



Georgia's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women, Follow-up Report for the Committee on the Elimination of Discrimination against Women

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC
and
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a non-governmental organization

Follow-up to the Concluding Observations of the Committee on the Elimination of Discrimination against Women from the 58th Session (30 June 2014 to 18 July 2014)

I. Reporting Organizations

1. **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates’ Women’s Human Rights Program has published 25 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence.
2. **Anti-Violence Network of Georgia** (AVNG) is the first organization in Georgia that has been providing comprehensive services for the victims of domestic violence since 2003. Furthermore, AVNG is the first organization that has established shelter for women and children who are victims of domestic violence. The goal of the organization is to promote the establishment of such social, legal and institutional environment in Georgia, where the right of victims of domestic violence, especially of women and children, shall be duly protected. On this stage AVNG unites 9 regional committees and 5 sub-committees throughout Georgia.¹

The organization holds meetings throughout the country with local governments on the issue of raising public awareness on the problem of domestic violence and engages them in the

¹AVNG, as UNICEF mentioned in its survey (National Survey of Knowledge, Attitude and Practice”, July, 2013), is a leading Georgian NGO working with victims of domestic violence. (For more information see: http://avng.ge/index.php?lang_id=2)

process. In addition, the organization regularly holds meetings with women's groups in regions and villages for the purpose of revealing problems. To support the implementation of the existing legislation against domestic violence, AVNG is permanently conducting trainings, both in Tbilisi and in the regions, for police officers, service inspectors, prosecutors, lawyers, judges and human rights activists. In order to ensure the systematic character and effectiveness of the above-mentioned trainings, AVNG has prepared a course, module and manual for the Police Academy. Together with the representatives of other governmental and non-governmental institutions, AVNG is the co-author of the law "On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence" which was adopted by the Parliament on 25 May 2006. Since 2007, AVNG is the author of 5 packages of legal amendments that included 22 draft laws aimed at the creation of the legislative framework enabling a successful fight against domestic violence, and effective protection of domestic violence victims. Furthermore, AVNG runs shelters for victims of domestic violence in Tbilisi and in Akhaltsikhe. AVNG was the first organization to open the shelter of this kind and nowadays, besides the State, the organization remains the only non-governmental organization that provides this service.

II. Summary

3. In its concluding observations, the Committee requested that the State party provide within two years written information on the steps taken to implement its recommendations contained in paragraphs 21 and 25.² This report focuses on the State party's steps in the last two years on the implementation of recommendations in paragraph 21:

21. **Recalling its general recommendation No. 19 on violence against women, the Committee urges the State party:**

- (a) **To take measures to prevent the growing number of murders of women by their husbands and partners and other forms of domestic violence;**

- (b) **To encourage women to report acts of sexual and domestic violence by raising awareness about the criminal nature of such acts, to ensure the effective investigation of cases of violence against women, to prosecute and punish perpetrators with sanctions commensurate with the gravity of the crime and to provide victims with adequate compensation for damages suffered;**

- (c) **To ensure that all women who are victims of violence have access to effective protection and assistance, including State-funded shelters, and to improve cooperation with relevant non-governmental organizations in this respect;**

- (d) **To prohibit and adequately sanction the practice of virginity tests carried out on women in violation of their right to privacy.**

III. Legislative Developments

4. The State party has taken some positive steps since its last review by the Committee. Several laws were amended in October 2014, including the Law "On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence." These amendments

² Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Georgia, CEDAW/C/GEO/CO/4-5, 24 July 2014, ¶ 42.

included provisions to provide for services, legal aid, and safety to victims described in Sections VII and VIII below.

5. Several other laws were amended in October 2014, including the Criminal Code, the Criminal Procedure Code, the Imprisonment Code, and the Law on Non-Custodial Punishments and Probation, among others. Specifically, the amendments to the Law on Non-Custodial Punishments and Probation provided for rehabilitation of violent attitudes and behavior in domestic violence perpetrators and establish mandatory training systems for those who are convicted or are under probation for an act related to violence in the family, as well as those against whom there is a domestic abuse protection order. These programs can provide the opportunity to avoid new acts of violence by perpetrators. Currently, the National Probation Agency is implementing the relevant activities to establish and implement the training modules.
6. The October 2014 amendment to the Criminal Code included a new crime: forced marriage, which also covers unregistered marriages. The crime can be punished by community service between 200 and 400 hours and imprisonment up to two years, and penalties increase for forced marriage of a minor to imprisonment between two to four years.
7. More recently, on 16 June 2016, the Government of Georgia approved the “Human rights action plan for 2016-2017,” which addresses combatting violence against women, including domestic violence, and measures of protection. The action plan defines protection mechanisms, explains detailed activities for State agency responsibilities, and implementation deadlines for relevant State party structures. For example, the action plan states that measures to prevent violence against women and domestic violence should be included in training programs for law enforcement offices, social workers, health care workers, and that information and educational campaigns raise public awareness on violence against women and domestic violence. The action plan also states that each relevant agency should identify a person or entity to work on domestic violence issues.
8. In addition, on 1 July 2016, a regulation for social services mechanisms entered into force under the Law “On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence.” The regulation aims to involve relevant social service representatives into mechanisms of protection for victims of violence against women. This regulation created a national referral mechanism for detecting victims of domestic violence, and protection and assistance for rehabilitation services, and it provides a procedure to coordinate systems actors. The national referral mechanisms involve both social workers and health workers in prevention plan procedures. If the referral mechanism is fully implemented, it will be an important tool for domestic violence cases and victims of domestic violence because it provides for prevention in the early stages and reinforcement of effective assistance to avoid further harmful results. The State party should be commended for adopting this regulation and strongly encouraged to fully implement the national referral mechanisms.

IV. Preventing murders of women by their husbands and partners and other forms of domestic violence

9. Although the State party has made several legislative advances in the last two years (as discussed throughout this report), the number of murders of women by their partners in Georgia has increased in recent years. In 2014, 34 women were killed by their partners.³ As a result, members of Parliament proposed amendments to the Criminal Code to criminalize femicide and increase penalties for these crimes, but the Parliament did not accept the changes and rejected the amendments in the first hearing.
10. Positive developments in preventing domestic violence include the February 2016 amendments to the Law “On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” and Local Self-Government Code.⁴ AVNG (one of the authors of this report), together with State, non-State, and municipal actors, participated in drafting these amendments, which will now allow local self-government bodies to be involved in taking measures against and participate in the prevention of domestic violence and protection and assistance to victims of violence. Systematic participation of local authorities in domestic violence measures is an important opportunity both to prevent domestic violence and to assist victims of domestic violence.
11. Further amendments are needed, however, for the prevention of domestic violence and the timely exchange of information and coordination among the authorities. For example, in some cases of domestic violence, the relevant structures have not properly evaluated risk assessments, especially in cases of psychological violence. Identifying situations of risk and prevention activities for potential victims could avoid harmful results.

V. Awareness Raising that Sexual Assault and Domestic Violence Are Crimes and Prosecuting and Punishing Perpetrators with Commensurate Sanctions

12. According to the Country Report on Human Rights Practices for 2015, generally, criminal cases of rape in Georgia can only be initiated following an official complaint by the victim.⁵ As is often the case for domestic violence, sexual assault crimes are extremely underreported, and for very similar reasons – fear of retaliation from the perpetrator, lack of confidence in law enforcement, and lack of specialized services for victims.⁶ But beyond those reasons, victims also do not report sexual violence due to social stigma and family honor – when a girl is raped, she is no longer a virgin and is often shamed in her community for losing her virginity before marriage and shamed for bringing dishonor to her family.⁷ Data collected from 2014 and 2015 indicated that, on average, there were 84 cases of sexual violence registered each year, of which about 15-25% were cases of rape.⁸ But of the registered sexual

³ Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia (“Special Rapporteur Report”), A/HRC/32/42/Add.3, 9 June 2016, ¶ 19 (citing data from the Public Defender’s Office).

⁴ Concluding observations on the combined fourth and fifth periodic reports of Georgia, Addendum, Information provided by Georgia on the follow-up to the concluding observations of the Committee, received 18 July 2016, CEDAW/C/GEO/CO/4-5/Add.1, ¶10.

⁵ U.S. State Dep’t, *Georgia 2015 Human Rights Report*, at page 36, available at <http://www.state.gov/documents/organization/253061.pdf>.

⁶ Special Rapporteur Report, *supra* note 3, ¶ 17.

⁷ *Id.*

⁸ *Id.*

violence cases, less than half were prosecuted, and only one perpetrator was prosecuted for marital rape in 2014 and 2015.⁹

VI. Ensuring the Effective Investigation of Cases of Violence Against Women

13. As noted by the Special Rapporteur on violence against women, its causes and consequences, after her visit to the State party in February 2016, an accurate estimate of the number of cases of domestic violence is not available. Statistics that have been collected are based on the number of restraining orders, which leaves the real scope of domestic violence unknown.¹⁰ Moreover, the Special Rapporteur noted that the police may be registering domestic violence cases under “family conflict,”¹¹ and thus, they remain uninvestigated.
14. There are also concerns with the speed of domestic violence investigations. Even though there are laws that can be used to prosecute offenders, domestic violence case investigations can take a long time, which renders investigations ineffective for victims and does not prevent future violence.

VII. Providing Victims with Adequate Compensation for Damages Suffered

15. To support and strengthen victims of violence, in October 2014, the Law “On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” was amended to protect domestic violence victims’ rights and enhance victim protection by defining the detailed list of victim rights. Amendments to this law also resulted in domestic violence victims receiving free legal aid from the State party under the Law on Legal Aid.
16. These amendments also identified victims of domestic violence who have the right to receive comprehensive services for damage suffered as a result of domestic violence. In particular, the amendments authorized the right for comprehensive services, including shelter, legal aid, psychological consultations, and food, if the victim has acquired the legal status as a victim of domestic violence. According to information available to AVNG, the State party has not yet developed the regulations for delivering or identifying the amount of services. AVNG continues to provide these services to victims who have not yet acquired legal status as a domestic violence victim.

VIII. Ensuring Access to Effective Protection and Assistance for Victims of Violence and Improving Coordination with Non-Governmental Organizations

17. AVNG reports that it has had positive experiences cooperating with various government agencies, including the police, social services, and others. For example, the government has provided space for 15 years for AVNG to operate a shelter (which also serves as a crisis center). This donation has also resulted in other forms of positive cooperation with local authorities, including a similar donation by the Gurjaani municipality for a shelter/crisis center for victims of domestic violence.

⁹ *Id.*

¹⁰ *Id.*, ¶12.

¹¹ *Id.*

18. Positive amendments to the Law “On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” require police to notify victims about the abuser’s release or escape from prison or the short-term custodial detention facility. The Ministry of Corrections of Georgia is required to immediately send a written notification with this information to the police district where the crime occurred, who then inform the victim about the release or escape. Conveying this information to the victim as quickly as possible is important to allow the victim to make plans for her safety.
19. Amendments to the Law also included a free telephone support system in the country. Victims of domestic violence are now provided with assistance and advice through a free, 24-hour emergency phone service that is available throughout the country. The phone service can also be used by anyone to report on cases of domestic violence.
20. Despite the positive experiences and amendments, there are further improvements that are necessary, especially with respect to victim services and protection. Under Georgian law, State party authorities and non-governmental organizations provide shelter for victims of domestic violence. There are currently eight women’s shelters for victims of domestic violence,¹² five of which are State-run shelters. According to minimum standards of providing one shelter space per 10,000 inhabitants,¹³ 450 shelter beds are needed in the country, but the number of available beds is significantly lower. The State party’s follow-up report indicated that there were only 66 beds available in the four State-run shelters listed.¹⁴
21. In addition to the shortage of beds, the State party does not have crisis centers, even though the need for them is high, especially within the country’s nine regions. AVNG’s shelters are used as crisis centers, but these three shelters are not enough to fulfill the needs of the entire country, and more crisis centers are needed.
22. Amendments to the Law “On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” provide some legal guarantees for victims of domestic violence to remain in their home. In particular, if a person does not want to use a shelter or crisis center, police can remove the perpetrator from the home for 48 hours and the court can approve a restraining order that bars the perpetrator from the home. According to the information available to AVNG, however, there are few examples of the law being used to remove the abuser from the home.

IX. Prohibiting and Adequately Sanctioning the Practice of Virginity Tests

23. The State party does not currently have a law that specifically prohibits and sanctions the practice of virginity tests. Although it stated in its follow-up report that virginity tests are covered by coercion under Article 150 of the Criminal Code of Georgia,¹⁵ it did not provide additional information on whether there had been criminal prosecutions.

¹² WAVE Report 2015: On the Role of Specialist Women’s Support Services in Europe, Table 13, *available at* http://files.wave-network.org/researchreports/WAVE_Report_2015.pdf.

¹³ *Id.*, p. 5.

¹⁴ Concluding observations on the combined fourth and fifth periodic reports of Georgia, Addendum, Information provided by Georgia on the follow-up to the concluding observations of the Committee, received 18 July 2016, CEDAW/C/GEO/CO/4-5/Add.1, ¶60.

¹⁵ *Id.*, ¶63.