments to the relevant Parliament Committees.

The authors recommend that the UN Country Team partner with the Women’s Center to make recommendations for legal changes to ensure that victims of domestic violence have access to free medical evaluation and treatment, including forensic examinations, and to ensure that medical files are kept strictly confidential unless a victim signs a release.

2. Shelters and Housing for Domestic Violence Victims

The authors recommend that the UN Country Team join with government agencies to ensure the establishment of shelters, at one space per 7,500 inhabitants.¹⁶⁴ This should be a top priority for the government and UN Country Team. Other safe places such as churches, hotels or transitional housing places should be made available to victims, pending establishment of these shelters. These additional shelters should be established and managed by NGOs with experience and expertise in serving domestic violence victims. Shelter programs should also include employment training, child care assistance and transitional housing. Credit programs should be made available to women to aid in their financial independence. A fund should be available for expenses incurred by a victim who needs to leave the home to avoid injury.

The authors recommend that the UN Country Team work with NGOs to establish legal advocacy programs in shelters and other domestic violence service agencies, so that victims are accompanied by an advocate through all stages of legal proceedings.

The authors recommend that the UN Country Team support GYLA and CPR in promoting women's property rights.

3. Rehabilitation Programs for Abusers

The UN Country Team should work with NGOs to establish effective programs that address the abuser's responsibility for the violence and require the abuser to meet program goals of behavior change. Funding and support for these programs should not be prioritized above programs which are focused primarily on victim safety.

4. Public Awareness Campaigns

The authors recommend that the UN Country Team cooperate with the media and NGOs to conduct a public awareness campaign that is multi-year and multi-level in design. Information about women's human rights, the issue and impact of domestic violence, and referral sources should be made available by public service announcements, TV and radio shows, inserts into newspapers and magazines, posters, brochures, stickers, websites, online discussion groups, public lectures and small press advice columns. Information about services for victims of domestic violence should be made available in public locations. Religious leaders and family members of domestic violence victims should also be specifically targeted so that they are more likely to offer the victim appropriate support. A public awareness campaign aimed at youth should include communication skills and conflict resolution skills, women's human rights, and the effects of violence. Informational material should address different women's experiences of violence, such as the elderly, disabled and IDP.

¹⁶⁴ "Blueprint of the Council of Europe Campaign to Combat Violence Against Women, Including Domestic Violence" EG-TFV (2006) 8 rev, p.3 (21 June 2006).

The Council of Europe launched a campaign against domestic violence in November of 2006 and will be conducting awareness-raising, disseminating materials and collecting data as a part of the campaign. A task force will direct their activities. Amnesty International is also running a campaign which began with the launch of their report, cited previously. The campaign will run until August of 2007. The authors recommend that public awareness campaigns be coordinated so as not to duplicate efforts.

III. Child Abuse

Child abuse and neglect are a largely unstudied problem in Georgia. There is very little information on the scope or extent of physical child abuse in Georgia and there is even less information regarding sexual abuse of children.

A. Available Data

Following is a summary of the available research and studies on child abuse and neglect of children in Georgia.

In 2000, UNICEF commissioned a study, "Child Abuse and Neglect," prepared by the Georgian Red Cross. The study involved quantitative research based on structured interviews of 4,382 children. The children were asked whether they had experienced specific types of abuse in their homes. The study found that 60.8% of the children had experienced non-physical violence, such as verbal abuse, and that 39.2% had experienced physical violence. The study did find that reports of the most severe forms of physical violence were low enough to be within the range of statistical error. The study also addressed neglect in the home and found regional differences in types and levels of neglect. The "busyness of parents" and "hard economic situation in the family" were the factors most often cited for neglect, specifically in cases of children going hungry. The study also looked at sexual abuse of children. Over half of the responding children reported being told sexual jokes and over 20% reported being shown erotic films and pictures. Responses to questions about sexual touching were low enough to be within the range of statistical error. The taboos around discussing sexual abuse undermine the credibility of the self-reporting. The study authors recommended using profound interviews of a sub-sample of the original respondents as the next stage of the study.

The Applied Mental Health Research Group of Boston University's School of Public Health, in partnership with Save the Children, has completed three qualitative studies on children in Georgia.¹⁶⁵ The studies looked at why children end up on the street, what problems they face there, and the experience and background of children living in institutions. The study on why children end up on the street found "two broad inter-related categories of issues: 1) family-related issues associated with poverty and social problems such as fighting and beating, alcoholism, and poor family relations that push and keep children in the streets; and 2) social issues related to street life that lure them to

¹⁶⁵ Murray, Laura et al "Causes of Children Living on the Street in Urban Georgia: A Qualitative Assessment; Problems of Children in Urban Georgia: A Qualitative Assessment of Centers and Orphanages" (2006).

and keep them in the streets once they are there.” The studies found that although the family problems facing children in institutions and street children are largely overlapping, the children in institutions have glorified pictures of family life and are less likely to engage in destructive behavior such as sniffing glue. The next stage of this project will be quantitative analysis.

The NGO Child and Environment, in connection with the Ministry of Education and Science, surveyed 29 childcare institutions between 1999 and 2000. The research was designed to form the basis for developing a registration and monitoring system for children deprived of parental care by law, to determine exactly how many children are in institutions. The study found that the institutions had inaccurate and incomplete data on children.

In 2005, the NGO Child and Environment produced a follow up report, “Research on Childcare Institutions” with financial assistance from Eurasia Foundation and USAID. The study found that the staff of most institutions were inadequately trained and that almost half of the children in institutions were there despite not meeting the guidelines for institutionalization. The report recommended re-evaluating children in institutions, studying their family conditions, establishing a strict control over admittance, and training staff on child care.¹⁶⁶

In August 2005, Dr. Selim Iltus produced “Early Childhood Development and Preschool Education in Georgia: Research Findings and Recommendations” with the support of UNICEF. This study examined several aspects of the early childhood experience in Georgia, including methods of child discipline, and found that discipline was primarily the responsibility of the mother (75%) and that slapping was the most common form of discipline used.

The UNFPA supported a reproductive health survey of males which looked briefly at child abuse. 55% of the respondents admitted that their children have been subject to domestic violence perpetrated by one of the parents, and more often by the mother.

i. Gaps in Existing Data

Child abuse is a largely undefined problem in Georgia. There is no community consensus on what constitutes abuse. Despite the lack of data, there are some commonly held beliefs about child abuse. Mothers are considered to be the primary perpetrators of child abuse.¹⁶⁷ Several interviewees reported that child abuse was not a significant problem in Georgia, but elaborated on that assessment by explaining that physical punishment of children, including beatings, was not considered abuse. Additionally, it is widely believed that abuse is not a factor for children being institutionalized. The prevailing theory is that the main problem facing families is economics and that, but for economic

¹⁶⁶Murray, Laura et al “Problems of Children in Urban Georgia: A Qualitative Assessment of Centers and Orphanages” (2006).

¹⁶⁷ Interview with Sapari, November 13, 2006.

hardships, the majority of children in institutions and, to a lesser extent on the street, would be at home in intact families. A large scale mixed methodology research survey should be conducted to provide data on the prevalence and scope of child abuse as well as attitudes and levels of knowledge about the problem. The survey should be disaggregated by children living at home, children in institutions and children living on the street. The survey should be conducted initially to establish a baseline and then on a regular basis to measure progress.

B. Existing Legal and Institutional Mechanisms Addressing Child Abuse

i. Laws Related to Child Abuse

The legal system has the potential to address child abuse through the Criminal Code, the Civil Code and the new Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims.

1. Criminal Laws Relating to Child Abuse

Although there are no specific provisions in the Criminal Code on child abuse, general assault crimes do apply. There is no statutory exception for violence perpetrated as punishment.¹⁶⁸ Also, victimizing a child is an aggravating factor for many relevant crimes.¹⁶⁹ For an explanation of the applicable criminal codes, see page 7.

The effectiveness of addressing child abuse through the criminal law is severely limited by the Criminal Procedure Code in Georgia, which provides that low level assaults such as beatings are privately prosecuted crimes. These are the offenses most commonly committed in child abuse situations. The law requires a complaint to be filed by a victim

¹⁶⁸ When asked what the laws are on punishment or discipline of children, one judge reported that there are no specific laws on disciplining children. “You can’t restrain your child’s basic rights but different punishments are difficult in black and white. For example, no food is not an unqualified punishment. No corporal punishment, there is not a legal excuse for parents. Some parents might do it; it is a personal issue but physical violence is really bad: you are *Seen* as a weak parent.” Interview with Appellate Court Judge, November 6, 2006.

¹⁶⁹ Aggravated crimes under Criminal Code of Georgia include:

- Premeditated killing against a minor;
- Intentional grave injury to health against a minor;
- Intentional less grave injury to health against a minor;
- Beating of a minor;
- Violence against a minor;
- Rape against a minor;
- Sexual violence against a minor;
- Coercion of sexual relations against a minor;
- Taking a minor hostage;
- Torture against minor;
- Inhuman or degrading treatment towards a minor;
- Coercion against a minor;
- Involvement of a minor in prostitution;
- Persuasion of a minor into abusing narcotics, its analogy, psychotropic substance or its analogy.

in order to initiate such a case. This creates the same obstacles for child victims as for women. For a full discussion, see pages 7-8.

There is no law explicitly barring children from providing information to law enforcement about criminal activity and lodging complaints. The Criminal Procedure Code provides that a minor may testify in court provided he or she is competent to provide information. A witness under the age of fourteen is not given the standard warning about the criminal responsibility for refusing to testify or testifying falsely.¹⁷⁰ However in practice, legal system personnel require either a parent or a legal representative to file a case on a child's behalf.¹⁷¹ As a patrol officer stated, "if it's a crime there must be someone with the child [to initiate the case] because you can't lean on the testimony given by a child."¹⁷² When the parent is the assailant, the child is vulnerable to further harm and is without effective legal recourse.

2. Civil Code

Under Article 1205 of the Civil Code, the courts may deprive a parent of parental rights based on findings that "(i) a parent systematically fails to fulfill the duty of raising his/her child, (ii) he systematically maltreats him/her, (iii) the court is satisfied that the immoral conduct of the parent has a negative effect on the child, or (iv) a parent is a chronic alcoholic or a drug addict."¹⁷³ If both parents are deprived of their rights, the child is placed under a guardian or tutor through the Ministry of Education and Science under Article 1275 of the Civil Code.¹⁷⁴ As a less restrictive alternative, the court may make a finding under Article 1210 of the Civil Code that "staying with one or both parents endangers the child due to reasons beyond the parents' control [and] the court may

¹⁷⁰ Article 480, Criminal Procedure Code of Georgia. A teacher or legal representative must be present and in the case of a child under seven, written consent of a parent, guardian or legal representative is required. However an investigator may take a statement of a minor in absence of teachers or legal representatives if their presence would negatively affect the minor's legal interests. Article 306, Criminal Procedure Code of Georgia.

¹⁷¹ Interview with CPR, November 6, 2006.

¹⁷² Interview, Patrol Police, 9 November 2006.

¹⁷³ Article 1205 of the Civil Code; "The deprivation of parental rights from such a parent does not release him/her from the obligation to maintain the child and pay alimonies awarded by the court." A year after parental rights are deprived, the child is available for adoption. An adoption could be performed earlier with parental consent. David Sulakvelidze, Georgia Development Gateway, http://gateway.ge/index.php3?mw=ENG/Social_Issues/Legislation/children.htm.

¹⁷⁴ Guardianship applies to children under the age of 7. Tutorship applies to children from 7 to 18. Under the Civil Code, guardians and tutors are obligated to provide for the child and to create normal living conditions for him/her. The tutor and guardian must live with the child unless it would not affect his/her upbringing or the protection of his/her rights and interests. The guardian is the legal representative of the child and can enter into agreements on the minor's behalf, if according to the law such agreements may not be executed independently by the minor. If a tutor or a guardian neglects to perform his/her entrusted duties, the tutorship and guardianship body will release him/her from these functions. The guardianship is terminated when the child dies, when a minor attains the age of 7 or if a minor under 7 is returned to his/her parents. If a child attains the age of 7, the guardianship is terminated and the guardian automatically becomes a tutor. The Civil Code deems the following circumstances as the basis for termination of the tutorship: death of a ward, his/her marriage, attainment of full maturity, and finally the cessation of those circumstances which initially gave rise to the appointment of a tutor. David Sulakvelidze, Georgia Development Gateway, http://gateway.ge/index.php3?mw=ENG/Social_Issues/Legislation/children.htm.

[decide] to separate the child from one or both parents without depriving their parental rights.”¹⁷⁵

Despite this legal framework, interviewees could only cite anecdotal instances of this law being used to protect children. This occurred primarily in cases where one parent sought sole custody in order to remarry and have the stepparent assume the full parental role.¹⁷⁶ When asked, a representative from the Ministry of Education reported “we don’t have people who can go to court and say the child needs this. I can do this but to take parental responsibility from parents has never worked.”¹⁷⁷ She reported that in the past two years, there have been only two cases of children being removed from their parents’ care. “First someone has to report it. If there is a report and it reaches us, we go with the police and the social workers take the child. This does not happen often. We have heard of cases but we can’t act unless we actually get a report – then we can go.” In deciding to remove a child: “I just read the social workers’ case study to start a case. But if the parent goes to court to fight it, the court will give the parents the child. They don’t even have to go to court, if they just come to us, we will give them the child. Corporal punishment is not considered something strong against parents, even if you have photographs of something wrong. We have no standards on corporal punishment in our law or our office.”¹⁷⁸

3. Violence Against Children and the Law on Elimination of Domestic Violence, Protection of and Support to Its Victims

The new Law on Elimination of Domestic Violence, Protection of and Support to Its Victims creates an administrative procedure to seek remedies for domestic violence. The legal definition of domestic violence encompasses child abuse. One of the first orders issued under the new Law was on behalf of two minor children restricting their non-custodial father from future physical abuse.¹⁷⁹ The Law contains specific provisions on removing a child from a violent family.¹⁸⁰ Article 14 requires the court to address the possibility of separating the child from a violent parent if there has been physical abuse. If other forms of violence exist, the court must consider the issue of the relationship of the child with the abuser. The court must also take any violence into account when appointing a legal representative for the child. In a custody proceeding, the court may not order joint custody if there is a reasonable suspicion that one of the parents was violent toward the child.¹⁸¹ Article 15 requires that courts ordering visitation for a violent parent ensure safety measures be taken including supervision of the visits and allows for visitation to be restricted for up to three months if the safety measures are violated.

¹⁷⁵ David Sulakvelidze, Georgia Development Gateway, http://gateway.ge/index.php3?mw=ENG/Social_Issues/Legislation/children.htm.

¹⁷⁶ Interview with Child and the Environment, November 7, 2006.

¹⁷⁷ Interview with Ministry of Education and Science, November 10, 2006.

¹⁷⁸ Interview with Ministry of Education and Science, November 10, 2006.

¹⁷⁹ See description Appendix B.

¹⁸⁰ See Article 14, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

¹⁸¹ See Article 14, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C

Finally, if the violent parent abducts the child, or “in cases of real threat of other damage,” the court may prohibit the violent parent from visiting the child until circumstances have changed.¹⁸² The Law also contains provisions authorizing institutions of custody and care to request protective orders on behalf of children.¹⁸³ See Minnesota Advocates’ Comments on these Articles in Appendix A. For a thorough explanation of the rest of the Law, see pages 8-12.

The Law was written by representatives from the government and NGOs representing domestic violence victims. Children’s NGOs and IGOs were not involved in the drafting of the law. Representatives from children’s NGOs had varying degrees of knowledge about the new Law and its potential impact on children and their work. A representative from an IGO expressed significant concern about addressing child abuse through the domestic violence law. She indicated that the judges and police are not adequately trained to address cases involving removing of children from their homes. Specifically, no training has been offered regarding assessing the possible placements of children.¹⁸⁴ She also expressed concerns about further trauma to a child if he or she is removed from the home rather than the perpetrator. Minnesota Advocates shares these concerns.¹⁸⁵

4. Implementation of the Laws on Child Abuse

a. Police Response

Interviewees reported that the police have had no formal training on investigating cases of suspected child physical or sexual abuse. These cases are investigated according to general criminal investigation protocols.¹⁸⁶ If the police are called during an emergency, the patrol police handle the initial investigation.¹⁸⁷ The victim and the perpetrator are separated.¹⁸⁸ The child is interviewed by police in the presence of his or her parent or guardian.¹⁸⁹ If a parent is not available or is the suspected perpetrator, the child is interviewed with another adult such as a relative or a neighbor.¹⁹⁰ A patrol officer reported that the child is asked for the name of an adult and efforts are made to locate that person.¹⁹¹ If a suitable adult is not available, the child is interviewed alone after being calmed down.¹⁹² If the police determine the child is in continued danger or that there is no one to protect the child, he or she will be placed with a family member, in foster care,

¹⁸² See Article 15, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

¹⁸³ See Article 11, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

¹⁸⁴ Interview with US/Save the Children, November 13, 2006.

¹⁸⁵ Please See Commentary on the Domestic Violence Law, Appendix A.

¹⁸⁶ Interview with Patrol Police, 9 November 2006.

¹⁸⁷ Interview with Patrol Police, 9 November 2006.

¹⁸⁸ Interview with Patrol Police, 9 November 2006.

¹⁸⁹ Interview with Patrol Police, 9 November 2006.

¹⁹⁰ Interview with Patrol Police, 9 November 2006.

¹⁹¹ Interview with Patrol Police, 9 November 2006.

¹⁹² Interview with Patrol Police, 9 November 2006.

or taken to a shelter.¹⁹³ If there is evidence of a crime, the neighbors are interviewed and the district inspector is contacted to determine “if this is possible that this situation has happened in this family.”¹⁹⁴ The district inspector is expected to know the families in his or her district. If the crime is reported after the fact, or the victim or perpetrator has left the scene before the police arrive, the matter is transferred to the district inspector to investigate.¹⁹⁵ Interviewees reported that cases of police involvement in reports of child abuse are infrequent.¹⁹⁶ One officer reported that “there have been a couple of cases of sexual abuse but it is a very few, this is very rare.”¹⁹⁷

b. Prosecutors’ and Courts’ Activities Regarding Child Abuse Cases

Judges interviewed could not recall an instance of criminal prosecution of child abuse.¹⁹⁸ The judges concurred that if child abuse did occur, the non-abusive parent would probably stop the violence, and that if a prosecution was necessary, the child would probably be placed with family or into foster care.¹⁹⁹ The judges also reported that while there are no criminal prosecutions for assault, parents are sometimes criminally charged with abandonment.²⁰⁰ Usually this occurs in the cases of newborn babies being discarded and left to die. If a child is left in the hospital and there are reasonable steps taken to ensure that the child will be found, criminal charges will not apply.²⁰¹

One prosecutor reported a case involving child abuse. A mother was beating the child and forcing her to attend religious meetings. The child reported the case to the prosecutor’s office and the mother was prosecuted. The case was not initiated under the assault provisions of the criminal code but under a provision forbidding the forcible compulsion of religion. The woman was sentenced to 1-2 years.²⁰²

ii. Medical System’s Response to Child Abuse

Medical professionals are in a unique position to screen for and address child abuse. Because childhood medical care is provided by the government, medical professionals have an important opportunity to see children on an ongoing basis and document and monitor warning signs of abuse. There are government programs which cover prenatal care, full medical care for the first years, and limited coverage for all children, including

¹⁹³ A judge interviewed reported that if a parent were to be prosecuted for child abuse the “first choice is to give the child to a family member. Police get a handwritten guarantee to get the child back. If no one, then the child would go to foster care.” Interview with Appellate Court Judge, November 3, 2006; interview with Patrol Police, 9 November 2006.

¹⁹⁴ Interview with Patrol Police, 9 November 2006.

¹⁹⁵ Interview with Patrol Police, 9 November 2006.

¹⁹⁶ Interview with Patrol Police, 9 November 2006; interview with District Police, November 8, 2006.

¹⁹⁷ Interview with Patrol Police, 9 November 2006.

¹⁹⁸ Interview with Appellate Court Judge, November 3, 2006.

¹⁹⁹ Interview with Appellate Court Judge, November 3, 2006.

²⁰⁰ Interview with Appellate Court Judge, November 3, 2006.

²⁰¹ Interview with Appellate Court Judge, November 3, 2006.

²⁰² Interview with General Prosecutor’s Office, November 3, 2006.

immunizations.²⁰³ Medical treatment of children, ages birth to three, is fully provided by the state as are medical services for children, aged three to fifteen, through the ambulatory-polyclinic network.²⁰⁴ This coverage includes immunizations, diagnostics, consultants and out-patient treatment. Several NGOs have also reported offering medical services as a safe way to attract clients who were in need of more extensive services.²⁰⁵

With the exception of medical services provided by NGOs, the authors learned of no medical programs that address child abuse. Medical professionals have an obligation to report evidence of non-accidental injuries to the police, yet this rarely occurs. A lack of training for medical professionals on how and why to screen for child abuse is a barrier to the effective utilization of the medical system to address child abuse.

iii. Social Services Addressing Child Abuse

The child welfare system in Georgia is primarily a non-interventionist model. The Ministry of Education and Science has governmental responsibility over child welfare. The Ministry is the only agency with the authority to initiate a civil case of deprivation of parental rights. There are currently 56 social workers employed by the Ministry to assist families and investigate child welfare issues.²⁰⁶ There is very little state monitoring of children who reside in their parental homes. “Issues about child protection in the family are completely untouched and undisclosed. Street children are probably the tip of the iceberg of those victims. ... There are no mandated reporters under Georgian law except for doctors with severe injuries.”²⁰⁷ Children who do not live with their parents are divided into two main groups: children on the streets or in centers for street children and children in state-run institutions.

1. Street Children

Many children in need of social services in Georgia end up either living on the streets or spending most of their time there. These children, known as street children, are often involved in low-level anti-social behavior and subsistence crimes including shoplifting, pick-pocketing, and begging. There is also a considerable amount of prostitution among street children. A common perspective is that street children come from unstable families where one or both parents are absent or abusive, or engage in drug use, alcoholism, prostitution or begging. There has been very little research into street children in Georgia. Estimates of the number of street children range from 500 to 15,000, with the largest concentration in Tbilisi.²⁰⁸

²⁰³ The Ministry of Labor, Health and Social Affairs of Georgia.

²⁰⁴ The Ministry of Labor, Health and Social Affairs of Georgia.

²⁰⁵ Interviewees reported that despite fears of anger from their husbands about going to a domestic violence organization, women were able to take their children to the shelter for medical treatment, and then once in the shelter, receive other services as appropriate. Interview with Sapari, November 6, 2006.

²⁰⁶ Interview with Ministry of Education and Science, November 10, 2006.

²⁰⁷ Interview with TACIS Project, November 13, 2006.

²⁰⁸ Interview with Parliamentarian, November 10, 2006.

Services for street children are inconsistent. Unlike institutionalized children, the Ministry of Education views street children as a local issue which should be addressed by the municipalities, not the Ministry. There is a working group on street children at Parliament which is developing best practice models for addressing the needs of street children.²⁰⁹ The working group consists of members of Parliament, the Ministry of Education, the Coordinator of Reform, Ombudsman, World Vision, UNICEF, the University Social Work program, and local organizations.²¹⁰

There are five or six “Adaptation Centers” for street children operated by municipalities in Georgia.²¹¹ Adaptation Centers provide housing, meals, education or vocational training, and counseling to street children. Additionally, NGOs and IGOs run shelters, day centers and mobile programs targeted at providing services for street children.

Most of the children in the Centers have been the victims of abuse.²¹² Despite relatively high rates of early sexual activity, children are not screened for sexual abuse nor is there any evidence of services for children to address these experiences. Children who have been sexually abused are often at an increased risk for further sexual exploitation and for abusing other children sexually.²¹³ Having a high-risk mixed population without proper attention to this potential problem can lead to further victimization in what should be a safe place for children. There was a reported sexual assault of a young boy by a teenage boy at one of the centers, but it was not definitively proven.²¹⁴

Children go back and forth from the Centers back to the streets or to their parents. There are no services for parents to address the issues of abuse. Children often come back to the Centers after having experienced further abuse. Ultimately, the Centers are not empowered to effectively protect the children from abusive parents.²¹⁵

2. State Institutions for Neglected and Abused Children

There are 41 state-run institutions in Georgia which are home to over four thousand children.²¹⁶ 70% of the children in institutions have two known parents and 93% have one.²¹⁷ The most common reason cited for the institutionalization of children is economic necessity, followed by the special needs of children. Abuse is rarely acknowledged as a factor in the out-of-home placement of these children. Children in

²⁰⁹ Interview with US/Save the Children, November 13, 2006.

²¹⁰ Interview with US/Save the Children, November 13, 2006.

²¹¹ Interview with Ministry of Education and Science, November 10, 2006.

²¹² Interview with Momasalvis Sakhli, November 10, 2006; interview with Child and the Environment, November 7, 2006.

²¹³ *See generally*, Kendrick, Andrew, “Fostering Assessment in the Context of Child Sexual Abuse: A Literature Review” (July 1994) <http://personal.strath.ac.uk/andrew.kendrick/tayfosas.htm> (last accessed December 12, 2006).

²¹⁴ Interview with Momasalvis Sakhli, November 10, 2006.

²¹⁵ Interview with Momasalvis Sakhli, November 10, 2006; interview with Child and the Environment, November 7, 2006.

²¹⁶ Interview with Ministry of Education and Science, November 10, 2006 (this number does not include children who are in institutions run by NGOs or facilities run by Municipalities).

²¹⁷ Interview with Ministry of Education and Science, November 10, 2006.

institutions often have frequent contact with their biological families. The care of institutionalized children is managed by the Ministry of Education's Division on the Care and Custody of Children.

Under the current system, if a parent decides to place a child in an institution, they bring the child to the central office of the Ministry of Education and request that the child be institutionalized.²¹⁸ The placement is considered temporary unless the parent specifically indicates that he or she is permanently relinquishing rights to the child.²¹⁹ There are currently no clearly established standards defining when institutionalizing a child is appropriate or when a child is considered abandoned and therefore eligible for adoption. Records are kept of the parent's visits to the child in the institution.²²⁰

3. Child Welfare Reform

The government of Georgia is in the process of restructuring state involvement in child rearing. In April of 2005, the Government of Georgia issued a decree: "On the Governmental Plan of the Protection of Children and De-Institutionalization." As of 2008, responsibility for child care and custody will be transferred from the Ministry of Education and Science to the Ministry of Labor, Health and Social Affairs. In addition to the deinstitutionalization process and the ministerial shift, the Government of Georgia received a TACIS (Technical Aid to the Commonwealth of Independent States) grant to reform and develop a comprehensive child welfare system.²²¹

a. The Deinstitutionalization Process

A Governmental Commission was established to implement a governmental plan of action on child defense and de-institutionalization. The Commission includes representatives of the Ministry of Education and Science, the Ministry of Labor, Health and Social Affairs and the Ministry of Finance.

In the initial phases of the deinstitutionalization process, 1200 children have been transferred from state-run institutions into foster homes or small group homes or reunited with their biological families.²²² The target goal is a 70% reduction of children in institutions by 2009.²²³ With current staffing capacity, the Ministry of Education is able to assist 500 families a year with reunification and support.²²⁴ A Ministry of Education official reported that in targeting families for reunification, the Ministry will provide economic support if needed, but they require that "parents have to be motivated to take their child home. The physical environment has to be good. We try to avoid families that

²¹⁸ Interview with Ministry of Education and Science, November 10, 2006.

²¹⁹ Interview with Ministry of Education and Science, November 10, 2006.

²²⁰ Interview with Ministry of Education and Science, November 10, 2006.

²²¹ Interview with TACIS Project, November 13, 2006.

²²² Interview with Ministry of Education and Science, November 10, 2006.

²²³ Interview with Ministry of Education and Science, November 10, 2006.

²²⁴ Interview with Ministry of Education and Science, November 10, 2006.

are alcoholic or not stable.”²²⁵ There are no state-run rehabilitation programs for parents who have a history of abuse toward their children. “We have no capacity for trainings and we have enough to do now to cover the stable and good families. These families put the child in the institution mostly for financial reasons.”²²⁶

For children for whom reunification with their biological families is either not possible or not in the child’s best interests, the preference will be for placement in family-like settings. This will mainly take the form of foster care and small group homes. There are currently 290 children in foster families in Georgia.²²⁷ Standards for foster care providers have been promulgated by the Commission.²²⁸ Potential foster care providers are required to go through a screening process, which takes several months, before being approved as a placement.²²⁹ There are currently 91 approved foster families.²³⁰ Recruitment and training of foster care providers will be a significant undertaking of the deinstitutionalization process.²³¹

In addition to efforts toward reunification, the Ministry is exploring methods of preventing children from being placed into institutions initially. The approach will include establishing clearer guidelines for institutionalization as well as supporting intact families by providing services such as day care centers. Under the new proposed regulations, beginning in 2007, the family services will be decentralized.²³² Each region will have a resource center, staffed by a social worker and a child care specialist.²³³ If parents approach the center or a child is found without parental care, the staff will investigate, interview the family and attempt to offer services to keep the family intact.²³⁴ Only if services are unsuccessful or inappropriate will the child be placed out of the home.²³⁵

The process of deinstitutionalization requires significant numbers of trained social workers and child care specialists to work with families to prepare them for reunification, support them through the reunification process and provide ongoing monitoring to ensure the placement remains appropriate. Additionally, there will be significant needs as the government supports families to avoid initial placement.

²²⁵ Interview with Ministry of Education and Science, November 10, 2006.

²²⁶ Interview with Ministry of Education and Science, November 10, 2006.

²²⁷ Interview with Ministry of Education and Science, November 10, 2006.

²²⁸ Chanturia, Tamar et al, “National Minimum Standards For Family Substitute Services” (Tbilisi, 2006)

²²⁹ Interview with TACIS Project, November 13, 2006.

²³⁰ Interview with TACIS Project, November 13, 2006.

²³¹ Interview with TACIS Project, November 13, 2006.

²³² Interview with Ministry of Education and Science, November 10, 2006.

²³³ Interview with Ministry of Education and Science, November 10, 2006.

²³⁴ Interview with Ministry of Education and Science, November 10, 2006.

²³⁵ Interview with Ministry of Education and Science, November 10, 2006.

b. The TACIS Project

The TACIS project on the reforming the child welfare system will examine existing child welfare models from other countries.²³⁶ However, organizers for this project explained that the goal is to develop a child welfare model that is not based on an existing model but is specific to Georgian culture, law and traditions. The project has five stated goal results outlined below.²³⁷ The explanatory information provided below was gathered from TACIS project consultants, Nino Shatberashvili and Jo Rogers:

Result 1: Child care policies and legislation in place, and clearly embedded in the overall social protection and assistance policies and legislation.

There are several draft laws on various aspects of child welfare. The TACIS project intends to analyze the existing legislation and draft laws and ensure that a comprehensive legal and institutional framework for child welfare is created. Aspects affecting child welfare, including street children, child abuse and child pornography, that are currently inadequately addressed by the law, will be incorporated into recommendations for legislative change. Additionally, the project includes development of a national action plan for children which should be in place by 2008 and a planning tool for the government in rolling out its child services.

Result 2: The institutional and administrative framework to manage the reformed child care system is operational.

The consultants will issue comments on the “implementing services and monitoring standards package for family support and services” created by the Commission on Deinstitutionalization.²³⁸ The TACIS project will also develop a monitoring framework to ensure they are implemented and that the Ministry of Labor, Health and Social Affairs is prepared to offer services in 2008.

Result 3: Capacity at national and lower administrative levels to plan, manage, and monitor the reformed child care system, including responsible bodies for the control on standards and norms, is strengthened

The TACIS consultants will provide training and capacity building at the central government level and for policy makers and managers at the regional level. The goal of this training will be to develop a more coordinated mechanism focusing on the transition between the Ministries. This includes addressing budgetary considerations between the Ministries, and developing a practical infrastructure including an information management system.

Result 4: Capacity of the implementing bodies at lower administrative levels to offer alternative child care services to vulnerable children and families is created and strengthened.

²³⁶ Interview with TACIS Project, November 13, 2006.

²³⁷ Inception Phase Report, TACIS Project.

²³⁸ Chanturia, Tamar et al, “National Minimum Standards for Family Substitute Services” (Tbilisi, 2006); Wargan, Katarzyna, et al, “National Minimum Standards for Family Support Services” (Tbilisi 2006); Kupatadze, Nino, et al, “National Minimum Standards for the State Services” (Tbilisi 2006).

Capacity building in service delivery is a significant challenge to implementing a new child welfare system. The government will need to recruit workers to deliver needed services to prevent children from coming into state care and keeping them in the family environment. The government's priority is to create a situation where adequate numbers of trained workers effectively and efficiently deliver services.

Result 5: Throughout the country people have a better understanding of the importance for a child of growing up in a family environment, and what can be done to ensure and create such environment.²³⁹

The TACIS project intends to work in collaboration with international organizations to conduct a public awareness campaign on child welfare: to recruit foster care providers, to publicize the features of the child welfare reform to police and the general public, and finally to provide information on the importance of early childhood development, which may have a child abuse component.

If the government approves the recommendations made by the TACIS consultants, the new child welfare system should be in place before the ministerial shift of responsibility occurs in June 2008.

C. Identity, Activities and Future Plans of Key Stakeholders

i. State Stakeholders

The main government stakeholders in addressing child abuse are the Ministry of Education and Science and the Ministry of Health, Labor and Social Affairs; the Government Commission on Child Welfare and Deinstitutionalization; the TACIS project; the Public Defender's Office's Child Rights Center; and on the municipal level, adaptation centers such as Gldani and Momavlis Sakhli.

The Ministry of Education and Science currently oversees all children in state-run institutions. Additionally, the existing government social workers fall under this Ministry. The Ministry is currently engaged in the process of deinstitutionalization of children. Many of the functions of the Ministry with regard to child welfare and institutionalized children will be transferred in 2008 to the Ministry of Health, Labor and Social Affairs. The TACIS project is housed within the Ministry of Education and Science.

The Ministry of Labor, Health and Social Affairs oversees the medical system. It has conducted an assessment of the socio-economic status of families in Georgia in order to create a database of families below the poverty line and in need of services.²⁴⁰ The trained assessors are considered a pool of potential applicants for new social worker positions. The Ministry will be responsible for child welfare beginning in 2008.

²³⁹ Inception Phase Report, TACIS Project.

²⁴⁰ Governmental Decree N126 of 4 August 2005 "On the Approval Methods for Assessment of Social Economic Conditions of Vulnerable Families (Households)"

The TACIS project is a governmental structure funded by a European Union grant, which is evaluating the current legal and social structures affecting child welfare and developing a recommendation for a comprehensive child welfare system. TACIS plans to train social workers on the new child welfare model, with support of UNICEF, in 2008.

The Government Commission on Child Welfare and Deinstitutionalization is charged with overseeing the deinstitutionalization process. The Commission has articulated national minimum standards for state agencies, for family support and family substitute services. The commission is headed by the Ministry of Labor, Health and Social Affairs, the Ministry of Education and Science and the Ministry of Finance. The National Coordinator is Nino Kapatadze. The Technical Secretariat includes Ministry of Labor, Health and Social Affairs, the Ministry of Education and Science, Ministry of Finance, NGO representatives, and UNICEF. There are also ad hoc working groups.

The Child's Rights Center was established within the Public Defender's Office in April 2001 with UNICEF support. Due to restructuring process within the Public Defenders office the center was closed down. The center was re-established in September of 2006 with cooperation from UNICEF and the Georgian Government. The main function of the center is to monitor the status of children in institutions. The office also receives individual complaints regarding abuse, including domestic child abuse. When the office receives a report of child abuse, the staff conducts a preliminary investigation and then refers the matter to either the Ministry of Education or the police. The staff reported that they do not have the right to remove a child from the home or to refer a case to court. Their mandate is not to intervene in the parent-child relationship, but rather to act as a mechanism of oversight over the governmental agencies that are charged with that responsibility. The office also provides recommendations and comments to Parliament on all proposed legislation affecting children.²⁴¹

A number of adaptation centers for street children operate under municipality governments. These include Gldani Adaptation Centre and Momavlis Sakhli. Both centers provide shelter and care for street children. The centers also provide education and vocational training for the children. The Tbilisi Municipality also established a Child Rights Centre in 1999. The center addresses legal, psychological and educational issues, providing counseling and assistance to families, but has been without funding for the past year.

ii. Non-governmental Organization Stakeholders

The Georgian Association of Social Workers is the only professional association for social workers in Georgia. The Association is working in collaboration with the University of Tbilisi in developing a certificate course in social work. The Association is also working to develop professional standards along with a Georgian model of social work and is involved in developing regulatory mechanisms for child care services.

The NGO Public Health and Medicine Development Fund's Child Support Centre provides assistance in legal, education or psychotherapeutic fields. The Centre has a

²⁴¹ Interview with the Public Defender's Child's Rights Center, November 9, 2006.

telephone consultation service and provides consultations, assistance and rehabilitation to child victims of violence, including domestic violence. In addition to providing direct service, the NGO provides training on domestic violence and other issues to persons working with children or on child issues, such as journalists, teachers, caregivers of children's institutions, and medical personnel of primary healthcare facilities. There are also plans for training patrol police and district inspectors. Training is multidisciplinary and is provided by a legal expert, a social worker, a pediatrician and a psychologist. The NGO has participated in writing alternate reports to the Commission on the Rights of the Child and has submitted a draft law to the Georgian Parliament on the rights of the child. On November 21-22, 2006, the NGO hosted a regional workshop on child abuse and neglect with European and Baltic participants.

The NGO Child and Environment has established two centers in Tbilisi, a mobile group, three centers and a mobile group in Rustavi and Gori, and a center in Chiatura. They intend to open another center in 2007, a day center in the Tbilisi working district to provide support for street children and at-risk children. The majority of their target population have been victims of either abuse or neglect. Child and Environment is also the implementing partner of the US/Save the Children project "Beginning of the new life", ending in 2007.

The NGO Biliki in Gori, Georgia is a member of the Anti-Violence Network and works on the US/Save the Children program on street children in collaboration with Child and Environment.

The NGO Human Rights Information and Documentation Center focuses on the monitoring of human rights. It has a special focus on children's rights and violence against women. The Center provides assistance to citizens in restoring their rights, has a broad education program, and conducts activities targeted at the empowerment of socially unprotected populations and detained individuals. The Center now has a project on juvenile delinquents. Many detained minors are victims of domestic violence. The Center also works on children's legal and employment issues at the Gldani Adaptation Center.

iii. International Organization Stakeholders

Many international organizations have published reports and provided assistance, expertise and funding to governmental agencies and NGOs. These organizations have also developed policies and programs and provided direct service to victims of child abuse. They include the UN organizations sponsoring this assessment (UNDP, UNIFEM, UNICEF, and UNFPA), OXFAM, US/Save the Children, World Vision and EveryChild, among others.

UNICEF provides support and programming on all aspects of childhood in Georgia. It has supported many of the projects and research studies conducted by NGOs and the government for children. UNICEF has also worked in collaboration with other international organizations and donor organizations to coordinate efforts. UNICEF has provided education, vaccinations and emergency aid and is currently running programs

on early childhood education and development. UNICEF has also been significantly involved in the deinstitutionalization process.

US/Save the Children has programs for street children and other vulnerable and at-risk children. Many of these children are the victims of domestic violence. These programs are funded by USAID. Day centers and services are organized in the capital and in the regions by the NGO Child and Environment. For the period of 2007-2010, US/Save the Children will be helping to assess gaps and help the government form alternative programming for children as part of the deinstitutionalization process.

World Vision, in collaboration with UNICEF, conducted a project in 2005 and 2006 on supporting the social integration of at-risk and street children. The project, "Help Street Children," included holding trainings in four cities (Tbilisi, Kutaisi, Batumi and Telavi) on decision-making skills; prevention of substance addiction; and prevention of sexually-transmitted diseases. The trainings were for state agents, NGOs and street children.

The international NGO EveryChild received the European Union TACIS grant contract to assist the government in establishing a comprehensive child welfare model. EveryChild in collaboration with UNICEF is assisting in the development of support services for children and families to prevent placement into institutions and in reforming existing childcare policy and legislation.²⁴²

D. Recommendations for UN Agencies to Address Child Abuse

i. Collection of Data on Prevention, Advocacy, Response and Monitoring of Child Abuse

The authors recommend that the UN Country Team partner with the Department of Statistics of the Ministry of Economy and the Ministry of Labor, Health and Social Affairs to develop a reliable model of a mixed methodology research survey. The authors recommend that the UN Country Team provide these governmental bodies with training, if necessary, to obtain the best techniques in gathering and analyzing data in the field of child abuse. The survey should provide data on the prevalence and scope of child abuse as well as attitudes and levels of knowledge about the problem. The survey should be disaggregated by children living at home, children in institutions and children living on the street. The survey should be conducted initially to establish a baseline and then on a regular basis to measure progress.

The authors recommend that the UN Country Team work with the Ministry of the Interior and the Ministry of Labor, Health and Social Affairs to ensure that statistics are kept on reports of child abuse, arrests of perpetrators, all prosecutions of child abuse cases, issuance of protective and restrictive orders, and the final disposition of cases. Additionally, statistics should be kept on social worker investigations of reports of child abuse, services provided to families, number of children removed from homes, and number of children reunified with their parents. An annual report on the status of child

²⁴² <http://www.everychild.org.uk/article/georgia> (last accessed December 12, 2006).

abuse should be issued which contains all of the above information, so that the efficiency and effectiveness of Georgia's criminal justice and social service system in addressing the needs of victims of child abuse can be assessed. The results of this monitoring should be recorded in a government or nongovernmental body in a form that is accessible to the public.

The authors recommend that the UN Country team work in cooperation with the Ministry of Education and Science, the Ministry of Labor, Health and Social Affairs, the TACIS project, The Government Commission on Deinstitutionalization, the Georgian Association of Social Workers, and appropriate NGOs, such as the Public Health and Medicine Development Fund, on monitoring the deinstitutionalization process with particular emphasis on the continued monitoring of the welfare of children reunified with their biological families.

ii. Training of Key Stakeholders on Prevention, Advocacy, Monitoring and Response to Child Abuse

The authors recommend that the UN Country Team in partnership with the Georgian Social Worker Association, the Universities, the Ministry of Education and Science, the Ministry of Labor, Health and Social Affairs, the TACIS project, and the Government Commission on Deinstitutionalization, continue to participate in the development, training and certification of a body of professional social workers.

The authors recommend that the UN Country Team partner with the Ministry of the Interior, the Ministry of Labor, Health and Social Affairs, relevant NGOs with expertise on the new Domestic Violence Law and NGOs with experience in child abuse and child welfare, to train police, lawyers, and judges about the new Domestic Violence Law, with specific emphasis on the provisions affecting children. Training should be offered both to current professionals as well as to students through the existing institutions such as the police academy and the High School of Justice. The training should address documentation of child abuse, interviewing child victims, awareness of risk factors, and the specific responsibilities under Chapter IV of the new Law.

The authors recommend that the UN Country Team provide support to ensure that physicians and other health care providers are aware of child abuse issues and that they routinely screen all children for abuse. The authors recommend that the UN Country Team promote training for health care providers, including doctors, nurses, forensic doctors and medical students, on identification, management and referral of child abuse cases.

iii. Developing a Strategy with Key Stakeholders on Prevention, Advocacy, Monitoring and Response to Child Abuse

The authors recommend that the UN Country Team work in cooperation with the Ministry of Education and Science, the Ministry of Labor, Health and Social Affairs, the TACIS project, the Government Commission on Deinstitutionalization, the Georgian

Association of Social Workers, and appropriate NGOs, such as Public Health and Medicine Development Fund, Child and Environment, and Biliki, on developing a community consensus on what are minimum parenting standards, what constitutes abuse or neglect, and what responsibility the greater community has in ensuring the safety of children. These standards should be communicated to the general public through public awareness campaigns, early childhood education programs, and parenting classes and support services.

The authors recommend that the UN Country Team support the Government in developing a comprehensive child welfare system and in particular, in light of the significantly increased human resources needs, in providing resources to train social workers and child care specialists. This should also be accomplished by providing support to early childhood education programs and parenting classes and support programs. The process should be monitored to ensure that the safety and well-being of children is at the foundation of the system and that the needs of marginalized groups such as children with physical or mental disabilities, the children of parents with physical or mental disabilities and street children are appropriately addressed.

IV. Conclusion

Violence against women and child abuse are devastating but preventable social problems. Through a coordinated community response encompassing criminal and civil legal protection, social services and public education, Georgia can ensure the safety of its population in their homes. The UN Country Team in Georgia has the ability to play a significant role in shaping the public discourse and attitudes on these issues and in ensuring the effective implementation of the new laws and programs on domestic violence and child welfare.

Appendix A
**Minnesota Advocates for Human Rights’ Comments on the New Law of Georgia on
Elimination of Domestic Violence, Protection of and Support to Its Victims and on
the Draft of the Action Plan:**

The Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims (hereinafter “the Law”) is an important step towards an improved government response to domestic violence. It provides an expansive definition of domestic violence and new remedies for domestic violence victims. *The following comments are not intended as a comprehensive analysis of the Law, but rather are intended to highlight priority areas for stakeholders to monitor as the new law is implemented.*

Chapter I

Article 4 (b) includes psychological violence in the definition of domestic violence. While psychological violence is a devastating problem that can cause serious long-term damage to victims, government and court intervention in such cases can be problematic. Claims of psychological violence are difficult to prove. Also, such claims may be used to manipulate legal proceedings against a victim of physical violence whose safety may be at risk.

Chapter II

Article 8 includes important directives to the Ministry of Labor, Health and Social Affairs. In particular Article 8 (e) directs the ministry to monitor developments under the law’s protective and restrictive order provisions. Such monitoring should focus on whether these new remedies promote victim safety and offender accountability.

Chapter III

Article 9 provides for criminal, civil and administrative proceedings. Minnesota Advocates has significant concerns about current interpretations of this article. A Georgian lawyer explained that under the law, if a victim files a criminal complaint, she must wait until the case is resolved before filing an application for a protective order.²⁴³ This unnecessarily jeopardizes her safety. A criminal case and an administrative case should proceed at the same time.

Article 10 defines the important new remedies of protective orders and restrictive orders which allow police and courts to restrict the activities of an abuser in order to protect victims. Article 10 provides that protective orders shall be issued by courts but does not provide details of remedies to be included in the orders. The Law should provide more specifics in this regard. For example, the Law should outline what specific measures are appropriate, including measures prohibiting further abuse, ordering no contact, removing the perpetrator from the shared home, and payment of child support, rent or other financial obligations of the family, monetary damages or other measures.

²⁴³ Interview with AVN, November 8, 2006.

Importantly, Article 10 (4) criminalizes the violation of these orders. Criminal sanctions for violation of a protective or restrictive order promote effective enforcement of the orders. To ensure effective enforcement of this law and the orders, increased involvement of prosecutors will be necessary.

Articles 12 and 13 appear to provide the court with the authority to independently evaluate the risk to the victim when issuing or before terminating a protective order. This authority is very important in that it can alleviate the risk that a victim's request for termination of an order is motivated by threats from an abuser.

Chapter IV

Although courts should have the authority to issue protective orders based on the application of a non-violent parent for themselves and on behalf of their child,²⁴⁴ Minnesota Advocates is concerned about including a section on child abuse in the domestic violence law. Domestic violence laws are not well-suited to address child abuse. Domestic violence laws are intended to provide an immediate remedy of separation and protection. The sole focus of the Law should be on the safety of the victim. While safety of children is, of course, of the utmost importance, there are additional considerations in addressing children. These considerations include: whether to remove the child from the home, where to place the child, for how long, what level of visitation is appropriate, when to reunify the family, and what services to provide to the child and to the parent. These considerations cannot be adequately addressed solely through an emergency hearing, but require ongoing review and involvement by social service agencies.

Article 14 provides for separation of a child from violent parents. However, it is unclear what activity or evidence triggers the authority granted to remove a child from his parents. Article 14(1) provides for "an unconditional basis for raising the issue of separation" of a parent and child due to physical violence. In this context, it is important to consider the damaging effects of removing the child from the care or custody of a non-violent parent. All efforts should be made to preserve the custodial relationship of a non-violent parent with the child.²⁴⁵

Article 14(2) provides that in cases of "other forms of violence and upon referral ... the court shall consider the issue of the relationship of the child with the abuser." It is important to consider that separation from a non-physical abuser is not always in the child's best interest, particularly in cases where services made to the intact family would ensure the child's safety and address the underlying abuse issues.

²⁴⁴ Research has shown that witnessing domestic violence has profound effects on children *See generally*: Edelson, Jeffrey *Problems Associated with Children's Witnessing of Domestic Violence* (April 1999); "The Effects of Domestic Violence on Children" <http://www.acadv.org/children.html> (last accessed December 12, 2006).

²⁴⁵ *See Generally* Nicholson v. Scoppetta 2 U.S.CO.A No. 113 (NY App. Ct. 2004). <http://www.courts.state.ny.us/ctapps/decisions/oct04/113opn04.pdf>

Article 15 outlines several conditions to ensure the safety of child visitation by a violent parent which include the court specifying the place, time and length of the visit and a person to be responsible for the “protection of safety measures.” These conditions will be difficult to observe because resources and facilities for any type of officially-supervised visitation are lacking. Ongoing support by social service agencies is required in this situation to meet the best interests of the child.

Chapter V

Article 16 provides important directives to police to treat domestic violence cases seriously. However, the law provides expansive power and discretion to police and may prove problematic. Article 3 (a) (d) and (e) grant police power to remove the victim from the home “in the case of necessity.” This provision will likely result in serious hardship for victims of domestic violence in view of the shortage of shelters and services for victims. This provision may deter victims from calling the police.

The law does not explicitly provide police with the power to remove the abuser from the home. By implication, Article 16 (a) and (g) provide police with the power to do so, but language should be included to explicitly grant police the authority to remove an abuser from the home.

Article 16 (4) and (5) require police documentation of the record of the case. This data will contain the facts of the specific incident, measures taken and other statistical data which will prove invaluable in charting future amendments to law and procedure on domestic violence in Georgia.

Chapter VI

Article 17 (1) directs the Ministry of Labor, Health and Social Affairs to provide shelters that meet certain standards. Article 17 (2) allows a “non-entrepreneurial legal entity” to establish shelters meeting designated standards. It is important to consider that shelter and other services for domestic violence victims may best be provided by non-profit agencies with experience working with domestic violence victims.

Article 18 provides that “a victim shall be placed in the shelter for a period not exceeding 2 months”. This time may be extended. It is likely that many victims will need shelter services for longer than two months.

Chapter VII

Article 21 provides that the Ministry of Labor, Health and Social Affairs establish shelters by January 1, 2008.²⁴⁶ Shelter services are urgently needed in Georgia and implementation of the new law will be extremely difficult without them.

²⁴⁶ The copy of the Law provided to the authors included the date July 1, 2006 for the establishment of shelters. (Article 21 (2)). However, interviewees informed the authors that this date had been changed to January 1, 2008. Interview with Anti-Trafficking Center, November 7, 2006.

Action Plan:

The goals of the Action Plan are lofty but general. They are difficult to measure in any concrete fashion and are not elaborated in the objectives. Strategies are fairly well delineated but are also extremely broad. For example, the strategy that should support the inclusion of the necessary funds to implement this ambitious plan is called a “suggestion” more than once. The timetable in the draft has, for the most part, already expired.

Interviews revealed that the government is widely believed to have withdrawn its financial commitment to the new law and the budget outlined in the Action Plan when it postponed the implementation of shelters until January of 2008.²⁴⁷ Ministry budgets for 2008 have already been submitted before the requirements in the Action Plan were elaborated, and thus did not make provision for them.²⁴⁸

The assessment authors agree with the conclusion offered in “Violence against Women in Georgia” that the Action Plan would be more effective if it clearly separated the responsibilities of each ministry, since overlapping duties can cause confusion and allow the ministries to avoid fulfilling their responsibilities.²⁴⁹

²⁴⁷ Interview with Public Defender’s Office, November 2, 2006.

²⁴⁸ Interview with Ministry of Labor, Health and Social Affairs, November 13, 2006.

²⁴⁹ Japaridze, Sophio et al., “Violence against Women in Georgia: Report Submitted on the Occasion of the 36th Session of the UN Committee on the Elimination of Discrimination against Women.” GYLA and OMCT, p.14, (August 2006).

Appendix B

Summaries of Protective Order Court Hearings

Minnesota Advocates was able to observe what interviewees described as the first court hearing in Georgia on an application for a protective order under the new law on November 5, 2006. Minnesota Advocates made the following observations:

- The Applicant was an adult daughter. The Applicant alleged that the father repeatedly used physical violence, and recently had slammed the Applicant's head into the wall several times.
- The case was filed by the Anti-Violence Network, acting as the Applicant's lawyer.
- The Applicant was required to sign a statement that she had been warned against perjury and would be liable for any false statements.
- The lawyer stated to the Court that the daughter did not want to file criminal charges against her father. She refused the lawyer's request that she obtain a doctor's conclusion about the severity of her injury. However, the lawyer explained that the Applicant did want a protective order to be sure that he did not assault her physically or mentally anymore.
- During the hearing, there was a heated exchange about property and shared ownership of an apartment. The judge allowed the father to talk directly to the Applicant, with inconsistent rebukes only. The judge focused on the property issue involved, and tried for a brief time to mediate the dispute. Although the father admitted the violence, much of the focus in the hearing was on the apartment, not on the victim's safety.
- The father displayed threatening behavior during the hearing and repeatedly yelled at and argued with the judge.
- The requirements for the level of detail in the allegations contained in the petition for a protective order created some confusion. The petition was initially rejected on grounds of insufficient information. The attorney who drafted the petition was advised by the court that a detailed description of the facts should be included.
- The judge granted the order according to the application. The perpetrator is restricted from physically or psychologically assaulting the plaintiff for three months.

Following are summaries from three more court hearings on applications for a protective order which occurred in Tbilisi in November. These applications were filed by the Center for Protection of Constitutional Rights. A lawyer from that office provided the following description of these cases.

Court Order on November 8, 2006

- A husband and wife were in the process of getting a divorce. The husband repeatedly assaulted his wife (the Applicant) – both physically and verbally. She was forced to leave their apartment and find shelter with a friend. The couple had two small children, who often became the direct or indirect objects of the

- husband's violence. He threatened that he will not be responsible for his behavior if he is not divorced soon. The husband possessed a gun as part of his work.
- The Applicant requested a protective order for herself, and as the legal representative of the children, on their behalf.²⁵⁰
 - The Applicant alleged physical, psychological and economic violence (because she was deprived of her housing and other co-property) and coercion.
 - The court granted the protective order and ordered that the husband not to come within 500 meters of the Applicant or the children, their home, the Applicant's workplace, and the children's school. He was also ordered not to contact the Applicant or the children by phone or other means.
 - The court ordered that the husband not use his gun during the period of the protective order. Significantly, the husband is a police officer, so this is an important victory that places victim safety over job requirements.

Court Order on November 10, 2006

- An adult daughter had beaten and terrorized her mother, sister and niece, repeatedly causing the mother to move to a different town and the sister and her child to leave their apartment.
- The mother and sister (the Applicant) often called the police, but nothing happened and the abuser continued her violent behavior.
- The Applicant asked for a protective order for herself, and on behalf of her mother, and as the legal representative of her child.
- The Applicant alleged physical, psychological and economic violence and coercion.
- The court specifically considered the issue of violence and the threat of violence towards the child and decided that the abuser should be separated from the child.
- The court granted the protective order and ordered that the abuser stay 500 meters away from her family, their homes, workplaces and school. The court ordered that the abuser not contact the Applicant, her mother or the child by phone or other means during the period of the protective order.
- The court was asked to order the perpetrator to undergo a course of medical treatment for a mental disorder.

Court Order on November 13, 2006

- Two small girls were badly beaten by their estranged father. The ambulance gave first aid immediately and two doctors issued medical conclusions regarding the injuries which were reported to the police. The police initiated a criminal investigation, but the children's mother refused to file criminal charges and as the children's legal representative, it was her decision. The mother filed for a protective order on behalf of the children.

²⁵⁰ See Article 11, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, Appendix C.

- The mother petitioned the court to order that: the father has no right to approach the members of his family and children in the radius of 500 meters, or to contact them by phone or other facilities. In the period of the protective order, the father is not allowed to go closer to the working place of the mother and children's school and the living area of mother and children in the radius of 500 meters. During the period of the protective order the father is not allowed to purchase a gun. The father is obliged to pay 2000 lari as the compensation of moral and material damage due to health and moral injury caused by the beating of the children. The father is ordered to undergo medical treatment for alcoholism.
- The lawyer of the father attended the court process. The father did not appear. The father's lawyer refused to agree to the issuance of the protective order to protect his client from criminal liability.
- The mother withdrew the demand on covering the material damage.
- The court discussed the demands of the parties, evaluated the evidence and issued the protective order for three months.
- The court ordered that the father has no right to come within 500 meters of the children or their mother or to contact them by phone or other facilities. The father is not allowed to come within 500 meters of the mother's workplace, the children's school, and the living area of mother and children. During the period of the protective order, the father is not allowed to purchase a gun.

Appendix C
Law of Georgia
on Elimination of Domestic Violence, Protection of and Support to Its Victims

Chapter 1. General Provisions

Article 1. Scope of Application of the Law

This law defines unity of actions characteristic to domestic violence, legal and organizational grounds for identification of and combat with domestic violence, as well as guarantees of legal and social protection for victims of domestic violence.

Article 2. Aim of the law

This Law aims at:

- a. By recognizing equality in rights of members of the family, creation of firm legislative guarantees for the protection of rights and freedoms of the family members and their physical and mental integrity;
- b. Creation of effective legal mechanisms for identification, elimination and prevention of domestic violence;
- c. Ensuring access to justice to the victims of domestic violence;
- d. Establishment of the basis for the protection, support and rehabilitation for victims of domestic violence.
- e. Ensuring cooperation between various institutions for the purpose of prevention of the domestic violence and its elimination.

Article 3. Domestic Violence

Domestic violence stands for violation of constitutional rights and freedoms of one family member by the other, in conjunction with physical, psychological or sexual violence, coercion or threat to undertake such actions.

Article 4. Use of Terms in the Law

The concept and terms used in the Law shall be given the following meaning:

- a. **Physical violence**- battery, torture, injury, restriction of liberty or any other action that causes physical pain or suffering, restriction of food, accommodation and other conditions for normal development, as well as isolation of the minor from his/her parents (custodian), or failure to meet requirements concerning his/her state of health that may cause harm to the health of the minor, violate his/her personal dignity or lead to his/her death;
- b. **Psychological violence**- offence, blackmail, degrading treatment, threat or

any other act that violates pride and dignity of the human being;

- c. **Coercion**- physical or psychological coercion of the person to perform or to abstain from performing an act, performance or non-performance of which represents the right of the person, or coercion to stand certain influence against his/her will;
- d. **Sexual violence**- an act that violates sexual liberty and integrity of the person, as well as sexual intercourse with or other act of sexual nature or immoral act against the minor;
- e. **Economic violence**- restriction of the right to property, right to engage in labor activities and right to enjoy property in joint possession;
- f. **Victim**- family member, experiencing physical, psychological, sexual, economic violence or coercion.
- g. **Family members**- mother, father, grandfather, grandmother, spouse, child (stepchild), adopted child, foster parents, grandchild, siblings, parents of spouse, children-in-law,. For the purpose of this law family member also includes, former spouse, persons in non-registered cohabitation, guardians, as well as persons who live or lived together
- h. **Abuser**- member of family who inflicts, physical, psychological and economic violence or coercion against another family member.
- i. **Shelter**- temporary residence of domestic violence victims; or a place of temporary placement of the domestic violence victim, founded in the system of the Ministry of Labour, Healthcare and Social Protection or on the basis of an NGO, where victims are provided with rehabilitation and protections services. *Until enforcement of the Chapter VI of the law, relations' and friends families.*
- j. **Rehabilitation Centre**- Place of temporary placement of the abuser, serving the purpose of the abuser's rehabilitation, which shall be created in accordance with established guidelines in the system of the Ministry of Labour, Healthcare and Social Protection or by a non-entrepreneurial legal person.

Article 5. The Legislation of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims

The legislation of Georgia on elimination of domestic violence, protection of and support to its victims encompasses the Constitution of Georgia, international treaties and agreements of Georgia, this Law and other normative acts of Georgia.

Chapter II. Prevention of Domestic Violence

Article 6. Mechanisms for Prevention of Domestic Violence

1. Mechanisms of domestic violence prevention envisage unity of social, economic, legal and other means, aimed at elimination of reasons and preconditions of domestic violence, as well as elimination of facts of domestic violence, prosecution of an abuser, his/her rehabilitation and adaptation.
2. The State through its authorized bodies shall support and ensure introduction and application of mechanisms for the domestic violence prevention.
3. Mechanisms for prevention of the domestic violence include:
 - a. analysis, study and evaluation of factors, representing cause of the domestic violence;
 - b. introduction of effective legal methods for identification and elimination of facts of domestic violence;
 - c. maintenance of statistics;
 - d. implementation of preventative measures towards persons, belonging to the risk group of abusers;
 - e. Carrying out information-education campaign to ensure that people are aware of their rights and obligations, protection guarantees, including rights and obligations, providing for equality and responsibilities to each other;
 - f. spread and accessibility of information on amenabilities of the abuser, rights of victims and protection of such right;
 - g. organization and delivery of special education courses on support and protection of victims of the domestic violence and rehabilitation of abusers;
 - h. development of specialized programmes with stakeholder organizations and their support to ensure implementation of preventative measures.

Article 7. Introduction of Preventative Measures

1. Under its competence and in accordance with this law, preventative measures shall be the introduced by: the Ministry of Labour, Healthcare and Social Protection of Georgia, Ministry of Internal Affairs of Georgia, Ministry of Education and Science of Georgia, Procuracy and Judiciary.
2. In introducing preventative measures relevant state bodies shall cooperate with

other stakeholders working on domestic violence human rights and provide for planning and implementation of joint projects.

Article 8. Social Services

1. Within its competence and in accordance with this law, the Ministry of Labour, Healthcare and Social Protection shall provide for social services in families to prevent violence and introduce mechanisms.
2. Within its competence, the Ministry of Labour, Healthcare and Social Protection shall provide for:
 - a. study and relevant analysis of domestic violence causes and support to family members in overcoming disputes;
 - b. support to victims of violence;
 - c. jointly with relevant state institutions identification of abusers' risk-groups and assistance in overcoming problems;
 - d. participation in protective order process;
 - e. monitoring over activities under protective and restrictive orders;
 - f. development and support to implementation of programs aimed at assistance to victims and abusers and their social rehabilitation.

Chapter III. Mechanisms for Identification and Elimination of Domestic Violence

Article 9. Mechanisms for Identification and Elimination of Domestic Violence

1. To the ends of identification and elimination of domestic violence, criminal, civil and administrative law mechanisms shall apply.
2. Criminal law mechanisms shall apply where an act of domestic violence contains elements of a criminal offense.
3. Civil law mechanisms shall apply where the damage inflicted gives rise to obligation to compensate damages in accordance with the civil law.
4. Administrative law mechanisms shall apply where an act is of insignificant public danger, does not give rise to criminal responsibility and which can be dealt with by application of administrative law provisions.

Article 10. Protective and Restrictive Orders

1. For the purpose of immediate effect (response), protection of the victim and certain restriction of the abuser's activities, relevant bodies as a temporary measure may issue a protective or restrictive order.
2. A protective order is in act issued by the first instance court judge based on administrative proceedings, which defines temporary protection measures of victims in cases of domestic violence, except cases, where the grounds for instituting a criminal proceeding exists and the person is deprived of liberty based on the restrictive measure.
3. Restrictive order is an act issued by the authorized employee of police, which defines temporary protection measures of victims in cases of domestic

violence and which shall be submitted to the court for approval within 24 hours.

4. Failure to comply with the conditions prescribed by protective and restrictive order shall lead to criminal responsibility of the abuser.

Article 11. Right to Request the Protective Order

The right to request the protective order shall rest with the victim, his/her family member or at the consent of the victim, a person providing him/her with medical, legal or psychological aid; in cases of violence against a child, institutions of custody and care shall also have this right.

Article 12. Terms of Validity of the Protective Order

1. The protective order shall be issued for the period of 3 months and the terms of its validity shall be determined by the court.
2. The court shall be authorized to decide on extension of the protective order. The protective order may be extended within its validity period for a term not exceeding 3 months, unless the risk against the victim or another family member exists.
3. The protective order may be annulled based on the court decision if the parties concerned reconciled and jointly addressed the court with the request to abolish the protective order, except cases listed in the paragraph 2 of this article and article 13.

Article 13. Effect of the Protective and Restrictive Orders in case of the Victim's and Abuser's Reconciliation.

Reconciliation of parties shall not hinder issuance of the protective or restrictive order, neither it shall not cause annulment of the issued protective or restrictive order, if the act of domestic violence violates interests of other family members, especially, minors.

Chapter IV. Specific Measures for Protection of a Minor from Domestic Violence

Article 14. Separation of a Child from a Violent Family

1. Existence of traces of physical abuse shall become an unconditional basis for raising the issue of separation of the child from violent parents (parents) as established by law. Until the final decision, the court shall deal with issue of separation by way of temporary measure, namely, the order.
2. In case of existence of other forms of violence and upon referral of one of the parties to the court as indicated in the article 11, the court shall consider an issue of the relationship of the child with the abuser.
3. While deciding on the issue of a child's representative, the court shall take

into account the fact that retention of the representation rights of the child to the violent parent is prejudicial to the interests of the child. It shall be impermissible to retain joint custody of the child to the parents, if there is a reasonable suspicion with regard to one of the parents, that he/she undertook act of violence against the child.

Article 15. Ensuring Prevention of Apprehension of the Child and other Safety Measures

1. When deciding on terms of visits of the child by a violent parent, the parent shall be given the right to visit the child only in case where all safety measures are taken, including place of the visit, time, periodicity, duration an person(s) responsible for protection of safety measures.
2. In cases where safety measures are not observed, the right of the violent parent to visit the child shall be restricted. If the restriction lasts for more than 3 months, the parent, whose rights are being restricted, may refer to the court requesting the amendment of conditions of the visit.
3. In case of abduction of the child by the violent parent or in case of real threat of other damage, the court may decide to prohibit the violent parent to visit the child until the change of circumstances.

Chapter V. Properties of Legal Proceedings with regard to Domestic Violence

Article 16. Duties of the Police

1. In cases of domestic violence Police shall immediately respond to the fact and take all legal measures. ***Police shall not be authorized to consider domestic violence case inferior to other cases of violence.***
2. In case of receiving notification of the fact of violence, the police shall immediately report to the scene, notwithstanding whether notification was received from the victim, witness of violence or other person as set by Article 11.
3. Where case of violence is present, the police shall:
 - a. take all legal measures to eliminate the fact of domestic violence;
 - b. separately interview the possible victim, witnesses, abuser, including children, which shall be recorded;
 - c. inform the victim of the domestic violence of his/her rights
 - d. Upon request of the victim or in case of necessity, to ensure transfer of the victim to the institution of medical care;
 - e. Upon request of the victim or in case of necessity, to ensure the transfer of the victim or his/her children to the shelter;
 - f. In case of transfer to another location, to ensure that a victim takes his/her personal belongings from the place of residence;
 - g. To ensure safety of the person reporting the case of violence;

- h. To issue a restrictive order as prescribed by law.
4. The police shall draw a record of the case of domestic violence and measures taken, which shall be submitted to the supervising prosecutor.
5. The police shall separately mention in its reports information (data) on the facts of domestic violence, measures taken, number of victims, measures enforced against the violator, as well as other statistical data.

Chapter VI. Social and Labor Guarantees for Victims of Domestic Violence, Abuser's Rehabilitation Measures

Article 17. Temporary Shelter for Victims of Domestic Violence

1. Shelters of the Ministry of Labour, Healthcare and Social Protection shall meet conditions of life and shall ensure primary and emergency medical and psychological assistance.
2. Non-entrepreneurial legal entity may establish a shelter if it meets minimal standards set by the Ministry of Labour, Healthcare and Social Protection for institutions of that type.
3. Activities of shelters shall be regulated by the Charter (Regulations), defining rules for the victim placement in the shelter and his/her rehabilitation.

Article 18. Placement of the Victim at Specialized Institutions and Shelters

1. In cases of domestic violence, where the person, indicated in the article 11 so requests, the law enforcement agencies shall ensure the transfer of the victim to the shelter or a specialized institution.
2. The victim shall be placed in the shelter for a period not exceeding 2 months. If necessary, the term may be extended in accordance with the term prescribed by the Charter of the shelter, except cases when the victim does not wish to stay longer. If the threat to the victim is still present after the expiry of the term, the shelter or specialized institution shall inform the law enforcement agencies for the purposes of providing response to such threat.
4. In case of placement of the victim of domestic violence at the shelter, he/she shall retain the job in the same position.

Article 19. Information on Victims of Domestic Violence

The information on state of physical and psychological status of the victim shall be confidential and its disclosure shall be permitted only in cases provided by law.

Article 20. Abusers' Rehabilitation Centre

In order to ensure temporary placement and rehabilitation of the abuser, the Ministry of Labour, Healthcare and Social Protection as well as non-entrepreneurial legal entity shall establish rehabilitation centres for abusers. Such centres shall meet standards set by the Ministry of Labour, Healthcare and Social Protection for institutions of such kind and ensure temporary placement, psychological assistance and treatment of abusers.

Chapter VII Concluding and Transitional Provisions

Article 21. Measures to be taken with Regard to Enactment of the Law.

1. Until enactment of the Chapter VI of this law, the Ministry of Labour, Healthcare and Social Protection shall determine minimal standards for temporary shelters for victims of domestic violence and abusers' rehabilitation centres.
2. Before July 1, 2006, Ministry of Labour, Healthcare and Social Protection and local self-governance institutions shall define mechanisms for providing social services and support training (preparation) of social workers.
3. Within 1 month upon publishing the law, the Ministry of Internal Affairs shall develop and approve a restrictive order form.
4. Request the Government of Georgia to approve a special plan determining special measures aimed at elimination of domestic violence and protection and assistance to victims of domestic violence within 4 months upon publishing the law.

Article 22. Enactment of the Law

1. This law shall come into force upon publishing
2. Chapter VI of this law shall come into force as of January 1 2008.

		4. Preparing of the order of the Ministry of Interior which will identify the list of police staff entitled to issue terminating order on the fact of domestic violence.	The Ministry of Interior of Georgia	
		5. The status of a shelter, elaborating the conditions and standards for its establishment	The Ministry of Labor, Health and Social Protection	The first half of 2006
		6. Provision of an expert for the victims of domestic violence	The Ministry of Interior and the Ministry of Justice	
		7. Elaborating of the amendments to the Criminal Code of Georgia for considering the offense committed by the victim of domestic violence as a mitigating circumstance	The Ministry of Interior and the Ministry of Justice	

Activity Plan
Increasing public awareness on the problem of (domestic violence)

Goal	Objective	Strategy	Performer	The term for implementation
1	2	3	4	5
2. Informing public on the problem.	Protection of and support to the victims of family violence by public awareness – education activities	Planning and conducting of informational-educational activities 1. The special training on the domestic violence for target groups (patrol police, employees of the Ministry of	The Ministry of Interior The Ministry of Labor, Health and Social Protection, Interested NGO The Ministry of Interior The Ministry of Labor, Health and Social Protection, Interested NGO with corresponding	During the whole period of the activity plan

		Interior and Prosecutor's office, judges, mass media representatives, health care servants, social agents)	experience	
		2. Arranging of discussions by mass media, information inserts concerning the problem.	TV, Radio, Press, NGO sector.	During the whole period of the activity plan
		3. Informing public by mass media on temporary shelters, crisis/consultation centers for the victims and rehabilitation centers for the violators	Mass media, NGO sector	During the whole period of the activity plan
		4. Preparing of information booklets and leaflets	NGO sector	

Activity Plan
Protection of and Assistance to the victims of domestic violence;
Promotion of activities for protecting of victims

Goal	Objective	Strategy	Performer	The term for implementation
1	2	3	4	5
3. Protection and rehabilitation of the victims	Protection of and support to the victims of domestic violence by enacting mechanisms of legislative and other type of assistance	1. Introducing of the hotline in the Ministry of Interior and ensuring of uninterrupted functioning of the system; registering of the cases and filing in the computer, preparing of	The Ministry of Interior with interested NGO	From the second half of 2006

Promotion of activities for protection of victims		operators;		
		2. Creating of shelters, crisis/consultation and rehabilitation centers for the victims of domestic violence;	The Ministry of Labor, Health and Social Protection, interested NGO sector	From the first half of 2007
		3. Elaborating of suggestions on necessary expenses which should be included in the state budget for creating shelters, crisis/consultation and rehabilitation centers for the victims of domestic violence;	The Ministry of Finance, NGO sector	From 2006
		4. Providing of free anonymous medical aid for the victims of domestic violence;	The Ministry of Labor, Health and Social Protection, interested NGO sector	From 2007
		5. Enactment of mechanisms compatible with international standards for the protection of the victims of domestic violence, including rehabilitation activities of the violators in the process of investigation;	The Ministry of Interior, NGO sector	From 2007
		6. Provision of socio-economic rehabilitation of the victims of domestic violence by social agents envisaged by law;	The Ministry of Labor, Health and Social Protection, interested NGO sector	From the second half of 2006
		7. Psychological expertise of the victim, when investigating the	The Ministry of Labor, Health and Social Protection, interested NGO	

		offence. 8. Preparing the report which should be submitted to the CEDAW committee concerning problematic of family violence	sector Georgian government, the commission of gender equality, NGO sector	
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Activity Plan

Financial Security of goals and activities envisaged by the activity plan on domestic violence

Goal	Objective	Strategy	Performer	The term for implementation
1	2	3	4	5
4. To include in the state budget necessary expenses for ensuring prevention of domestic violence and combating of and support to the victims of domestic violence	Implementation of the activities aimed for combating domestic violence, protection of and support to its victims	<p>Preparing of financial suggestions and accounts on inclusion of necessary expenses in the state budget for implementing of activities envisaged by the activity plan and respectively by the law. Expenses will be aimed for</p> <ol style="list-style-type: none"> 1. Creating and functioning of social services; 2. Initiating functioning of shelters, crisis/consultation and rehabilitation centers; 3. Creating of hot-line in the Ministry of Interior; 	<p>The Ministry of Labor, Health and Social Protection, The Ministry of Finance;</p> <p>The Ministry of Labor, Health and Social Protection, The Ministry of Finance;</p> <p>The Ministry of Labor, Health and Social Protection, The Ministry of</p>	The second half of 2006

		<p>4. Registering cases in the computer;</p> <p>5. Providing anonymous emergency medical aid to the victims of domestic violence</p> <p>2. To order local government and self-government agencies to give temporary shelters to the legal entities with corresponding experience for arranging the shelters, crisis/consultation and rehabilitation centers envisaged by the paragraph 2.5b of the activity plan are set up</p>	<p>Finance;</p> <p>The Ministry of Labor, Health and Social Protection, The Ministry of Finance;</p> <p>The Ministry of Labor, Health and Social Protection, The Ministry of Finance;</p>	<p>From 2006</p>
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Activity Plan
Increasing public awareness on the problem of (domestic violence)

Goal	Objective	Strategy	Performer	The term for implementation
1	2	3	4	5
5. Creation and Development of the database on the cases of domestic violence	Elaboration of the effective mechanism for registering facts of domestic violence by emphasizing their scale, typology	1. By considering international experience elaboration of special methodology by the respective state agency in order to	The department of statistics of the Ministry of Economy, law enforcement agencies, the Ministry of Labor, Health and Social	The first half of 2006

	<p>and strategy for solving the problem</p>	<p>reveal facts of domestic violence. (The special methodology includes creation of the flexible mechanism for data collection by considering specifics of state agencies). (Preparing of questionnaires).</p> <p>2. Implementation of the elaborated methodology so that representatives of various state agencies could effectively identify facts of domestic violence</p> <p>3. Periodic submission of the data collected according to the methodology to the department of statistics</p> <p>4. Analyzing of the data, preparing of periodic reports, publishing and disseminating them by the department of statistics</p>	<p>Protection and NGO sector</p> <p>The department of statistics of the Ministry of Economy, law enforcement agencies, the Ministry of Labor, Health and Social Protection and NGO sector</p> <p>The department of statistics of the Ministry of Economy, law enforcement agencies, the Ministry of Labor, Health and Social Protection</p> <p>The department of statistics</p>	<p>The first half of 2006</p> <p>At the end of 2006</p> <p>The first report in the beginning of 2007</p>
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