



STATE RESPONSE TO GENDER-BASED VIOLENCE IN GEORGIA

LEGISLATION AND PRACTICE ANALYSIS



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

Georgian Young Lawyers' Association

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LEGISLATION AND PRACTICE ANALYSIS

Tbilisi
2024

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Report Supervisor: TAMAR ONIANI

Authors: TAMAZ KIRTAVA
MARIAM OKRUASHVILI

Interviews Conducted by: MAKHA ABULADZE

Assistants of the Authors: NIKHA AMIRANASHVILI
NINO KARALASHVILI

Editor: KHATUNA KVIRALASHVILI

Technical Editor: IRAKLI SVANIDZE

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J. Kakhidze street #15, Tbilisi, Georgia
(+995 32) 295 23 53, 293 61 01
www.gyla.ge

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CONTENTS

INTRODUCTION	6
METHODOLOGY	7
MAIN FINDINGS	9
RECOMMENDATIONS	14
1. LEGISLATION ON GENDER BASED-VIOLENCE	18
1.1. Relevant Normative Acts	18
1.1.1. Constitution	18
1.1.2. International Agreements of Georgia	19
1.2. Gender-Based Violence in the Context of Harmonization of Legislation with EU Law	22
1.2.1. Georgia’s Accession to the European Union	22
1.2.2. Directive on Combating Violence Against Women and Domestic Violence	23
1.2.3. EU-Georgia Agenda 2021-2027	23
1.3. Other Normative Acts of Georgia	24
1.3.1. Criminal Code of Georgia	24
1.3.2. Criminal Procedure Code	25
1.3.3. Code of Administrative Offenses	26
1.3.4. Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence	26
1.3.5. Law of Georgia “Penitentiary Code”	27
1.4. Subordinate Acts of Georgia	27
1.4.1. Order of the Minister of Internal Affairs of Georgia on the Approval of the Rule of Implementation of Electronic Supervision	27
1.4.2. Order of the Minister of Labor, Health and Social Protection for IDPs from the Occupied Territories of Georgia on the approval of the Minimum Standards Necessary for the Arrangement and Operation of Temporary Housing (Shelter) for Victims of Violence Against Women and/or Domestic Violence	28
1.4.3. Government Ordinance on Approval of the 2024 State Program for Social Rehabilitation and Childcare	29
1.5. Forms of Gender-Based Violence in Georgian Legislation and their Compliance with International Standards	29
1.5.1. Domestic Violence	30
1.5.2. Femicide	31
1.5.3. Physical Violence	32
1.5.4. Psychological Violence	33
1.5.5. Stalking	34
1.5.6. Sexual Violence	35
1.5.7. Forced Marriage	36

1.5.8. Genital Mutilation	38
1.5.9. Forced Abortion and Forced Sterilization	39
1.5.10. Sexual Harassment	41
1.5.11. Economic Violence	43
1.5.12. The Digital Dimension of Gender-based Violence	45
1.6. Discriminatory legislative Initiatives Encouraging Hate-motivated Violence	47
Recommendations	51
2. STATISTICS OF GENDER-BASED VIOLENCE	53
Recommendations	55
3. POLICY DOCUMENTS	56
3.1. Action Plan of Measures to be Carried out in 2022-2024 to Fight Against Violence Against Women and Domestic Violence and to Protect Victims	57
3.2. National Strategy for Human Rights Protection of Georgia (for 2022-2030) and Action Plan (for 2024-2026)	58
3.3. Policymaking on Municipal Level	61
Recommendations	63
4. PREVENTION OF GENDER-BASED VIOLENCE	64
4.1. Raising Public Awareness	64
4.1.1. Narrowing the Space of Civil Society	64
4.1.2. Normalizing Gender-Based Insults Against Female Politicians	66
4.1.3. Education	69
4.2. Increasing the Competence of Professionals and State Representatives	69
Recommendations	73
5. DETECTING AND RESPONDING TO GENDER-BASED VIOLENCE	74
5.1. Identification of Violence	74
5.2. Response of Investigative Bodies	76
5.2.1. Use of Victim Protection Measures	77
5.2.2. Investigation	82
Recommendations	83
6. PROCEEDINGS IN COURT	85
6.1. Specialized Judges, Prosecutors, Investigators	85
6.1.1. Specialized Judges	85
6.1.2. Specialized Prosecutors and Investigators	87
6.2. Court Statistics	89
6.2.1. Tbilisi City Court	89
6.2.2. Kutaisi City Court	89
6.2.3. Batumi City Court	89
6.2.4. Gori District Court	90
6.2.5. Zugdidi District Court	90
6.2.6. Rustavi City Court	90

6.2.7. Telavi District Court	92
Recommendations	93
7. EXECUTION OF PUNISHMENT AND CORRECTION OF OFFENDER'S BEHAVIOR	94
Recommendations	95
8. RECEIVING COMPENSATION BY THE VICTIM	96
8.1. Receiving Damages from the Abuser	96
8.2. Receiving Compensation from the State	96
Recommendations	99
9. VICTIM SUPPORT	100
9.1. Hot Line	100
9.2. Shelters and Crisis Centers	101
9.3. Psychosocial Support	106
9.4. Support for Rape Victims	107
9.5. Support for Child Victims	107
9.6. Support of the Victim in the Litigation Process	107
9.6.1. Legal Aid Service	108
9.6.2. Involvement of Witness and Victim Coordinator in the Process	108
Recommendations	110
10. DECISIONS ISSUED BY INTERNATIONAL BODIES TOWARDS GEORGIA	111
10.1. Decisions of the ECtHR Against Georgia	111
10.1.1. "Tkheldze" Group	111
10.1.2. Identoba and Others - Group	113
10.2. Decision of the United Nations Committee on the Elimination of All Forms of Discrimination against Women against Georgia	114
Recommendations	116
11. COVERAGE OF GENDER-BASED VIOLENCE	117
11.1. The Standards of Public Relations of Investigative Bodies Regarding the Cases of Gender-based Violence	117
11.2. The Practice of Public Relations of Investigative Bodies in Relation to Cases of Gender-based Violence	117
11.3. Media Coverage Standards for Gender-based Violence	118
11.4. Media Coverage of Gender-based Violence	119
Recommendations	120

INTRODUCTION

Gender-based violence refers to violence that is directed against a person because of their gender or violence that disproportionately affects a person of particular gender.¹

The term “gender-based violence” does not refer only to women,² although women and girls are at higher risk of gender-based violence than men.³ Thus, although the terms “gender-based violence” and “violence against women” are not synonymous, these terms are used interchangeably⁴ even in some international conventions. The UN Committee on the Elimination of All Forms of Discrimination against Women defines gender-based violence as a form of discrimination that seriously impedes women’s ability to enjoy rights and freedoms on an equal basis with men.⁵

Eliminating gender violence as a worldwide phenomenon of violence is a recognized priority for international community and a number of states.⁶ The fight against gender-based violence is an important challenge in the context of Georgia as well.

Following study examines the response system to gender-based violence in Georgia and the obstacles faced by victims of such violence. The purpose of the research is to reveal the challenges in terms of the prevention of gender-based violence, response to it, legal proceedings, punishment of the perpetrator, and support for the victim, as well as to analyze legislation and practice in this regard.

¹ European Commission, What is gender-based violence?, <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en> [05.06.2024]

² Ristik, J., Protection from gender-based violence before the European Court of Human Rights. *Journal of Liberty and International Affairs*, 2020, 74.

³ Council of Europe Convention on preventing and combating violence against women and domestic violence adopted 11.05.2011, entry into force 01.09.2017), CETS No.210, Preamble.

⁴ Ristik, J., Protection from gender-based violence before the European Court of Human Rights. *Journal of Liberty and International Affairs*, 2020, 83.

⁵ Report of United Nations Committee on the Elimination of All Forms of Discrimination against Women Session 11, 1993, 1.

⁶ Klugman, J., *Gender based violence and the law*, 2017, 1.

METHODOLOGY

The study evaluates how the forms of gender-based violence is codified in the legislation of Georgia, the mechanisms of response to violence, and their compliance with international standards. It also discusses the challenges related to the implementation of these mechanisms in practice. The purpose of the study is to comprehensively evaluate the entire chain of state responses to gender-based violence and to highlight the main challenges in terms of prevention of gender-based violence, victim protection, investigation, legal proceedings, punishment of the perpetrator, execution of the sentence, and victim support.

At the initial stage of research, a methodology and a questionnaire were created based on Eurostat and UN methodological guidelines, taking into account the Georgian context.⁷ The questionnaire also includes questions from the Washington Group on Disability Short Question Set on Functioning.⁸ Civil society organizations were informed about the research methodology during a consultation meeting.

Based on the mentioned questionnaire, 66 people were interviewed, including 20 people with experience of gender-based violence. It should be noted that the purpose of the said questionnaire was to identify problematic issues related to gender-based violence and public awareness of services for the purposes of this document, rather than to produce generalizable statistical data.

“Relevant public information was requested from public agencies. The requested public information covered the period from 2019 to February 2024. In order to request public information, 39 letters were sent to 19 state agencies/institutes. Among them, letters were sent to request court decisions related to gender-based violence from Tbilisi City Court, Batumi City Court, Kutaisi City Court, Rustavi City Court, Telavi District Court, Zugdidi District Court, and Gori District Court. It should be noted that the answers received to the applications related to the request for public information sometimes did not fully answer the question asked, and in some cases, there was no response from the responsible agency. A particular challenge was the retrieval of judicial decisions: not a single court provided decisions, citing a lack of resources to process the requested information. Therefore, in the analysis of court decisions, the study was based on the decisions made on cases conducted by GYLA in the courts and GYLA’s 2024 Criminal Cases Monitoring Report.”

In the process of preparing the research, an interview was conducted with the social worker from the state care agency and the representatives of the Office of the Public Defender of Georgia. The research methodology should have also included conducting focus groups with participation of the police officers and investigators. However, no response has been received from the Ministry of Internal Affairs of Georgia regarding the initiative related to cooperation, familiarization with the research methodology, and organization of focus groups.⁹ Therefore, the aforementioned focus groups could not be conducted.

⁷ Eurostat, Methodological manual for the EU survey on gender-based violence against women and other forms of inter-personal violence (EU-GBV), 2021, <<https://ec.europa.eu/eurostat/documents/3859598/13484289/KS-GQ-21-009-EN-N.pdf/1478786c-5fb3-fe31-d759-7bbe0e9066ad?t=1633004533458>> [04.06.2024]; UN Women, UNFPA, UNICEF, *GBV service assessment methodology, A guide on how to assess the essential services for women and girls who gave experienced gender-based violence*, 2022, <<https://asiapacific.unwomen.org/sites/default/files/2022-03/bd-Guide-on%20How-to-Assess-Essential-Services-for-GBV-survivors-s.pdf>>; [04.06.2024], Guidelines for Producing Statistics on Violence against Women— Statistical Surveys, 2014, <https://unstats.un.org/unsd/gender/docs/guidelines_statistics_vaw.pdf> [04.06.2024].

⁸ The Washington Group Short Set on Functioning (WG-SS), 2022, <<https://www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-wg-ss/>> [04.06.2024].

⁹ On April 25, 2024 media organizations and CSOs have declared that they were suspending cooperation with the

For the purposes of the research, the obligations arising from the normative acts of Georgia, including the international agreements of Georgia regarding gender based violence, were analyzed. The existing national legislation was evaluated in terms of compliance with international obligations and standards. Relevant reports of the Public Defender of Georgia, judgments of the European Court of Human Rights, reports of civil society organizations, the GREVIO baseline assessment report, and relevant literature were analyzed to identify challenges in both legislation and practice.

Based on all of the above, a research report was prepared, and relevant recommendations were developed.

government until the repeal of the law on „transparency on foreign influence. Working on this research started before the introduction of the mentioned law and the requests for focus groups with MIA were sent in February and March of 2024.

MAIN FINDINGS

Chapter 1. Legislation on Gender-Based Violence

Forms of Gender-Based Violence in Legislation

1. It should be positively noted that, for the purposes of domestic violence, the definition of a family member in the Criminal Code of Georgia and the Law on Prevention of Violence Against Women and/or Domestic Violence, Protection and Assistance to Victims of Violence includes a wide circle of persons. However, **this definition is contrary to the standard of the Istanbul Convention**, as it does not include partners who are not/have not been married and do not live/have not lived together.
2. Article 151¹ of the Criminal Code, which criminalizes stalking, **does not comply with the standard of the Istanbul Convention**. It requires the victim to significantly change their lifestyle or have a real need to do so, excessively narrowing the definition of stalking. Additionally, according to this article, the perpetrator's behavior must cause "mental suffering," which sets a higher threshold compared to the Istanbul Convention.
3. The definition of rape in the Criminal Code of Georgia **is inconsistent with the standard of the Istanbul Convention** because it is based on the component of violence instead of the absence of consent.
4. Articles 137 and 139 of the Criminal Code both criminalize acts that constitute rape. The mentioned articles differ from each other in terms of the means used by the perpetrator to suppress the will of the victim and the amount of the sanction. Such a legal arrangement **is inconsistent with the Istanbul Convention** and perpetuates the stereotype that, in order for an act to be considered "real" rape, it must be preceded by physical violence.
5. Although the Criminal Code criminalizes illegal abortion (Article 133), **the Criminal Code does not contain an explicit norm or reference to forced abortion**.
6. **The crime of "violation of human equality"** as provided for in Article 142 of the Criminal Code of Georgia is not utilized in practice. It requires a substantial violation of human rights to be recognized as completed crime, which complicates distinguishing it from crimes defined in other articles.
7. Although there is no international obligation to criminalize economic violence, it is often viewed as an effective measure in combating such violence. It is commendable that in Georgia, economic violence as a form of violence against women and domestic violence is recognized by the Law of Georgia "On the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence". However, **economic violence as a distinct crime or offense is not included in either the Criminal Code or the Code of Administrative Offenses, nor is it explicitly covered in Article 126 (Domestic Violence) of the Criminal Code of Georgia**.
8. **The definition of sexual harassment in the Labor Code of Georgia is narrower compared to the definitions found in the Law on the Elimination of All Forms of Discrimination or the Istanbul Convention**. According to the Labor Code of Georgia, an action qualifies as sexual harassment only if it creates an intimidating, hostile, humiliating, degrading, or offensive environment. It is not sufficient for the action to have the goal of creating such an environment.

Criminal Procedure Legislation

9. The legislative amendments implemented in the Criminal Procedure Code should be evaluated positively, according to which **the victim was given the right to appeal to the district (city) court the decision of the superior prosecutor to terminate the criminal prosecution**, if domestic violence provided for in Article 126¹ of the Criminal Code of Georgia or domestic crime provided for in Article 11¹ has been committed.

Subordinate Acts

10. **The amendment in the purpose of the 2024 State Program of Social Rehabilitation are unclear.** One of the goals of the 2024 program is to “provide psycho-social rehabilitation, legal and services to victims of violence against women and/or family violence, sexual violence”. In contrast, the 2023 program aimed to promote medical care for the victim. The current edition does not explicitly specify promoting medical care; instead, it uses the term “provision of care services”.
11. The 2024 State Program of Social Rehabilitation **does not specify allocation of funds exclusively for providing shelter to victims of violence against women, domestic violence, or sexual violence**
12. Despite the increase in the budget of the State Program of Social Rehabilitation, **the number of people using shelter services at the same time remains unaltered, which may indicate an irrational use of the budget.**

Draft Laws “On Family Values and Protection of Minors”

13. **The Draft Constitutional Law “On Family Values and Protection of Minors”, the Draft Law of Georgia “On Family Values and Protection of Minors” and the package of related amendments are discriminatory legislative initiatives, incompatible with the protection of human rights.** With similar initiatives, state representatives are actively promoting homophobia, biphobia and transphobia by using hateful language and spreading false information about gender and sexual orientation. **This, in turn, encourages violence, including gender-based violence.**

Chapter 2. Statistics of Gender-based violence

14. The publication of an annual unified report on the statistics of hate crimes should be positively evaluated. **However, these statistics do not contain analytics.** Variations, trends and challenges of individual aspects of statistics over time are analyzed and published by the Prosecutor’s Office of Georgia, however, the consolidated report of statistics needs to have an analytical part that contextualizes the data.

Chapter 3. Policy Documents

15. Some of the indicators included in the policy documents are too general and non-measurable, and as a result, **do not meet the SMART indicator standard.**
16. As of June 12, 2024, the annual monitoring report of the action plan of measures to be carried out in 2022-2024 to fight against violence against women and domestic violence and to protect victims has not been published on the website of the

Human Rights Secretariat, **which is a violation of the rule defined by Government Resolution 629.**

17. **The process of developing the National Human Rights Protection Strategy of Georgia (for 2022-2030) and Action Plan (for 2024-2026)** in 2022-2023 was conducted without the involvement of civil society.
18. The action plan for measures to combat violence against women and domestic violence in 2022-2024, the national strategy for the protection of human rights (2022-2030), and the subsequent action plan (2024-2026) **do not address the legal issues specifically affecting the LGBTQI+ community, despite the heightened vulnerability of LGBTQI+ individuals to gender-based violence.**

Chapter 4. Prevention of Gender-Based Violence

19. Instead of fostering cooperation, the state is actively seeking to stigmatize civil society organizations and restrict their operations through laws like the law “on Transparency of Foreign Influence” and rhetoric aimed at marginalizing civil society. **This approach appears designed to diminish the presence of civil society organizations, including those advocating for women’s rights.** Such actions can lead to violations of Article 13 of the Istanbul Convention, which pertains to the role of civil society in combating violence against women and domestic violence.
20. „Law of Georgia on Transparency of Foreign Influence” threatens **to take away crucial services to victims including those affected by the gender-based violence**, as number of them are beneficiaries of civil society.
21. Gender-based insults by the members of the parliament towards **their fellow female politicians is an established practice in the Parliament of Georgia**, which leads to the normalization of sexism in society.
22. The state provides periodic training of specialists on issues of gender-based violence. Nevertheless, it is important that in the case of teachers and lawyers, the mentioned issues **are not integrated into the educational/qualification programs necessary for entering the profession.**

Chapter 5. Revealing and Responding to Gender Based Crimes.

23. **The low referral of victims of violence to formal institutions remains a challenge**, primarily due to entrenched sexist attitudes in society, insufficient awareness of available support services, and a lack of trust in formal institutions.”
24. **The coordinated work** of medical, educational and law enforcement institutions in order to identify gender-based violence **remains a challenge**
25. **The assessment of the risks of violence, as well as the effective monitoring of the issued restraining orders and the application of adequate sanctions** with a dissuasive effect in case of their violation remains a challenge.
26. The increase in the rate of imposition of electronic surveillance in recent years should be positively evaluated,¹⁰ however, **the Ministry of Internal Affairs should**

¹⁰ According to the data of the Ministry of Internal Affairs of Georgia, electronic supervision was established in 2020 - for 6 persons; in 2021 - 15 persons; in 2022 - 18 persons; In 2023 - 104 people. Letter of the Ministry of Internal Affairs of Georgia dated March 7, 2024, MIA 7 24 00707921.

- ensure the strengthening of efforts in this regard**, including taking care to raise awareness of electronic surveillance among victims and the general public, and providing information in such a way that victims do not have unfounded fears about electronic surveillance procedures, including the maintenance of electronic equipment.
27. It should be positively assessed that in the process of criminal prosecution, progress has been made in terms of identifying the motive, nevertheless, in some cases, the mentioned issue remains a challenge.
 28. It is problematic when **a hymen examination is used to draw a conclusion as to whether or not sexual assault took place**. This practice may lead to impunity of the offender or secondary victimization of the victim.
 29. **Another challenge is the lack of female medical experts**, especially that in some regions there are none. This may lead to refusal of the examination by the victim, impossibility of conducting the examination on time or indirectly forcing the victim to undergo an examination by a medical expert of the opposite sex, which constitutes discrimination.

Chapter 6. Proceedings in Court

Specialized Judges

30. A person can try to pass the qualification exam of a judge in general or one of the specializations (criminal, administrative, civil), although the individual may be offered a judge appointment in another field, **which may have a negative impact on the effective consideration of the case**.
31. In the Criminal Law Chamber of the Tbilisi Court of Appeal, **judges are organized into narrow specialization groups where issues are grouped somewhat heterogeneously**: one group covers sexual crimes and official misconduct, another includes crimes against health, official and financial misconduct, and a third focuses on crimes against sexual freedom and inviolability, family and minors, as well as environmental crimes. **However, notably absent from the list of narrow specializations is a dedicated category for gender-based violence crimes**.

Specialized Prosecutors

32. It should be positively assessed that, compared to previous years, **references by the prosecution to the motive of intolerance on the basis of gender and the demand for strict preventive measures for the accused have increased**.

Chapter 7. Correction of the Offender's Behavior

33. Despite the steps taken to implement programs aimed at changing the behavior of those who commit gender based violence, **there is still no special program for sexual offenders**.
34. **The court can impose additional obligations on the convicted person, including the obligation to undergo a mandatory training course focused on changing violent attitudes and behavior, only during a conditional sentence**.

Chapter 8. Receipt of Compensation by the Victim

35. **The maximum amount of compensation issued by the state is defined as 10,000 (ten thousand) GEL**, which in certain cases cannot be considered as proportional compensation.

Chapter 9. Victim Support

Shelter and Crisis Center

36. **Cancellation of the mandatory requirement of victim status for placement in the shelter provided for by the state program and focusing on the assessment of the beneficiary's real needs** should be evaluated positively. However, in practice, the assessment of the mentioned needs is done with excessively strict criteria in some cases, which contradicts the purpose of the mentioned change.
37. **Beneficiaries often do not have a place to live or work after leaving the shelter.**
38. **Due to insufficient funding from the state and the scarcity of places, it is not possible to accommodate all shelterseekers in the appropriate institution**, and it is problematic to provide various services to the already accommodated persons.
39. **There is no separate shelter for men.**
40. LGBTQI+ people, especially transgender people, are at increased risk of violence and discrimination in state shelters. **The state cannot provide transgender people with shelter services tailored to their needs.**
41. In Georgia, **there are no dedicated crisis centers or shelters specifically for victims of sexual violence.** Instead, they use the same facilities as other victims, which is problematic because survivors of sexual crimes require specialized services that are not typically available in general shelters.
42. According to Geostat, Georgia's population is 3,694,600 people. **Therefore, with the standard of one crisis center per 200,000 inhabitants, the current existence of only 7 crisis centers in the country falls significantly short of meeting this benchmark.**

Chapter 10. Decisions Made by International Bodies Against Georgia

43. An analysis of the decisions of the European Court of Human Rights and the UN Committee on the Elimination of All Forms of Discrimination against Women **reveals systemic problems in the prevention, response and investigation of cases of domestic violence.**

Chapter 11. Coverage of Gender-Based Violence

44. **Gender stereotypes still exist in the media.** In particular, in some cases, the media emphasizes the victim's behavior and not the perpetrator's actions, and stories are presented with insufficient sensitivity, which often leads to secondary victimization and trivialization of violence.

RECOMMENDATIONS

Parliament of Georgia

1. Adopt appropriate legislative changes to ensure that:

- 1.1. In accordance with GREVIO's recommendation, **the definition of domestic violence should also be extended to those partners who are not/were not married and do not live/have not lived together.**
 - 1.2. **Article 151¹ of the Criminal Code should be brought into line with the Istanbul Convention**, the requirement of "mental suffering" and "significant change of lifestyle or existence of a real need" to qualify the action as stalking should be abolished.
 - 1.3. The legal definition of rape, in accordance with the standard of the Istanbul Convention, should be based on the component of consent and not on the component of violence and threats of violence.
 - 1.4. **Crimes stipulated by Articles 137 and 139 of the Criminal Law should be formulated in one article.**
 - 1.5. An article on forced abortion should be added to the Criminal Code of Georgia.
 - 1.6. Amend the Criminal Code of Georgia so that **the imposition of a mandatory education course focused on changing violent attitudes and behavior is no longer associated only with a suspended sentence**, and the court can apply it to any sentence.
 - 1.7. The definition of sexual harassment in the Labor Code of Georgia should be formulated as follows: **"Unwanted sexual conduct towards a person, which aims and/or causes damage to his dignity or creates an intimidating, hostile, humiliating, degrading or insulting environment for Person."**
 - 1.8. Development of legal mechanisms for imposing responsibility for economic violence against women and one of the forms of domestic violence.
 - 1.9. Amendments should be made to the "Election Code of Georgia", which will restore the legal arrangements regarding gender quotas existing before the adoption of the Organic Law of May 15, 2024 (document number 4158-XIVთბ-XXIII) on the amendment to the "Election Code of Georgia".
 - 1.10. Adopt changes in the legislative acts to define a reasonable, shortened time frame for the compensation procedure, so that the victim can receive the compensation in a timely manner.
2. **Reject the legislative initiatives directed against equality, encouraging hate-motivated violence:** the constitutional draft law "On family values and protection of minors" initiated on April 3, as well as the draft law "On family values and protection of minors" announced on June 4 and the package of related legislative amendments.
 3. **Take measures to eliminate derogatory language and gender-based insults against women politicians in Parliament**, including through the development and application of appropriate disciplinary sanctions.

Permanent Parliamentary Gender Equality Council:

4. Ensure members attend council meetings.
5. Ensure use of monitoring mechanisms, such as issuing recommendations and monitoring their implementation.

The Government of Georgia:

6. **Strengthen efforts to implement general and individual measures determined by the Committee of Ministers based on decisions of the European Court of Human Rights.**
7. **Increase the funding of shelters** to increase the number of shelters and provide different services to the beneficiaries. In particular, shelters should be built separately for women and men, as well as for rape victims.
8. **Policy documents should be based on the situation assessment document**, which will be publicly published, in accordance with the rules defined by Government ordinance 629.
9. **Gender and social inclusion perspectives should be considered in the process of developing policy documents.**
10. **Ensure substantial involvement of civil society in the process of policy development**
11. **Indicators of the activity results of the action plans should be established in such a way as to meet the SMART standard defined by the annexes of the government ordinance 629.**
12. **Policy documents should address the issues of protecting the rights of the LGBTQI+ community, including the protection of LGBTQI+ people from gender-based violence.**
13. **Monitoring reports of policy documents should be publicly published**, in accordance with the rules defined by Government ordinance 629.

To the Parliament of Georgia and the Government of Georgia:

14. **Stop narrowing the space of civil society organizations**, refrain from such legislative initiatives and anti-civil society rhetoric. The state should cooperate with civil society organizations in accordance with Article 13 of the Istanbul Convention.

Representatives of the Legislative and Executive Authorities:

15. **Stop spreading hateful rhetoric, including homophobic, transphobic and biphobic narratives.**

Ministry of Education, Science and Youth:

16. **Ensure that gender-based violence issues are more effectively and comprehensively integrated into general education**, including through the strengthening of comprehensive sexuality education CSE in schools.
17. **Ensure teachers' awareness of gender equality and gender-based violence**, including by integrating these issues into teacher education and training programs.

The Ministry of Education and Science of Georgia and Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia:

18. **Establish tailored SOPs(Special Operating Procedures) for collaboration** between educational and health institutions to identify and respond effectively to gender-based violence, ensuring a coordinated approach.
19. **Continuously improve awareness and skills** among employees of educational and medical institutions in recognizing and responding to gender-based violence.

Ministry of Justice of Georgia:

20. **Ensure the implementation of special programs for persons convicted of sexual crimes**, in order to prevent the repetition of the crime, in accordance with Article 16, paragraph 2 of the Istanbul Convention.

Ministry of Internal Affairs of Georgia:

21. Provide information to the public regarding the issue of insurance for electronic surveillance devices so that fear of financial liability arising from damage to the device does not cause victims to refuse electronic surveillance.

Prosecutor's Office of Georgia:

22. Provide training for more female prosecutors to specialize in "combating domestic violence and family crime" and "crimes motivated by intolerance".
23. **Ensure continuous education and training of prosecutors.**

The Ministry of Internal Affairs of Georgia and the Prosecutor's Office of Georgia:

24. Provide continuing education for investigators and prosecutors regarding gender profiling when investigating gender-based crimes.
25. Rejection of the practice when, as a result of the examination of the hymen, a conclusion is drawn as to whether the act of rape actually took place or not.
26. Ensure the active, effective work of the **witness and victim coordinator**.
27. **Provide training courses for witness and victim coordinator.**

Recommendations of the High Council of Justice of Georgia:

28. **The narrow specialization of judges should be supplemented with the specialization of gender-based violence.**
29. **Redistribute specialization thematically.** In particular, the crime of gender-based violence (taking into account all forms of violence) and family crimes should be established as a separate specialization.

General Courts:

30. **Ensure compliance of judicial practice with respect to the European Convention on Human Rights.**
31. **Ensure that efforts to produce statistics on gender-based violence are strengthened.**

Justice and Investigative Bodies:

32. Ensure accessibility of infrastructure and services for persons with disabilities.

The Supreme Court of Georgia, the Prosecutor's Office of Georgia, the Ministry of Internal Affairs of Georgia, the Special Investigation Service of Georgia, and the National Statistical Service of Georgia:

33. **An analytical section should be added to the unified report on the statistics of the crime of intolerance based on discrimination, which will assess the main trends, the reasons for the existing statistics, challenges, and future goals.** The creation of such

an analytical document and its sharing with Geostat should be defined as an obligation, not an authority, of the parties to the Memorandum of Cooperation on the production of statistics and the issuance of a unified report on crimes committed on the grounds of discrimination based on intolerance.

National Forensics Bureau:

34. To ensure the employment of more female medical experts and their distribution in the regions.

Georgian Bar Association:

35. **Continuously take care of raising the qualifications of lawyers**, including by integrating issues of gender equality and gender-based violence in the theoretical part of the adaptation program.

Municipalities:

36. Ensure that Gender Equality Policies are based on evidence, local research and evaluation of previous policy documents.
37. Ensure involvement of public in policymaking.
38. Continuously take care of awareness raising and training of the employees of the Municipality and Gender Equality Council members.
39. Ensure the Gender Equality Councils have monitoring powers, including the authority to conduct thematic inquiries.

Gender Equality Councils of Municipalities:

40. Ensure members attend council meetings.
41. Ensure the public availability of the minutes of the Gender Equality Council meetings. Ensure Publicity and accessibility of the minutes of Gender Equality Council.

Journalists and other media representatives:

42. To disseminate accurate information on cases of violence against women, gender-based violence.
43. To take into account the gender aspect when reporting the news.
44. **Protecting the anonymity of victims of violence** (not disclosing information that can identify them).
45. **There should be no focus on a woman's physical appearance or dress, even in a neutral context.**
46. **When reporting cases of femicide, such crimes cannot be justified and/or defended in any way;**
47. **Content should not include how a specific behavior or event "caused" the violence;**
48. **Consider the broader context beyond individual cases and include statistics on gender-based violence in reporting;** Statistics should be accurate and relevant (also, it should be recognized that many cases of violence against women are not reported to the police).

1. LEGISLATION ON GENDER BASED-VIOLENCE

The fight againstCombating gender-based violence against women and domestic violence, as well as the prevention of violence and the protection of victims, is an internationally recognized obligation of the Georgian and is also an issue stipulated by domestic national legislation and various policy documents.¹¹

1.1. Relevant Normative Acts

ormative acts are divided into legislative and subordinate normative acts. Constitutional agreements and international agreements and treaties of Georgia are also normative acts of Georgia. Below is the Georgian legislation and relevant international legal sources on gender-based violence as of March 2024.

1.1.1. Constitution

Universally recognized human rights and freedoms are protected in Chapter 2 of the Constitution of Georgia. Article 11 of the Constitution of Georgia is a provision confirming **equality as a structural principle of human rights law**, according to which,

“All persons are equal before the law. Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited.”¹²

Paragraph 3 of Article 11 of the Constitution of Georgia, under the conditions of its conscientious interpretation, can be considered as aiming to declare the so-called politics of **transformative equality**.¹³

“The State shall provide equal rights and opportunities for men and women. The State shall take special measures to ensure the substantive equality of men and women and to eliminate inequality.”¹⁴

According to the explanation of the Constitutional Court of Georgia, “with this mechanism, the Constitution goes beyond the narrow idea of equality before the law, recognizes and acknowledges the need to achieve equal realization of the abilities of members of society, and requires the state to take special measures.”¹⁵

¹¹ Public consultations and their importance, 2022-2024 action plan.

¹² Constitution of Georgia, Article 11.1.

¹³ See: Oniani, T., The standard and challenges of verifying the right to equality - according to the practice of the Constitutional Court of Georgia, Ivane Javakishvili Tbilisi State University of Law Doctoral Program, first seminar paper, 2023, 13, note Dinah Shelton (ed), The Oxford Handbook on International Human Rights Law, (Oxford University Press, 2015), 430. Transformative equality policy is recognized by the EU as a mechanism to strive to ensure equality for particularly vulnerable groups. Unlike the concept of ‘equality of outcomes’, which offers certain ‘privileges’ to individuals, transformative equality aims to improve the position of vulnerable groups in general by changing the way existing social structures and institution’s function.

¹⁴ Constitution of Georgia, Article 11.3. It is significant that, based on the above-mentioned norm of the Constitution of Georgia, the Parliament of Georgia developed a resolution in which it noted the inequality of access to resources for women, the need to improve social policy, stereotypical attitudes related to professions, the gender wage gap, including as a result of structural discrimination, and separate financial inequalities caused by this difference and Other structural barriers. (See the resolution of the Parliament of Georgia of March 23, 2023 on the approval of the «State Concept of Women’s Economic Empowerment».).

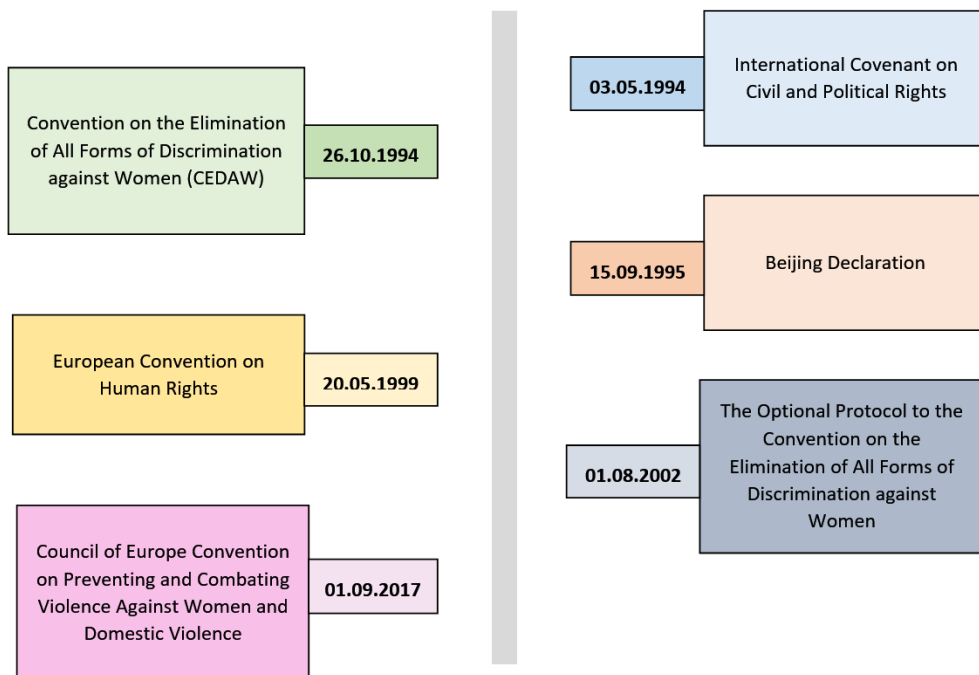
¹⁵ Decision N3/3/1526 of the Constitutional Court of Georgia dated September 25, 2020, in the case of Citizens’ Political Union “New Political Center”, Herman Sabo, Zurab Girchi Japaridze and Ana Chikovani against the Parliament of Georgia.

1.1.2. International Agreements of Georgia

Gender-based violence against women is regulated by various international agreements,¹⁶ which ensure effective cooperation among states in the process of developing and adopting national legislation that not only recognizes gender aspects but also incorporates specific measures to address gender and violence.¹⁷ International agreements serve as a source of international law,¹⁸ obligating high contracting states to take measures to fulfill the stipulated obligations. In particular, this includes ensuring the creation of effective legal guarantees for the protection of individuals from gender-based violence, both through legislation and practical mechanisms.

After gaining independence, in the 90s of the last century, the Georgian government took attention to bringing the country's national legislation in line with international standards in terms of gender equality.¹⁹ Georgia has signed international acts aimed at combating structural violence against women.

Chronology of International Agreements Ratified by Georgia



The above-mentioned international acts are discussed below.

¹⁶ Johansson, F., Femicide as a Form of Gender-Based Violence Against Women in International Human Rights Law, Critique of Current Regulation and Suggestions for Future Development, Fanny, 2021, 1.

¹⁷ Ibid 39.

¹⁸ STATUTE OF THE INTERNATIONAL COURT OF JUSTICE, Article 38.1.

¹⁹ Todua N., General part of criminal law textbook (fourth edition), collective of authors, 2019, 501.

1.1.2.1. *International Covenant on Civil and Political Rights*

In 1994, Georgia became a contracting state of the International Covenant on Civil and Political Rights (hereinafter ICCPR). The ICCPR prohibits discrimination²⁰ on the basis of sex and requires States Parties to:

“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”²¹

The present Covenant protects the right to life²² and prohibits torture, cruel, inhuman or degrading treatment or punishment.²³ The obligation to protect life obliges the state party to the Covenant to take special measures for vulnerable groups, including victims of domestic and gender-based violence,²⁴ and the prohibition of “inhuman or degrading treatment” includes the prohibition of violence against women.²⁵

1.1.2.2. *Convention on the Elimination of All Forms of Discrimination against Women*

In 1994, Georgia became a contracting state of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW). The General Assembly adopted CEDAW in 1979, but it entered into force in 1981. According to the mentioned convention, the high contracting states have decided to implement the principles provided for in the Declaration on the Elimination of Discrimination against Women and, for this purpose, to take the necessary measures to eliminate all forms and manifestations of discrimination.²⁶

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) was established to review the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.²⁷ Member states of the Convention are required to submit reports on their fulfillment of the provisions stipulated by the Convention.²⁸ The CEDAW Committee then prepares a report with proposals, general recommendations, and observations, if any.²⁹ **In 1992, at its 11th session, the CEDAW Committee adopted General Recommendation 19, which defines gender-based violence as a form of discrimination against women.**³⁰ It is significant that the CEDAW Committee issues recommendations on issues that member states should focus more on. In 2002, Georgia became a contracting state of the Optional Protocol to the Convention. This document primarily addresses how

²⁰ International Covenant on Civil and Political Rights. Article 2, Section 1, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [30.06.2024]

²¹ Ibid art 3.

²² Ibid art 6 section 1.

²³ Ibid art 7, sec 1.

²⁴ CCPR/C/GC/36,2019,<<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-36-article-6-right-life>> , [13.05.2023].

²⁵ Klugman, J., Gender based violence and the law, 2017, 7.

²⁶ Convention on the Elimination of All Forms of Discrimination against Women. Preamble <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> [30.06.2024]

²⁷ Ibid, art 17, sec 1.

²⁸ Ibid., Article 18, Part 1.

²⁹ Ibid, art 21, sec 1.

³⁰ General recommendation of the Committee on the Elimination of Discrimination against Women 19, 1992.

information is provided to the CEDAW Committee and how the Committee reviews this information.³¹

1.1.2.3. Beijing Declaration and Platform for Action

The Beijing Declaration and Platform for Action (BPfA) was adopted at the Fourth World Conference on Women in 1995. Georgia was one of the states present at the mentioned conference. The Beijing Declaration outlines provisions on violence against women.

*“Violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.*³²

1.1.2.4. European Convention on Human Rights

On May 20, 1999, **Georgia ratified the European Convention on Human Rights.**³³ As of today, 46 states are members of the Council of Europe and the European Convention on Human Rights.³⁴

The European Court of Human Rights (ECtHR)³⁵ was established to ensure that contracting states fulfill their obligations under the European Convention on Human Rights and its Protocols, with its seat in Strasbourg.³⁶ The ECtHR can be viewed as an instrument of European public order.³⁷ Its jurisprudence has played a crucial role in establishing and reinforcing the international framework against violence against women.³⁸ The principle of non-discrimination based on sex and gender is guaranteed by Article 14 and Additional Protocol 12 of the European Convention on Human Rights. Furthermore, in cases of gender-based violence, the ECtHR has used Articles 2 (right to life) and 3 (prohibition of torture) of the European Convention in its practice .

1.1.2.5. The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, aims to prevent violence against women, protect victims, and prosecute perpetrators. Georgia became a contracting state of the Istanbul Convention in 2017. **This convention obligates member states, including Georgia, to ensure the protection of women and girls from violence, prevent crimes, respond promptly, punish perpetrators, and compensate victims in accordance with established standards.**³⁹

³¹ Additional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, <<https://matsne.gov.ge/ka/document/view/3860268?publication=0>>, [27.04.2023]

³² Beijing Declaration and Platform for Action, 1995, para 112

³³ European Convention on Human Rights, (date of adoption: 27.04.1999, entered into force on 20.05.1990)

³⁴ <<https://www.coe.int/en/web/portal/46-members-states>> [27.04.2024]

³⁵ European Convention on Human Rights, art 19 (date of adoption: 27.04.1999, entered into force on 20.05.1990)

³⁶ Rules of Court of the European Court of Human Rights, 22.01.2024, Rule 19

³⁷ The decision of the European Court of Human Rights of March 23, 1995 in the case of Loizidou v. Turkey, para 93

³⁸ Gasimova K.D., Guideline on Gender-Sensitive Approach for Adjudicating Gender-Based Violence Cases, 1.

³⁹ JALAGHANIA L., Gender Equality in Georgia: BARRIERS AND RECOMMENDATIONS, 43.

Based on the Istanbul Convention, a group of experts known as **GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence)** was created to monitor the implementation of the convention by member states.⁴⁰ GREVIO prepares a questionnaire for states to submit a report to the Secretary General of the Council of Europe.⁴¹ GREVIO, in turn, prepares a report and conclusions on the measures taken by the relevant party to fulfill the provisions of the convention.⁴² This document is subsequently submitted to the National Parliament.⁴³

1.2. Gender-Based Violence in the Context of Harmonization of Legislation with EU Law

1.2.1. Georgia's Accession to the European Union

On March 3, 2022, Georgia submitted an application to join the European Union, and on June 17 of the same year, the conclusion of the European Commission was published, which determined 12 the state must complete to obtain candidate status.⁴⁴ One of them, in particular, is the 9th priority:

“Strengthen efforts to promote gender equality and combat violence against women.”

In the report of November 8, 2023, the European Commission considered Georgia's 9th priority fulfilled, since, from their point of view, the Parliament of Georgia, in the inclusive process, adopted a package of bills related to compliance with the Istanbul Convention, approved the state concept of women's economic empowerment, and extended the validity of gender quotas in the Parliament until the 2032 elections.⁴⁵ **However, on April 4, 2024, the Parliament of Georgia adopted amendments to the Election Code of Georgia and abolished gender quotas,⁴⁶ which represents a setback in relation to the 9th priority.**

Also, the European Commission noted that the response to gender-based violence at the institutional level is well-defined and effective, although protective measures, survivor support services and asylum assistance issues need to be improved.⁴⁷

In addition, **the European Commission defined 9 priorities for Georgia to fulfill:**

“Improving human rights standards, including by adopting an ambitious human rights strategy and ensuring freedom of assembly and expression. Initiate impartial, effective and timely investigations and hold the organizers/perpetrators of violence accountable for threats against vulnerable groups, media professionals and civil activists. Holding

⁴⁰ The Council of Europe Convention on preventing and combating violence against women and domestic violence (Date of adoption: 11.05.2011, entered into force 01.09.2017), CETS No. 210, Article 66.1.

⁴¹ Ibid art 68.1

⁴² Ibid art 68.10

⁴³ Ibid art 70.2

⁴⁴ <<https://www.consilium.europa.eu/en/policies/enlargement/georgia/>>, [27.04.2023].

⁴⁵ COMMISSION STAFF WORKING DOCUMENT Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy, SWD(2023) 697 final, 8.11.2023, 11.

⁴⁶ <<https://parliament.ge/legislation/28439>>, [27.04.2023]

⁴⁷ COMMISSION STAFF WORKING DOCUMENT Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy, SWD(2023) 697 final, 8.11.2023, 8.

*consultations with civil society, ensuring their involvement in the law-making and policy-making process, and ensuring their freedom to work.*⁴⁸

The European Commission recommends the state to improve the standard of human rights protection. Gender-based violence significantly violates human rights, and to eliminate it, it is necessary to improve the standard of human rights protection. Accordingly, the mentioned recommendation also explicitly considers the issue of eliminating gender-based violence.

1.2.2. Directive on Combating Violence Against Women and Domestic Violence

On March 8, 2022, the European Commission initiated a directive on combating violence against women and domestic violence. This document will be the first EU act to directly address the above-mentioned type of violence. Although there are various acts in the EU legislation dealing with gender-based violence, many studies show that only a comprehensive approach, targeting all components of the problem in one act, can effectively contribute to the elimination of violence against women and domestic violence.⁴⁹ In February 2024, EU bodies reached an agreement on rules for the protection of victims of gender-based and domestic violence, especially women,⁵⁰ and on 14 May 2024, the European Parliament adopted **Directive (EU) 2024/1385**, according to which:

Violence against women and domestic violence is a violation of such fundamental rights as human dignity, right to life and integrity of person, prohibition of inhuman or degrading treatment or punishment, right to respect for private and family life, right to freedom and security, right to protection of personal data, right to non-discrimination, including gender.⁵¹

1.2.3. EU-Georgia Agenda 2021-2027

On August 22, 2022, the Association Council recommended the parties to implement the **EU-Georgia Agenda 2021-2027**. This document provides provisions related to gender-based violence. In particular, it indicates the state to continue to advance for the implementation of the Istanbul Convention; to improve preventive measures, investigation and victim support-rehabilitation. Also, in order to strengthen the implementation of legislation against gender-based violence, provide awareness raising for the general population, specific professional groups and increase victims' access to relevant services.

⁴⁸ <https://www.eeas.europa.eu/delegations/georgia/2023-communication-eu-enlargement-policy-extract-about-georgia_en>, [27.04.2023].

⁴⁹ Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence, COM/2022/105 final.

⁵⁰ <<https://www.europarl.europa.eu/news/en/press-room/20240205IPR17412/first-ever-eu-rules-on-combating-violence-against-women-deal-reached>>, [27.04.2023]

⁵¹ DIRECTIVE (EU) 2024/1385 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence, 14.05.2024. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401385&qid=1718280590328#d1e899-1-1>, [13.06.2023]

1.3. Other Normative Acts of Georgia

1.3.1. Criminal Code of Georgia

Article 53¹ of the Criminal Code of Georgia establishes **the aggravating circumstances of punishment:**

“Commission of crime on the basis of race, skin colour, language, sex, sexual orientation, gender, gender identity, age, religion, political or other views, disability, citizenship, national, ethnic or social affiliation, origin, property or birth status, place of residence or other signs of discrimination with the reason of intolerance shall be an aggravating factor for liability for all respective crimes.”⁵²

The list of discriminatory circumstances in the mentioned norm is not exhaustive, allowing for broad application of the article.⁵³ Notably, the terms “gender” and “gender identity” are explicitly mentioned in the article. Accordingly, committing any crime specified in the private part of the Criminal Code on the grounds of gender intolerance constitutes an aggravating circumstance of responsibility.⁵⁴

If there was violence against a woman, the investigation should start from the point of view of whether a crime was committed on the basis of gender discrimination. Determining the motive for committing a crime has a preventive effect and is often a necessary prerequisite for the correct qualification of a crime. Article 53¹ of the Criminal Code of Georgia obliges the court to take into account the motive and purpose of the crime when imposing a sentence.⁵⁵

In addition to the reservation on the aggravating circumstances of the punishment made in Article 53¹, the text of some of the norms provided by the Criminal Code of Georgia provides for the **aggravating circumstances based on gender**. these are:

- *Intentional killing under aggravating circumstances (Article 109);*
- *Incitement to suicide (Article 115);*
- *Intentional infliction of serious harm to health (Article 117);*

In addition, **Article 142 of the Criminal Code of Georgia stipulates the violation of human equality as a crime.**

Violation of human equality on the grounds of language, sex, age, nationality, origin, birthplace, place of residence, material or rank status, religion or belief, social belonging, profession, marital status, health status, sexual orientation, gender identity and expression, political or other views or of any other signs that have substantially breached human rights.

⁵² Criminal Law Code of Georgia art 53¹.

⁵³ Todua N., General part of criminal law textbook (fourth edition), authors collective, 2019, 593.

⁵⁴ Office of the Public Defender of Georgia, Analysis of cases of femicide and attempted femicide in 2021, 2023, 29.

⁵⁵ Gyla's Criminal Justice Process Monitoring Report in Tbilisi, Kutaisi, Batumi, Gori and Telavi Courts Monitoring Report #12 Monitoring Period: February 2017 - February 2018 Tbilisi, 2018, 55;

Report of the UN Special Rapporteur UN Doc. A/HRC/23/49 (May 14, 2013), §73; also IACtHR, Case of Gonzalez et al. (“Cotton Field”) v. Mexico, Decision of November 16, 2009, §455; See: Dekanosidze, T. Verdicts of femicide cases 2014, GYLA research, Tbilisi, 2016, 18-19. Also, see: Council of Europe Convention (Istanbul Convention) on combating and preventing violence against women and domestic violence, 11.05.2011, Istanbul, Article: 3 (a); See: Dekanosidze, T. Verdicts of femicide cases 2014, Gyla research, Tbilisi, 2016, 35.

The object of criminal protection against this crime is human freedom and equality.⁵⁶ A crime can be committed both by action and inaction, and there must be a substantial violation of a person's rights who is known to have committed this crime. The subjective element of this crime is intent, which can be either direct⁵⁷ or indirect.⁵⁸ It should be noted that this article is not applied in practice, as confirmed by statistics from the Ministry of Foreign Affairs of Georgia. Specifically, no crimes were registered under Article 142 in 2023,⁵⁹ and the statistics for 2022 and 2021 from the Ministry of Internal Affairs also show no registered crimes under this article.⁶⁰

1.3.2. Criminal Procedure Code

In relation to gender-based violence, it is relevant to consider the special provisions provided by the Criminal Procedure Code (hereinafter CPC).

Appealing the prosecutor's decision on termination of investigation and criminal prosecution

According to Article 106.1 of the CPC, the victim has the right to appeal the decision of the prosecutor on termination of the investigation and/or criminal prosecution to the superior prosecutor. The prosecutor's decision is final and cannot be appealed, although there are exceptions, when the victim has the right to appeal the prosecutor's decision in the district (city) court depending on the place of investigation, including,⁶¹ if domestic violence stipulated by Article 126¹ of the Criminal Code of Georgia has been committed; Family crime under Article 11¹ of the Criminal Code of Georgia;⁶²

Ordering of a preventive measure

It should be emphasized that Article 199, Part 3 of the Criminal Procedure Code of Georgia addresses the appointment of preventive measures for violence against women and/or domestic violence or allegations of family crime. This amendment to the CPC was introduced to enhance the fight against domestic violence and family crimes.⁶³ The norm specifies that, in addition to considering restraining measures, the court prioritizes the obligation to confiscate weapons from the accused and/or prohibit them from entering certain places and

⁵⁶ Todua N., Manual of the private part of criminal law (fourth edition) Collective of authors, 2011, 197.

⁵⁷ **Direct intention** - the person was aware of the illegality of his action, considered the possibility of an illegal result and wanted this result, or considered the inevitability of such a result. (Criminal Code of Georgia, Article 9, Part 2).

⁵⁸ **Indirect intention** - an action is committed with indirect intention if the person was aware of the illegality of his action, considered the possibility of an illegal result and did not want this result, but consciously allowed or was indifferent to its occurrence. (Criminal Code of Georgia, Article 9, Part 3).

⁵⁹ Statistics of registered crimes of the Ministry of Internal Affairs of Georgia 2023, 2, <<https://info.police.ge/uploads/65ba233e8609a.pdf>>, [27.04.2023].

⁶⁰ Statistics of registered crimes of the Ministry of Internal Affairs of Georgia 2022, 2, <<https://info.police.ge/uploads/65ba233e8609a.pdf>>, [27.04.2023].

⁶¹ Criminal Procedure Code of Georgia, Article 106, Section 11.

⁶² For the purposes of this article, a family crime means a crime committed by one family member against another family member in accordance with Articles 109, 115, 117, 118, 120, 126, 1331, 1332, 137-141 of this Code. E, 143-e, 144-e-1443, 149-e-1511, 160-e, 171-e, 187-e, 253-e-255¹, 381¹ and 381¹ for committing the crime. Criminal liability for family crime is determined by the relevant article of the Criminal Code of Georgia mentioned in this article, with reference to this article.

⁶³ Explanatory card on the draft law of Georgia "On Amendments to the Criminal Procedure Code of Georgia", 1, <<https://info.parliament.ge/file/1/BillReviewContent/177583>>, [27.04.2023].

approaching the victim.⁶⁴ Given the importance of this issue, it is necessary to emphasize in the Code that the court should prioritize the confiscation of weapons from individuals accused of such crimes.⁶⁵

1.3.3. Code of Administrative Offenses

The Code of Administrative Offenses of Georgia (hereinafter referred to as the CAO) establishes the basis for administrative arrest of a person when an administrative offense has been committed and other measures of influence have been exhausted to prevent it.⁶⁶ Also, the mentioned code states that in case of violence against women and/or domestic violence, the internal affairs authorities have the right to administrative detention.⁶⁷

In addition, Article 166¹ of the CAO provides for sexual harassment as one form of administrative offense:

Sexual harassment - unwanted sexual behavior⁶⁸ towards a person in public places, which aims and/or causes damage to his dignity and creates an intimidating, hostile, humiliating, degrading or insulting environment for him.⁶⁹

1.3.4. Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence

In 2006, the Parliament of Georgia adopted a special law “ Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence “, which is a fundamental step in the fight against violence on the part of the state. After Georgia ratified the Istanbul Convention in 2017, the scope of the law on “domestic violence” was expanded and cases of violence against women in general were defined as its protected area. The name of the law was changed to the Law of Georgia “On Violence against Women and Domestic Violence”.⁷⁰

The above-mentioned law defines the set of actions characteristic of violence against women and/or domestic violence in public or private life, the legal and organizational bases for the detection and prevention of violence, as well as the guarantees of social and legal protection and assistance for victims.⁷¹ Its purpose is to ensure legal equality and protection of all family members, especially women, by establishing mechanisms for prevention and elimination of domestic violence. It emphasizes the importance of cooperation between institutions, access to justice for victims, rehabilitation, support and behavior change of the perpetrator.⁷²

⁶⁴ Criminal Procedure Code of Georgia, Article 199, Part 3.

⁶⁵ Explanatory card on the draft law of Georgia “On Amendments to the Criminal Procedure Code of Georgia”, 1, <https://info.parliament.ge/file/1/BillReviewContent/177583> , [27.04.2023]

⁶⁶ Code of Administrative Offenses of Georgia, Article 244, Part 1.

⁶⁷ Ibid.

⁶⁸ **Conduct of a sexual nature** - for the purposes of the Code of Administrative Offenses, conduct of a sexual nature is defined as saying and/or addressing sexual phrases, showing genitals and/or any other non-verbal physical behavior of a sexual nature. (Note to Article 161¹ of the Code of Administrative Offenses of Georgia).

⁶⁹ Article 161¹, Part 1 of the Code of Administrative Offenses of Georgia.

⁷⁰ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)2022, 9.

⁷¹ on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence art 1 part 1

⁷² Ibid art 2.

In addition, the law establishes the cases of using criminal, civil and administrative legal mechanisms to detect and prevent violence against women and/or domestic violence, thereby effectively referring to other normative acts of Georgia.

- *Criminal justice mechanisms - the fact of violence against women and/or domestic violence contains signs of a criminal offense.*
- *Civil legal mechanisms - to compensate the damages caused as a result of violence against women and/or domestic violence in the manner established by the civil legislation of Georgia.*
- *Administrative-legal mechanisms - by issuing a restraining order/protective order, as well as in the case when the nature of the offense, in accordance with the legislation of Georgia, does not lead to criminal liability and it can be prevented using the norms of the Code of Administrative Offenses of Georgia.*⁷³

1.3.5. Law of Georgia “Penitentiary Code”

On December 15, 2023, the Parliament of Georgia adopted the penitentiary Code. The Code, as well as the Prison Code effective before its adoption, imposes certain restrictions on persons accused/convicted of violence against women and/or domestic violence, in particular, based on the victim’s written appeal, they are restricted from correspondence,⁷⁴ telephone conversations⁷⁵ and/or sending parcels to the victim.⁷⁶

In addition, the mentioned code obliges the penitentiary institution to immediately notify the Ministry of Internal Affairs of Georgia of the release, escape, short-term exit from the penitentiary institution of a person convicted of violence against women and/or domestic violence, preparation for release and exit from the prison.⁷⁷

In order to rehabilitate a person who has committed a family crime, special penitentiary service organizes mandatory training courses focused on changing violent attitudes and behavior.⁷⁸

1.4. Subordinate Acts of Georgia

1.4.1. Order of the Minister of Internal Affairs of Georgia on the Approval of the Rule of Implementation of Electronic Supervision

Order No. 126 of the Minister of Internal Affairs of Georgia dated August 26, 2020 regulates the procedure for the implementation of electronic surveillance, the technical characteristics of the electronic means and the procedure for its operation, as provided by the law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence “.⁷⁹

⁷³ Ibid, art 9.

⁷⁴ Penitentiary Code of Georgia art 115 part 3

⁷⁵ Ibid art 116, part 11.

⁷⁶ Ibid art 117, part 2.

⁷⁷ Ibid art 93, part 6.

⁷⁸ Ibid 137 art part 9.

It should be noted that the mentioned training course consists of 25 sessions, delivery to the beneficiaries is carried out once a week and the duration of the course is, on average, 6 months. (Letter of the Ministry of Justice of Georgia dated March 25, 2024, No. 3526).

⁷⁹ The order of the Minister of Internal Affairs of Georgia on the approval of the rules for the implementation of electronic surveillance, August 26, 2020, Article 1.

*The present act provides for attaching an electronic bracelet to the victim's lower limb (shin), however, if due to objective circumstances, it is impossible to attach an electronic bracelet to the victim's lower limb, then it is attached to the victim's wrist.*⁸⁰

On the other hand, the victim also has a receiver device that calculates the distance between him and the abuser, and if the abuser approaches, notifies the victim with an alarm signal.⁸¹

1.4.2. Order of the Minister of Labor, Health and Social Protection for IDPs from the Occupied Territories of Georgia on the approval of the Minimum Standards Necessary for the Arrangement and Operation of Temporary Housing (Shelter) for Victims of Violence Against Women and/or Domestic Violence

Order No. 50/N of the Minister of IDPs, Labor, Health and Social Protection from the Occupied Territories of Georgia of July 11, 2023 regulates the minimum standards for the arrangement and functioning (services) of temporary housing (shelter) for victims of violence against women and/or domestic violence. This ministerial order defines asylum as follows:

“Temporary residence of victims or place of temporary (round-the-clock) placement of victims in the system of the Ministry of Labor, Health and Social Protection and/or non-commercial (non-commercial) legal entity, which provides psychological-social assistance/rehabilitation of victims, legal assistance, medical assistance and protection.”⁸²

Thus, the purpose of the shelter is to protect the rights and legal interests of persons, prevent re-victimization⁸³ and secondary victimization,⁸⁴ and promote their integration into society.⁸⁵ Services in the shelter are provided 24 hours a day.⁸⁶ No later than 10 days after a person is admitted to the shelter, taking into account his needs and with his participation/involvement, the shelter establishes an individual service plan/case management plan for the user,⁸⁷ which is reviewed at least once every 6 months or according to the identified need.⁸⁸

⁸⁰ Also, Article 6.1, it is significant that as of 2024, 350 electronic means are credited to the balance sheet of the Ministry of Internal Affairs of Georgia. Letter of the Ministry of Internal Affairs of Georgia dated March 7, 2024, MIA 7 24 00707921.

⁸¹ Ibid art 8, part 1.

⁸² Order of the Minister of Health of Georgia of July 11, 2023 on the approval of the minimum standards necessary for the arrangement and operation of a temporary residence (shelter) for victims of violence against women and/or domestic violence, Article 2, Part 1.

⁸³ **Re-victimization - a situation where the same person experiences more than one criminal incident over a period of time** (see https://www.veritaszim.net/sites/veritas_d/files/UNODC%20Model%20Law%20on%20Trafficking%20in%20Persons.pdf)

⁸⁴ Secondary victimization - repeated possible harm to the victim as a result of his participation in the justice process. (see https://eige.europa.eu/publications-resources/thesaurus/terms/1248?language_content_entity=en#:~:text=Secondary%20victimisation%20occurs%20when%20the,individuals%20deal%20with%20the%20victim.)

⁸⁵ Order of the Minister of Health of Georgia of July 11, 2023 on the approval of the minimum standards necessary for the arrangement and functioning of temporary housing (shelter) for victims of violence against women and/or domestic violence, 1.4.a, d

⁸⁶ Ibid art 1 part 2.

⁸⁷ Ibid art 8 part 2.a

⁸⁸ Ibid art 8 part 2.e

In addition, the order of the minister establishes the confidentiality of information related to the persons using the asylum,⁸⁹ provisions for ensuring the protection of these persons from violence and discrimination.⁹⁰

1.4.3. Government Ordinance on Approval of the 2024 State Program for Social Rehabilitation and Childcare

The 2024 State Program of Social Rehabilitation was approved by the Resolution No. 558 of the Government of Georgia on December 29, 2023, one of the goals of which is to provide psycho-social rehabilitation, legal and services to the victims/victims of violence against women and/or domestic violence, sexual violence.⁹¹ It should be noted that the objectives of the 2023 program were different, namely, it provided for the promotion of medical assistance to the victim/victim, while the objectives of the current edition do not specify the promotion of medical assistance, moreover, this wording is replaced by “providing care services”.

The budget of the 2024 state program of social rehabilitation is 22,800 (twenty-two thousand and eight hundred) GEL, and last year the budget of this program was 17,100.6 GEL,⁹² therefore, the budget of the project has increased. One of the components of the present program is to provide shelter for victims/victims of violence against women and/or domestic violence, sexual violence, although it is not specified exactly how much money is allocated for it. **In addition, despite the fact that the budget of the program increased in 2024, the number of people using shelter services at the same time did not change.**

Under the state program, the following number of persons can simultaneously benefit from shelter in different cities:

Batumi - 10, Kutaisi - 15, st. Gori – 24, Tbilisi – 24, Sighnaghi – 15⁹³.

1.5. Forms of Gender-Based Violence in Georgian Legislation and their Compliance with International Standards

Different forms of gender-based violence are not always separate from each other, which means that different forms of violence may occur together or reinforce each other. In addition, gender-based violence may be perpetrated by a diverse array of actors, including a partner, a family member, a trusted person of the victim, a person in a position of power or a stranger.⁹⁴

This chapter discusses the forms of gender-based violence, their reflection in Georgian legislation and compliance with international standards.

⁸⁹ Ibid art 3 part 2.c.

⁹⁰ Ibid art 5 part 5.i

⁹¹ Ordinance N558 of the Government of Georgia of December 29, 2023 on the approval of the 2024 State Program of Social Rehabilitation and Child Care, Article 1, (Appendix 1 - 2024 State Program of Social Rehabilitation).

⁹² Ibid, (Appendix 1 - 2024 State Program of Social Rehabilitation), Article 2.

⁹³ Ibid, (Appendix 1 - 2024 State Program of Social Rehabilitation), Article 2.

⁹⁴ United States Strategy to Prevent and Respond to Gender-Based Violence Globally, 2022, 8 <https://www.state.gov/wp-content/uploads/2022/12/GBV-Global-Strategy-Report_v6-Accessible-1292022.pdf> [16.04.2024].

1.5.1. Domestic Violence

According to the Istanbul Convention, **domestic violence is defined as all acts of physical, sexual, psychological or economic violence that occur within a family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.**⁹⁵ Although anyone can become a victim of domestic violence, girls and women are disproportionately affected by this form of violence, thus the gender dimension of domestic violence is evident.⁹⁶ The European Court of Human Rights also recognizes the gender-based nature of domestic violence, and considers that State's failure to protect women against domestic violence breaches their right to equal protection of the law.⁹⁷

Domestic violence may be physical, psychological, sexual, and/or economic and may include different forms of violence at the same time.⁹⁸ ***According to the Explanatory Report of the Istanbul Convention, domestic violence includes mainly two types of violence: intimate-partner violence between current or former spouses or partners and inter-generational violence which typically occurs between parents and children.***⁹⁹ However, domestic violence can be perpetrated by any family member.

A person with whom the victim has no biological or legal relationship may be considered a family member.¹⁰⁰ **Cohabitation of the victim and the perpetrator is not a necessary component for the act to qualify as domestic violence.**¹⁰¹ Domestic violence may occur even after (or continue after) the relationship between family members has ended (for example, from an ex-partner or ex-spouse).¹⁰² In addition to the persons who are the directly affected by domestic violence, a victim of domestic violence is also a child who has witnessed domestic violence, regardless of whether the violence is directed directly at the child or not.¹⁰³

*n the legislation of Georgia, the definition of domestic violence is given in the Georgian law “ on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence “, according to which domestic violence refers to the violation of the constitutional rights and freedoms of another by one family member by neglecting and/or physical, psychological, economic, sexual violence or coercion.*¹⁰⁴

Article 11¹ of the Criminal Code of Georgia provides for responsibility for family crimes. The mentioned norm contains a list of articles of the Criminal Code.¹⁰⁵ If one of the crimes provided for in these articles is committed by one family member against another family

⁹⁵ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, Article 3 paragraph “b”. <<https://matsne.gov.ge/ka/document/view/3789678?publication=0>> [16.04.2024].

⁹⁶ Ibid., Article 2, Paragraph 1.

⁹⁷ The decision of the European Court of Human Rights on June 28, 2016 in the case of Halime Kılıç v. Türkiye, 63034/11, par. 115; The decision of the European Court of Human Rights on June 9, 2009 in the case of Opuz v. Turkey, 33401/02, par. 191

⁹⁸ Explanatory Report of The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, par. 42

⁹⁹ Ibid., par. 42.

¹⁰⁰ Ibid., par. 41

¹⁰¹ Ibid., par. 42.

¹⁰² Ibid.

¹⁰³ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210, Preamble.

¹⁰⁴ Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence art 3.

¹⁰⁵ Criminal Code of Georgia, Article11¹.

member, it is a family crime and criminal liability is determined by the relevant article of the Criminal Code, with reference to Article 11¹⁰⁶. In addition, according to Article 53¹ of the Criminal Code of Georgia, the commission of a crime by one family member against another family member is an aggravating circumstance of punishment.¹⁰⁷

In the Criminal Code, domestic violence is considered an aggravating circumstance for certain offenses. For example, subsection K of Article 109 addresses the intentional killing of a family member. Additionally, Article 126¹ criminalizes “**violence, systematic abuse, blackmail, or humiliation by one family member against another, which causes physical pain or suffering but does not result in the outcomes specified in Articles 117, 118, or 120 of this Code.**”¹⁰⁸ The exclusion of the consequences outlined in Articles 117, 118, and 120 (intentional serious injury, intentional less serious injury, and intentional light injury to health, respectively) from the scope of Article 126¹ is because the commission of these crimes by a family member is already considered an aggravating circumstance in those articles.

The Criminal Code of Georgia, as well as the Law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence”, define who can be considered a family member. The mentioned definition includes a fairly wide circle of family members, including the ex-spouse, a person in an unregistered marriage, persons currently or in the past in an unregistered marriage, and persons who are constantly or have been engaged in joint family farming.¹⁰⁹ However, this definition does not include partners who were not married, did not live together and did not run a joint household. **According to the GREVIO recommendation, the definition of domestic violence should also be extended to partners who are not or have not been married and do not live or have not lived together.**¹¹⁰

1.5.2. Femicide

Femicide refers to the gender-related killing of a woman and is the extreme form of violence against women.¹¹¹ There is no single, universally accepted definition of the term “femicide”.¹¹² According to the Vienna Declaration on Femicide, **femicide is the killing of women and girls because of their gender, which may take many forms, including killing women as a result of intimate partner violence, torture and misogynistic killing of women, killing women or girls in the name of “honour”, and targeted killing of women and girls in the context of armed conflict and others.**¹¹³

¹⁰⁶ Ibid.

¹⁰⁷ Criminal Code of Georgia, Article 53¹, part 2.

¹⁰⁸ Criminal Code of Georgia, Article 126¹.

¹⁰⁹ According to the legislation of Georgia, a family member is defined as “mother, father, grandmother, grandfather, spouse, a person in a non-registered marriage, child (stepchild), foster child, foster carer, (foster mother, foster father), stepmother, stepfather, grandchild, sister, brother, parents of a spouse, parents of a person in non-registered marriage, son-in-law, daughter’s/son’s spouse (including in non-registered marriage), former spouse, persons who were in a non-registered marriage in the past, guardian, caregiver, supporter, person under guardianship or custodianship, beneficiary of support, also persons who have always run or who ran joint family business “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence”, Article 4, Subsection “g”.

¹¹⁰ GREVIO, (baseline) evaluation report, 2022, par. 11, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [18.04.2024].

¹¹¹ OHCHR, Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide), 2015, 3, <<https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/LatinAmericanProtocolForInvestigationOfFemicide.pdf>> [18.04.2024]

¹¹² Ibid 13.

¹¹³ Academic Council on United Nations System, Vienna Declaration on Femicide, 2012, E/CN.15/2013/NGO/1,

According to the Latin American Model Protocol for the investigation of gender-related killings of women, femicide is defined as the killing of a woman because she is a woman.¹¹⁴ According to the model protocol, femicide may be committed by a private person, the state or its representatives, and by a family member or a stranger.¹¹⁵

Based on the aforementioned guideline protocol and taking into account the Georgian context, the Public Defender uses the following definition of femicide in the femicide monitoring report: **“femicide is genderrelated killing of women, namely the killing of women, the motive or context of which is related to gender violence against women, discrimination, subordination of women, which is manifested in men’s sense of entitlement to or superiority over women, an assumption of ownership of women and a desire to control them, or other reasons related to the gender of a woman, as well as incitement to suicide for the above reasons.”**¹¹⁶

According to the European Court of Human Rights, when investigating a violent attack, the state must take all reasonable steps to establish a possible discriminatory motive.¹¹⁷ The same approach to essentially different cases may lead to a violation of Article 14 of the Convention (prohibition of discrimination) in conjunction with Article 2 (right to life).¹¹⁸ When the circumstances of the case indicate the existence of gender-based violence, the state must make special efforts in conducting the investigation.¹¹⁹

The criminal legislation of Georgia does not recognize the word “femicide”, however, premeditated murder based on gender is provided for by subsection “h” of Article 109 of the Criminal Code, and represents premeditated murder committed under aggravating circumstances.¹²⁰ Also, as one of the aggravating circumstances Incitement to suicide, Article 115, Part 2, Sub-paragraph “A” of the Criminal Code provides for “committing an act on the basis of gender”.¹²¹ Accordingly, in the case of femicide, the Georgian criminal law provides the opportunity to highlight the gender motive and take it into account in the process of formulating the blame and determining the punishment.

1.5.3. Physical Violence

According to the Explanatory Report of the Istanbul Convention, physical violence refers to bodily harm caused by unlawful and direct use of force¹²². Among them, such physical vio-

<https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/_E-CN15-2013-NGO1/E-CN15-2013-NGO1_E.pdf> [19.04.2024]

¹¹⁴ OHCHR, Latin American Model Protocol for the investigation of gender-related killings of women (femicide/ feminicide), 2015, 14, <<https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/LatinAmericanProtocolForInvestigationOfFemicide.pdf>> [18.04.2024]

¹¹⁵ Ibid.

¹¹⁶ Public Defender of Georgia, Femicide Monitoring Report 2020, 2021, 7, <<https://ombudsman.ge/res/docs/2022070609293527273.pdf>> [18.04.2024], also Public Defender of Artvelo, Analysis of Femicide and Attempted Femicide Cases in 2021 , 2023, 6, <<https://ombudsman.ge/res/docs/2023071314513662215.pdf>> [02.06.2024]

¹¹⁷ The decision of the European Court of Human Rights of June 14, 2022 in the case of Stoyanova v. Bulgaria, 56070/18, Par. 64.

¹¹⁸ The decision of the European Court of Human Rights of July 6, 2005 in the case of Nachova and Others v. Bulgaria, 43577/98, 43579/98, par. 160.

¹¹⁹ The decision of the European Court of Human Rights on August 4, 2020 in the case of Tërshana v. Albania, 48756/14, Par. 160.

¹²⁰ Criminal Code of Georgia, Article 109, subsection “h”.

¹²¹ Ibid., Article 115, Section 2, Subsection “A”.

¹²² Explanatory Report of the Council of Europe Convention on the preventing and combating of Violence against Women and Domestic Violence, par. 188.

lence that leads to the death of the victim.¹²³

According to the Law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence”, physical violence is defined as “**beating, torture, damage to health, illegal deprivation of liberty or other action that causes physical pain or suffering; withholding health needs, which leads to damage to health or death of a victim of violence**”¹²⁴

In addition, the Criminal Code criminalizes various forms of gender-based physical violence, including intentional homicide.¹²⁵

1.5.4. Psychological Violence

According to the Istanbul Convention, **psychological violence is an intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats**.¹²⁶ The contracting parties of the Convention must take all measures to criminalize the mentioned action.¹²⁷

According to the explanatory report of the Convention, an act should be considered psychological violence when it is intentional and seriously damages the psychological integrity of a person.¹²⁸ Psychological abuse can be done through coercion and/or threats.¹²⁹ However, according to the explanatory report, the Istanbul Convention considers psychological violence to be a violent pattern of behavior over a period of time, and not a one-time act. It can be committed both in the family and in other areas of life.¹³⁰ In addition, with the development of communication technologies, psychological violence committed in the digital sphere is an increasingly urgent challenge, which may take various forms, such as the distribution of intimate photos, cyberbullying, incitement to suicide or self-harm.¹³¹

In the Law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence”, psychological violence is defined as “offence, blackmail, humiliation, threat or any other action that causes violation of person’s honor and dignity”.¹³²

The Criminal Code of Georgia criminalizes various forms of psychological violence, including coercion (Article 150), threat (Article 151). Also, article 144³ of the criminal law envisages humiliating or forcing a person, putting a person in an inhumane, honor and dignity degrad-

¹²³ Ibid.

¹²⁴ Law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence”, Article 4, Subsection “A”.

¹²⁵ Article 109 of the Criminal Code of Georgia, subsection “h” (intentional murder based on gender); Article 117, Part 3, Sub-Clause “K” (deliberate severe damage to health due to gender); Part 2 of Article 118 (intentionally less severe damage to health due to gender); Part 2 of Article 120 (intentional slight damage to health due to gender); Article 126¹ (violence in the family).

¹²⁶ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 art 33

¹²⁷ Ibid.

¹²⁸ Explanatory Report of the Council of Europe Convention on the preventing and combating of Violence against Women and Domestic Violence, par 179-180.

¹²⁹ Ibid.

¹³⁰ Ibid para. 181

¹³¹ GREVIO General Recommendation No. 1 on the digital dimension of violence against women adopted on 20 October 2021, 43-48.

¹³² Law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence”, Article 4, subsection “b”.

ing situation, which caused mental pain or moral suffering. The sign of gender is an aggravating circumstance of the said crime.¹³³ According to part 12 of Article 126 of the Code, systematic beating or other violence that caused physical or mental suffering of the victim, but did not cause the consequences provided for by Articles 117-118 of the Code (deliberate serious or less severe damage to health) is criminalized.¹³⁴

Article 126¹ of the Criminal Code, domestic violence, also provides for forms of psychological violence.¹³⁵ **According to the mentioned article, “violence, systematic abuse, blackmail or humiliation by one family member against another family member, which caused physical pain or suffering and which did not result in the consequences provided for in Articles 117, 118 or 120 of this Code”** . It should be positively evaluated that the mentioned article explicitly mentions systematic abuse, blackmail and humiliation, thus emphasizing the component of psychological violence, also, in practice, “suffering”¹³⁶ is defined to include the psychological suffering experienced by the victim, however, **it is desirable to specify in the composition of the norm that These actions can cause both physical and psychological consequences.**

1.5.5. Stalking

Stalking is intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety.¹³⁷ Individual elements of such conduct may not constitute an illegal act in isolation, however, due to repeated nature or in combination with other acts, they may have an intimidating character.¹³⁸ Intimidating behavior can mean following a person in physical space, physically stalking, meeting a person at work, entertainment or other places, as well as stalking in virtual space, actively seeking contact through communication tools for the purpose of unwanted communication, vandalism of property, leaving subtle traces of contact with a person’s personal items, spreading false information. etc.¹³⁹

Stalking is criminalized by Article 151¹ of the Criminal Code of Georgia.¹⁴⁰ It should be appreciated that the mentioned article emphasizes unwanted communication by electronic and other means as a form of stalking, **although the mentioned article does not comply with the standard envisaged by the Istanbul Convention:** according to the mentioned article, the action taken against a person, his family member or a close relative must cause “mental suffering” and/or a well-founded fear of violence against the person or a member of his family or close relative and/or destruction of property, **which forces the person to significantly change his lifestyle or creates a real need to significantly change his lifestyle**.”¹⁴¹ Requiring a significant lifestyle change or a real need to do so narrows the meaning. Also,

¹³³ Criminal Code of Georgia, Article 144³, Section 2, Subsection “f”.

¹³⁴ Ibid., Article 126.

¹³⁵ Ibid., Article 126¹.

¹³⁶ Judgment of May 29, 2020 of the Criminal Chamber of the Supreme Court of Georgia No. 733AP-18 https://www.supremecourt.ge/ka/fullcase/39847/2?fbclid=IwZXh0bgNhZW0CMTAAR39g91gk0AH_pdJLR8EqiFvtNqAy-JxKisYQX9T2pp71CjLCLVBB9xuKc50_aem_ZmFrZWRR1bW15MTZieXRlcw [21.06.2024]

¹³⁷ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, Article 34.

¹³⁸ Explanatory Report of Council of Europe Convention on preventing and combating violence against women and domestic violence, par. 185

¹³⁹ Ibid., 182-183.

¹⁴⁰ Criminal Code of Georgia, Article 151¹

¹⁴¹ GREVIO, (baseline) evaluation report, 2022, par. 241, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [18.04.2024].

such a requirement may impose an additional burden of proof on the victim regarding a significant lifestyle change. It is also problematic that the term “significant change” can be interpreted differently. According to the Istanbul Convention, for the conduct to be considered harassment, it must cause fear of safety, and according to the Criminal Code of Georgia, “mental suffering”, which sets a higher threshold for qualifying the act as harassment.¹⁴²

1.5.6. Sexual Violence

Sexual violence is one of the most serious and hidden forms of violence against women.¹⁴³ According to the Istanbul Convention, sexual violence, including rape, should be criminalized.¹⁴⁴ According to Article 36 of the Istanbul Convention, sexual violence includes all forms of sexual acts which are performed on another person without her or his freely given consent and which are carried out intentionally.¹⁴⁵ The following forms of sexual violence are distinguished in subparagraphs a-c of the first paragraph of the mentioned article:

- a) engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object.
- (b) engaging in other non-consensual acts of a sexual nature with a person
- (c) causing another person to engage in non-consensual acts of a sexual nature with a third person.

According to the Istanbul Convention, the absence of consent is the main component on which the definition of sexual violence is based. Consent must be given voluntarily, as a result of the free expression of a person’s will, assessed in the context of the surrounding circumstances.¹⁴⁶ Like the Istanbul Convention, the lack of freely given consent is considered as a central component of the definition of sexual violence in the UN Committee on the Elimination of Discrimination against Women’s General Recommendation No. 35.¹⁴⁷ A person who commits sexual violence can be a spouse or partner, as well as another person.¹⁴⁸

Article 137 of the Criminal Law Code of Georgia defines rape as “sexual penetration of a person’s body in any form using any part of the body or any object, committed by violence, threat of violence or use of the victim’s helplessness”¹⁴⁹. **This definition, which focuses on the use of violence, threats of violence, or the victim’s helplessness rather than the absence of consent, is inconsistent with the standard set by the Istanbul Convention.**

In addition, Article 139 of the Code criminalizes forcing sexual penetration into a person’s body or other sexual acts by threatening property damage, disseminating defamatory or personal life information, or using information that may substantially harm the rights of that person, as well as exploiting the victim’s helplessness or their material, service, or other

¹⁴² Ibid.

¹⁴³ Public Defender of Georgia, Implementation of justice for crimes of sexual violence against women in Georgia, 2020, 6, <<https://ombudsman.ge/res/docs/2020121613551185316.pdf>> [22.04.2024]

¹⁴⁴ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210 art 36.

¹⁴⁵ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210 explanatory card par 189.

¹⁴⁶ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210 art 36, part 2.

¹⁴⁷ Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 2017, 29(e).

¹⁴⁸ Ibid.

¹⁴⁹ Criminal Code of Georgia, Article 137.

dependence.¹⁵⁰ **This legislative arrangement differentiates acts that constitute rape by categorizing them under two different articles based on the means used by the perpetrator to suppress the victim's will. This differentiation reinforces the stereotype that, for an act to be considered "real" rape, it must involve physical violence. Such a legal arrangement does not comply with the standards of the Istanbul Convention.** GREVIO has criticized the current legal order for reinforcing a hierarchy of rape victims. According to this hierarchy, certain circumstances, such as threats to damage property, defamation, disclosure of personal information, or abuse of dependence, may result in a lighter sentence or simply a fine, as opposed to other circumstances, such as threats of physical harm.¹⁵¹

The definition of rape needs to be based on the absence of freely given consent, encompassing not only physical violence and threats of violence but also other means of influencing or suppressing the victim's will. When the circumstances surrounding the act are particularly violent, highly offensive, and injury-causing, aggravating circumstances must apply. Additionally, GREVIO has urged Georgia to include a provision in its criminal legislation that addresses cases where the perpetrator does not commit the sexual act themselves but forces the victim to perform the act with a third person.¹⁵²

To bring these norms into compliance with the Istanbul Convention, a working group developed a draft law in 2023 to amend Articles 137-139 of the Criminal Code. However, the state has not taken effective steps to approve the draft law.¹⁵³

1.5.7. Forced Marriage

Child marriage, early marriage and forced marriage are harmful practices that violate human rights, are linked to other harmful practices and rights violations, and disproportionately affect women and girls.¹⁵⁴

Forced marriage is defined as any marriage that takes place without the full and free consent of one or both parties, and/or where one or neither party is unable to leave the marriage due to coercion or intense public or family pressure.¹⁵⁵

Child marriage is defined as a marriage in which at least one party is under the age of 18.¹⁵⁶ The term "early marriage" is often used as a synonym for child marriage but can also refer to situations where both parties are 18 years of age or older but other factors make them unready to consent to marriage.¹⁵⁷ These factors could include their level of physical, emotional, sexual, or psychological development, or a lack of information regarding the person's life options.¹⁵⁸ Child marriage and early marriage are usually considered forms of forced

¹⁵⁰ Ibid., Article 139.

¹⁵¹ GREVIO, (baseline) evaluation report, 2022, par. 257, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [18.04.2024].

¹⁵² Ibid., 262.

¹⁵³ Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 2024, 199, <https://ombudsman.ge/res/docs/2024040116015759558.pdf> [12.06.2024]

¹⁵⁴ Resolution adopted by the Human Rights Council on 2 July 2015, 29/8. Strengthening efforts to prevent and eliminate child, early and forced marriage, UN, A/HRC/RES/29/8. <<https://documents.un.org/doc/undoc/gen/g15/163/06/pdf/g1516306.pdf?token=hkKw86MY479axJhkoR&fe=true>> [22.04.2024]

¹⁵⁵ Report of the Office of the United Nations High Commissioner for Human Rights, 2 April 2014, A/HRC/26/22, 6, <<https://documents.un.org/doc/undoc/gen/g14/128/76/pdf/g1412876.pdf?token=XpbGzeZyu4Vi3Kq9n-n&fe=true>> [22.04.2023]

¹⁵⁶ Ibid 4.

¹⁵⁷ Ibid 5.

¹⁵⁸ Ibid

marriage, as in these cases, either party does not have the opportunity to give full, free, and informed consent.¹⁵⁹

According to Article 16 of the CEDAW Convention, **the state must ensure the equal right to marriage between women and men, including the free choice of a spouse and equal rights to marry only with free and full consent.** Paragraph 2 of Article 16 specifies that the betrothal and marriage of a child shall have no legal effect.¹⁶⁰

According to Article 37 of the Istanbul Convention, the state is obliged to take all legislative or other measures to criminalize intentional conduct that forces adults or children to enter into marriage.¹⁶¹ The state should also criminalize the intentional act of enticing an adult or child into the territory of a party or state in which they do not reside, in order to force that person into marriage.¹⁶² “Coercion” in this context includes physical and psychological coercion, as well as threats or other forms of pressure.¹⁶³

Forced marriage is criminalized by Article 150¹ of the Criminal Code of Georgia. Committing the same act against a minor is considered an aggravating circumstance of the crime.¹⁶⁴ It is also noteworthy that this article defines unregistered marriages as “marriages,” which is a positive aspect of the legislation.

The Civil Code of Georgia establishes the minimum age of marriage as 18 years old.¹⁶⁵ While the Criminal Code of Georgia does not explicitly address child marriage, Article 140 of the Criminal Code criminalizes sexual penetration of a person under the age of sixteen.¹⁶⁶ According to a special report by the Public Defender, Criminal Code Article 150¹, which pertains to forced marriage, should be amended to ensure that a child, especially one under the age of 16, cannot give free and voluntary consent to marry an adult.¹⁶⁷ According to The Public Defender’s report marriage with a child should be treated similarly to human trafficking, where the act itself and its outcome are criminalized. Thus, marriage involving a child should be considered a crime, irrespective of the methods of coercion (physical or psychological) typically considered in cases involving adults.¹⁶⁸

Extending this reasoning to children who have reached the age of 16 would be appropriate, considering that the age of consent to a sexual act is also set at 16 years according to the Criminal Code of Georgia. This would ensure that minors aged 16-17 are protected from coercion into marriage, without requiring the same level of proof of coercion as would be expected for adults.

According to GREVIO’s recommendation, the state should also criminalize the intentional conduct of luring an adult or a child to the territory of another state with the purpose of

¹⁵⁹ Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, para. 20, <<https://documents.un.org/doc/undoc/gen/g19/134/42/pdf/g1913442.pdf?token=SflM3YNla7sulGHpVv&fe=true>> [22.04.2024]

¹⁶⁰ *ibid*

¹⁶¹ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, art 37, part 1.

¹⁶² *Ibid.*, art 37 part 2.

¹⁶³ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, art 37 explanatory card para 169.

¹⁶⁴ Article 150¹ of the Criminal Code of Georgia

¹⁶⁵ Civil Code of Georgia, Article 1108.

¹⁶⁶ Criminal Code of Georgia, Article 140.

¹⁶⁷ Special report of the Public Defender of Georgia on the harmful practice of early/childhood marriage in Georgia - current challenges and solutions, 2022, 15, <<https://ombudsman.ge/res/docs/2022122716265251568.pdf>> [22.04.2024]

¹⁶⁸ *ibid*

forcing this person into a marriage. This specific provision is currently not included in the Criminal Code of Georgia.¹⁶⁹

In Georgia, the practice of early engagement poses a challenge.¹⁷⁰ Often, authorities struggle to identify potential instances of coerced marriage in such cases¹⁷¹. It would be beneficial to consider criminalizing the engagement of minors by amending the Criminal Code to address this issue effectively.

1.5.8. Genital Mutilation

Female genital mutilation (FGM) refers to the complete or partial removal of the external female genitalia or other damage to the female genital organs for non-medical purposes.¹⁷² This harmful practice can have immediate and long-term consequences, including severe pain, shock, infections, complications during childbirth (for both mother and newborn), long-term gynecological problems, psychological consequences, and in some cases, death. It is widely recognized as a violation of human rights and a form of gender-based violence.¹⁷³

According to the Istanbul Convention, genital mutilation is defined as “excising, infibulating or performing any other mutilation to the whole or any part of a woman’s labia majora, labia minora or clitoris.”¹⁷⁴ The Convention mandates that states must criminalize such acts. Additionally, the Convention stipulates that it should be considered a crime to coerce or persuade a woman to undergo genital mutilation, as well as to incite, force, or persuade a girl to undergo such mutilation.¹⁷⁵ The Convention distinguishes between actions against adult women and minors (girls). It specifically criminalizes incitement against girls, which includes cases where any person, especially parents, grandparents, or other relatives, forcefully consent to female genital mutilation. This approach underscores the Convention’s commitment to protecting girls from this harmful practice and holding perpetrators accountable for their actions.¹⁷⁶

Genital mutilation is provided for by Article 133² of the Criminal Code of Georgia. The mentioned article criminalizes “complete or partial excision, infibulation or other mutilation of female genital organs under the influence of religious, ritual, ethnic or other tradition or without such influence, or forcing or persuading a woman to undergo such an operation”. Committing the same act with prior knowledge against a minor is one of the aggravating circumstances of the crime.¹⁷⁷

¹⁶⁹ GREVIO, (baseline) evaluation report, 2022, par. 268, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [18.04.2024].

¹⁷⁰ Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2022, 203, 205, <<https://ombudsman.ge/res/docs/2023033120380187763.pdf>> [12.06.2024]; Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 2024, 192, <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>> [12.06.2024]

¹⁷¹ Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2022, 2023, 205, <<https://ombudsman.ge/res/docs/2023033120380187763.pdf>> [12.06.2024];

¹⁷² Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, para. 19, <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F31%2FCRC%2FC%2FGC%2F18&Lang=en> [22.04.2024].

¹⁷³ *ibid*

¹⁷⁴ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, art 38, subsection „a“.

¹⁷⁵ *Ibid* para 38, subsection „b“, „c“.

¹⁷⁶ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, art 37 explanatory card para 201.

¹⁷⁷ Criminal Code of Georgia, Article 133².

1.5.9. Forced Abortion and Forced Sterilization

Forced abortion and forced sterilization are egregious violations of women's reproductive rights, physical integrity, and security. According to the Istanbul Convention, forced abortion is defined as **“performing an abortion on a woman without her prior and informed consent,”** while forced sterilization is defined as **“a surgical operation that aims at or results in the termination of a woman's natural reproductive capacity without her prior and informed consent or understanding of the procedure.”**¹⁷⁸ The Convention mandates that states must enact all necessary legislative or other measures to ensure that these acts are considered criminal offenses. This legal framework aims to protect women from coercive practices that infringe upon their bodily autonomy and reproductive rights.¹⁷⁹

Forced abortion and sterilization can indeed be considered as forms of inhuman and degrading treatment, which are prohibited by Article 3 of the European Convention on Human Rights. In the case of *S.F.K. v. Russia*, the European Court of Human Rights (ECtHR) ruled on a situation where a 20-year-old woman was forced to undergo an abortion against her will by her parents. Despite the woman expressing her desire to continue the pregnancy to both her parents and hospital staff, the forced termination was carried out.¹⁸⁰ The ECtHR found that the forced abortion reached the minimum level of severity outlined in Article 3. It highlighted that such actions not only resulted in immediate health-related consequences, such as the loss of the fetus, but also led to long-term psychological and physical effects, including the inability to conceive and post-traumatic stress disorder. This case underscores the serious implications of forced abortion and sterilization on women's rights and well-being, emphasizing the need for legal protections against such practices.¹⁸¹

In the case, *V.C. v. Slovakia*, the ECtHR explained that sterilization constitutes major interference with a person's reproductive health status.¹⁸² imposition of such medical treatment is incompatible with respect for human freedom and dignity, which are fundamental principles of the Convention.¹⁸³ The mentioned case concerned the sterilization procedure performed by a doctor during a caesarean section for a Roma woman, because it was considered that the next pregnancy might be dangerous for the patient.¹⁸⁴ Although the patient signed a document indicating consent to sterilization, he was not informed about his health status, the content of the proposed procedure and its alternatives.¹⁸⁵ A violation of Article 3 of the Convention was also established in the mentioned case.¹⁸⁶

In the context of the CEDAW Convention, forced abortion and forced sterilization are considered forms of discrimination against women. According to Article 12 of CEDAW, states are obligated to take all appropriate measures to eliminate discrimination against women in the field of healthcare. This includes ensuring women's access to medical services, including family planning, on the basis of equality between men and women.¹⁸⁷ **CEDAW General Rec-**

¹⁷⁸ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, art 39.

¹⁷⁹ *ibid*

¹⁸⁰ The decision of the European Court of Human Rights on October 11, 2022 in the case of *S.F.K. v. Russia*, 5578/12, par. 79.

¹⁸¹ *Ibid.*, para. 81.

¹⁸² The decision of the European Court of Human Rights of November 8, 2011 in the case of *V.C. v. Slovakia*, 18968/07, par. 106.

¹⁸³ *Ibid*

¹⁸⁴ *Ibid* para 9-20.

¹⁸⁵ *Ibid* para 111-112.

¹⁸⁶ *Ibid* para 120.

¹⁸⁷ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210 art 12, part 1.

ommendation No. 24 emphasizes that medical services provided to women must respect their dignity, ensure confidentiality, and be sensitive to their needs and views. It explicitly states that coercion in any form, such as forced sterilization, forced testing for sexually transmitted diseases, or forced pregnancy testing, should not be allowed. These guidelines underscore the importance of women’s autonomy and informed consent in matters related to their reproductive health and rights.¹⁸⁸

The experience of different countries shows that the **practice of forced sterilization, often tied to discrimination based on gender, may be related to discrimination based on other grounds, such as ethnic identity,¹⁸⁹ race,¹⁹⁰ economic vulnerability,¹⁹¹ having an HIV-positive status,¹⁹² or having a disability.¹⁹³** Therefore, the issue of reproductive rights is covered by the Convention on the Rights of Persons with Disabilities. According to Article 23 of the Convention, the state must ensure the right of persons with disabilities to make a free and responsible decision on the number and spacing of their children, as well as age-appropriate information and education on reproductive and family planning issues.¹⁹⁴ State should also take measures to ensure that Persons with disabilities, including children, retain their fertility on an equal basis with others.¹⁹⁵ According to Article 25 of the Convention, the state must provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes.¹⁹⁶

Under Article 133¹ of the Criminal Code of Georgia, sterilization of a person without their consent is explicitly criminalized. Committing this act against a minor, a helpless person, a disabled person, or a pregnant woman with prior knowledge is considered one of the aggravating circumstances of the crime.¹⁹⁷ Additionally, the Criminal Code of Georgia addresses “illegal abortion.”¹⁹⁸ Article 150 of the Code criminalizes coercion, which can encompass various forms of forced actions, but there is no specific provision explicitly addressing forced abortion.¹⁹⁹ It’s noteworthy that GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) evaluates this absence of explicit reference or a separate norm on forced abortion in the Criminal Code of Georgia negatively. **This gap in legislation may hinder effective legal protections against coercion and violations of women’s reproductive rights.**²⁰⁰

¹⁸⁸ CEDAW General Recommendation No. 24: Article 12 of the Convention (Women and Health), 1999, para 22. <<https://www.refworld.org/legal/general/cedaw/1999/en/11953>> [22.04.2024]

¹⁸⁹ Open society foundations, *Against Her Will: Forced and Coerced Sterilization of Women Worldwide*, 2011, 3, <<https://www.opensocietyfoundations.org/publications/against-her-will-forced-and-coerced-sterilization-women-worldwide>> [22.04.2024]

¹⁹⁰ *ibid*

¹⁹¹ *ibid* 4.

¹⁹² *ibid* 5.

¹⁹³ *ibid* 6.

¹⁹⁴ Convention on the Rights of Persons with Disabilities (date of adoption 12.04.2014, entered into force 12.04.2014), Article 23, Section 1, Subsection “b”.

¹⁹⁵ *Ibid.*, Article 23, Section 1, Subsection “c”.

¹⁹⁶ *Ibid.*, Article 25, Section 1, Subsection “a”.

¹⁹⁷ Criminal Code of Georgia, Article 133¹ Part 2, Subsection “b”.

¹⁹⁸ *Ibid.*, Article 133.

¹⁹⁹ “Illegal restriction of a person’s freedom of action, that is, his physical or mental coercion to perform or not perform an action, which he has the right to perform or to refrain from performing, or to experience an impact against his will”, Criminal Code, Article 150.

²⁰⁰ GREVIO, (baseline) evaluation report, 2022, par. 275, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [18.04.2024].

1.5.10. Sexual Harassment

Sexual harassment is a form of gender-based violence. According to the Istanbul Convention, it is defined as “unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.”²⁰¹ The Convention mandates that such actions should be subject to criminal or other legal sanctions, such as administrative penalties.²⁰² **Verbal behavior** includes making jokes, asking inappropriate questions, or making noises, and can be expressed either orally or in writing.²⁰³ **Non-verbal behavior** refers to gestures or hand movements. Physical behavior involves any physical contact with the victim.²⁰⁴ All these behaviors must be sexual in nature and unwanted by the victim, and they must violate the victim’s dignity by creating an environment that is intimidating, hostile, humiliating, or offensive.²⁰⁵ It is important to note that individual instances of behavior related to sexual harassment may not always constitute an offense.²⁰⁶ The context in which the behavior occurs must be considered, evaluating it against the components of the definition provided above.

Sexual harassment is not limited to the workplace, although it often involves the abuse of power by the perpetrator.²⁰⁷ Sexual harassment of women in the workplace can have an irreparable impact on the physical and mental health and well-being of female victims, ultimately excluding them from the labor market.²⁰⁸ Article 11 of the CEDAW Convention obliges states to take all appropriate measures to eliminate discrimination against women in the field of employment, ensuring equal rights for men and women.²⁰⁹ According to General Recommendation **No. 19 by the CEDAW Committee**, equality in the workplace can be seriously undermined when women are subjected to gender-based violence, such as sexual harassment.²¹⁰ The recommendation specifies that sexual harassment includes unwanted sexual behavior such as physical contact, sexual comments, viewing pornography, and requests for sexual favors.²¹¹ These behaviors can be expressed both verbally and through actions.²¹² Such behavior is degrading and can pose a health and safety problem. It is considered discriminatory when a woman has reasonable grounds to believe that protesting against the harassment will result in her being placed at a disadvantage in the workplace, including in relation to recruitment or promotion, or when the conduct creates a hostile work environment.²¹³

²⁰¹ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210 art 40.

²⁰² Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), explanatory card para. 207.

²⁰³ *Ibid.*, para. 208.

²⁰⁴ *Ibid*

²⁰⁵ *Ibid*

²⁰⁶ *Ibid*

²⁰⁷ *Ibid* para 209

²⁰⁸ GYLA, Georgia Rule of Law and Human Rights Assessment in 2023, 2024, 41, <<https://gyla.ge/files/news/%E1%83%A4%E1%83%9D%E1%83%9C%E1%83%93%E1%83%98/%E1%83%A2%E1%83%A3%E1%83%A0%E1%83%9C%E1%83%98%E1%83%A0%E1%83%98/%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%202023%20%E1%83%AC%E1%83%94%E1%83%9A%E1%83%A1.pdf>> [22.04.2024].

²⁰⁹ Convention on the Elimination of All Forms of Discrimination Against Women (date of adoption 22.09.1994, entered into force 25.11.1994), Article 1.

²¹⁰ CEDAW General Recommendation No. 19: Violence against Women, para 17, <<https://www.legal-tools.org/doc/f8d998/pdf/&ved=2ahUKewi4r8KY2dX>> [22.04.2024]

²¹¹ *ibid* para 18.

²¹² *ibid*

²¹³ *ibid*

EU Directive 2002/73/EC on equality in the workplace defines sexual harassment identically to the Istanbul Convention.²¹⁴ According to the directive, sexual harassment should be considered discrimination based on sex and should therefore be prohibited.²¹⁵ Similarly, EU Directive 2004/113/EC, which concerns equal treatment in access to goods and services, notes that sexual harassment also occurs outside the labor market. It can be damaging and represent a barrier to the successful and complete integration of women and men in social and economic life.²¹⁶ The directive obliges member states to prohibit sexual harassment in the context of the provision of goods and services.²¹⁷

In the legislation of Georgia, sexual harassment is not included in the Criminal Code; however, it is regulated by other legislative acts. **Liability for sexual harassment in public places is provided by Article 166¹ of the Code of Administrative Offenses.** According to this norm, sexual harassment is defined as “unwanted sexual behavior towards a person in public places, which aims and/or causes damage to their dignity and creates an intimidating, hostile, humiliating, degrading, or insulting environment for them.”²¹⁸ For the purposes of the Code, sexually explicit conduct is defined as saying and/or addressing with sexually explicit phrases, displaying genitalia, and/or any other non-verbal physical behavior of a sexual nature.²¹⁹

According to Georgia’s Law on Elimination of All Forms of Discrimination, sexual harassment is defined as any unwanted verbal, non-verbal, or physical conduct of a sexual nature that aims to or results in violating the dignity of a person or creating an intimidating, hostile, humiliating, degrading, or offensive environment for them.²²⁰ The legal protection defined by the law covers sexual harassment in any space, including workplaces, educational institutions, medical facilities, public spaces, public transport, and recreational facilities.²²¹ The Public Defender of Georgia supervises the elimination of discrimination and ensuring equality under this law.²²² The Public Defender considers statements and complaints from individuals, legal persons, or groups who consider themselves victims of discrimination. To restore the rights of the victim of discrimination, the Public Defender can issue a recommendation to the relevant institution or person if it is impossible to settle the case amicably and there are sufficient materials confirming the discrimination.²²³ If discrimination is confirmed after reviewing an application or complaint, the Public Defender issues a recommendation to the state authority, municipality body, official, natural person, legal entity, or other organizational entity involved. This recommendation suggests implementing measures to eliminate discrimination and restore equality, without violating the rights and legal interests of third parties.²²⁴

²¹⁴ Directive 2002/73/EC of The European Parliament And of The Council of 23 September 2002 <<https://eur-lex.europa.eu/LexUriServ/?uri=OJ:L:2002:269:0015:0020:EN:PDF>> [22.04.2024]

²¹⁵ *ibid*

²¹⁶ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0113>> [22.04.2024].

²¹⁷ *ibid*

²¹⁸ Code of Administrative Offenses of Georgia, Article 166¹, Part 1.

²¹⁹ *ibid*

²²⁰ Law of Georgia “On Elimination of All Forms of Discrimination”, Article 2, Clause 3²

²²¹ GYLA, Sexual harassment in public space, 2021, 9, <<https://gyla.ge/files/2020/%E1%83%99%E1%83%A0%E1%83%94%E1%83%91%E1%83%90/%E1%83%A1%E1%83%94%E1%83%A5%E1%83%A1%E1%83%A3%E1%83%90%E1%83%9A%E1%83%A3%E1%83%A0%E1%83%98-%E1%83%A8%E1%83%94%E1%83%95%E1%83%98%E1%83%AC%E1%83%A0%E1%83%9D%E1%83%94%E1%83%91%E1%83%90-%E1%83%A1%E1%83%90%E1%83%AF%E1%83%90%E1%83%A0%E1%83%9D-%E1%83%A1%E1%83%98%E1%83%95%E1%83%A0%E1%83%AA%E1%83%94%E1%83%A8%E1%83%98.pdf>> [22.04.2024]

²²² Law of Georgia “On Elimination of All Forms of Discrimination”, Article 6.

²²³ *Ibid.*, Article 6, Paragraph 2, Sub-paragraphs “A”, “F”.

²²⁴ Organic Law of Georgia “On the Public Defender of Georgia”, Article 20¹

According to the Labor Code, sexual harassment is defined as “conduct of an unwanted sexual nature towards a person, which aims and/or causes damage to their dignity and creates an intimidating, hostile, humiliating, degrading or insulting environment for them.” It should be noted that the definition of sexual harassment in the Labor Code is narrower compared to the Law on the Elimination of All Forms of Discrimination. In the Labor Code, for an act to be considered sexual harassment, it must not only aim to or result in violating a person’s dignity but also, cumulatively, create an intimidating, hostile, humiliating, degrading, or offensive environment.

It would be better if the relevant norm of the Labor Code is formulated as follows: “Unwanted sexual conduct towards a person, which aims and/or causes a violation of their dignity or creates an intimidating, hostile, humiliating, degrading or insulting environment for them.” Labor legislation is supervised by the Labor Inspectorate. The Labor Inspection Service carries out inspections based on the complaint of an interested person or on its own initiative.²²⁵ According to the Labor Code, a violation of the principle of the prohibition of discrimination and sexual harassment at work by the employer results in the employer being warned or fined.²²⁶ In cases of sexual harassment, imposing responsibility on the offending employee does not exempt the employer from corresponding responsibility. The employer may be held liable if they were aware of the harassment and did not report it to the labor inspectorate and/or did not take appropriate measures to prevent.²²⁷

1.5.11. Economic Violence

The European Institute for Gender Equality defines economic violence **as any act or behavior which causes economic harm to an individual.**²²⁸ Economic violence is caused by gender inequality and traditional gender norms.²²⁹ It can take many forms, including damage to property, limiting access to financial resources, education, or the labor market, and failure to fulfill economic responsibilities, such as paying alimony.²³⁰ In cases of economic violence, the perpetrator typically controls the victim’s ability to obtain, maintain, and use economic resources, thereby threatening the victim’s economic security and self-sufficiency.²³¹ Physical proximity between the perpetrator and the victim is not a necessary condition for economic violence.²³²

Economic violence is recognized by the Istanbul Convention. According to the Convention, violence against women includes all acts of gender-based violence that result in, or may result in, **economic harm to women.**²³³ Furthermore, the Convention defines domestic vio-

²²⁵ Article 13 of the Law of Georgia “On Labor Inspection”.

²²⁶ Organic Law of Georgia “Labor Code of Georgia”, Article 78.

²²⁷ *ibid*

²²⁸ European Institute for Gender Equality, Understanding Economic Violence against Women, 2023, <https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf> [22.04.2024]

²²⁹ *ibid*

²³⁰ European Institute for Gender Equality, Glossary of definitions of rape, femicide and intimate partner violence, 2017, 46, < https://eige.europa.eu/sites/default/files/documents/ti_pubpdf_mh0417297enn_pdf-web_20170602161141.pdf> [22.04.2024]

²³¹ European Institute for Gender Equality, Understanding Economic Violence against Women, 2023, <https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf> [22.04.2024]

²³² *ibid*

²³³ Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, art 37 explanatory card para 201. Criminal Code of Georgia, Article 133².

Council of Europe Convention on preventing and combating violence against women and domestic violence (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, article 3, subsection „a”.

lence as all acts of **physical, sexual, psychological, or economic violence** that occur within a family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.²³⁴

CEDAW Committee No. 35 General Recommendation, like the Istanbul Convention, recognizes the economic dimension of gender-based violence. The Recommendation notes that gender-based violence takes many forms, including acts that aim at or cause death, or physical, sexual, psychological, **or economic harm** or suffering, as well as threats, harassment, coercion, and unlawful deprivation of liberty.²³⁵

In the European Union Directive 2012/29/EU, which concerns the standards of protection of crime victims,²³⁶ it is also mentioned that violence can manifest in different forms, including economic violence.²³⁷

In the law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence, economic violence is defined as “ **an act, which causes restriction of the right to have food, dwelling and other conditions for normal development, to enjoy property and labour rights, to use common property and to administer one’s own share of that property**”.²³⁸ The recognition of economic violence in this law provides an opportunity to apply restraining and protective orders against the perpetrator. However, the Code of Administrative Offenses and the Criminal Code do not provide for administrative or criminal sanctions for economic violence.

The Istanbul Convention, in Articles 31-40, which define different forms of violence and outline the obligations of the contracting states to impose criminal or other types of liability in connection with them, does not specifically separate or define economic violence, despite recognizing this form of violence in Article 2(b). **Economic violence is criminalized in fewer states than other forms of violence across the EU**²³⁹. In cases of economic violence, it may be relevant to apply other norms of criminal law, such as property crimes²⁴⁰ or Article 150 of the Criminal Code, which criminalizes coercion.²⁴¹ **Although there is no international legal obligation to criminalize economic violence as a separate form, it would be beneficial for the state to define and address economic violence explicitly in the criminal code.** The Eu-

²³⁴ Ibid., Article 3, subsection “b”.

²³⁵ Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 2017.

²³⁶ Directive 2012/29/EU of The European Parliament and of The Council of 25 October 2012, <<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>> [22.04.2024]

²³⁷ Ibid

²³⁸ the law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence, article 4, subsection „e”.

²³⁹ According to a 2021 study prepared by the European Network of Independent Experts on Gender Equality, explicit criminalization of economic violence is not a widespread practice among EU states. The definition of the offense of family crime includes economic violence explicitly in 9 states (Belgium, Bulgaria, Croatia, Hungary, Lithuania, Malta, Romania, Slovakia, Slovenia). Of these, in 4 states the mentioned definition is outside the criminal legislation (Belgium, Bulgaria, Lithuania, Romania). One of the recommendations of the mentioned study is that during the criminalization of domestic violence, economic violence should be explicitly included in the definition of domestic violence. European network of legal experts in gender equality and non-discrimination, Criminalization of gender-based violence against women in European States, including ICT-facilitated violence, 2021, 61, 74, <<https://www.equalitylaw.eu/downloads/5535-criminalisation-of-gender-based-violence-against-women-in-european-states-including-ict-facilitated-violence-1-97-mb>> [14.06.2024], also European Institute for Gender Equality, Understanding Economic Violence against Women, 2023, <https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf> [22.04.2024]

²⁴⁰ European Institute for Gender Equality, Understanding Economic Violence against Women, 2023, <https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf> [22.04.2024]

²⁴¹ Criminal Code of Georgia, Article 150.

ropean Institute for Gender Equality has recommended that EU member states criminalize this form of violence to strengthen the fight against economic violence.²⁴²

1.5.12. The Digital Dimension of Gender-based Violence

The digital dimension of gender-based violence includes all acts of gender-based violence committed in part or in whole through or with the help of information and communications technologies. For example, smartphones, social media platforms, geolocation and search devices, recording devices, artificial intelligence.²⁴³ Terminology regarding digital violence is not uniform and different terms are used to describe this phenomenon, for example, “violence committed through information and communication technology (ICT), “online violence”, “digital violence”, “cyberviolence”.²⁴⁴

The digital dimension of gender-based violence against women, as a modern form of violence, is recognized by the CEDAW Committee. In its General Recommendation No. 35, the Committee states that gender-based violence against women manifests itself as a continuum of different, interrelated forms of violence that occur in various settings, including private and public spaces, **as well as in the technological environment.**²⁴⁵

In 2021, GREVIO issued General Recommendation No. 1 on the digital dimension of violence against women and domestic violence.²⁴⁶ The concept, as understood by GREVIO, encompasses both online aspects (such as data accessible on visible or dark web pages and actions conducted through online intermediaries²⁴⁷) and harmful behaviors targeting women and girls using technology (including actions performed using computer hardware and software).²⁴⁸ GREVIO emphasizes that various forms of violence against women and domestic violence—whether in the digital realm or physical world—are interconnected and often overlap, intensifying the traumatic effects of violence and sometimes endangering the physical safety of victims.²⁴⁹

Sexual Harassment Online - According to the recommendation, the concept of sexual harassment under the Istanbul Convention also includes acts committed online and digitally:

1) Non-consensual sharing of nude or sexual images - *Sharing or threatening to share a nude or sexual image (picture or video) of a person without consent is image-based sexual*

²⁴² European Institute for Gender Equality, Understanding Economic Violence against Women, 2023, <https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf> [22.04.2024].

²⁴³ EDVAW Platform, The digital dimension of violence against women as addressed by the seven mechanisms of the EDVAW Platform, 2022, 8, <https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/statements/2022-12-02/EDVAW-Platform-thematic-paper-on-the-digital-dimension-of-VAW_English.pdf> [22.04.2024].

²⁴⁴ Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, A/HRC/38/47, para 15, <<https://digitallibrary.un.org/record/1641160?v=pdf>> [22.04.2024]

²⁴⁵ Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 2017, para 6.

²⁴⁶ GREVIO General Recommendation No. 1 on the Digital Dimension of Violence against Women, 2022, <<https://rm.coe.int/grevio-no1/1680a960a1>> [22.04.2024].

²⁴⁷ Internet intermediaries are entities that facilitate interaction between individuals and legal entities on the Internet by offering and providing various functions or services and include Internet Service Providers (ISPs), search engines, and social media platforms. see GREVIO General Recommendation No. 1 on the Digital Dimension of Violence against Women, 2022, par. 23. <<https://rm.coe.int/grevio-no1/1680a960a1>> [22.04.2024].

²⁴⁸ Ibid

²⁴⁹ Ibid 25.

abuse²⁵⁰ (also known as “revenge pornography”).²⁵¹

2) Non-consensual taking, producing or procuring of intimate images or videos - this includes upskirting or creepshots, as well as digitally altering an image where a person’s face or body is superimposed on a pornographic photo or video . This is also known as “fake pornography” (such as “deep-fakes”, the creation of synthetic images by artificial intelligence).²⁵²

3) Exploitation, coercion and threats - includes such forms of violence as coercive sexting, sexual extortion, threats of rape, distribution of sexualized/gendered personally identifiable information, impersonation, and outing, i.e., without the consent of a person of his or her sexual orientation or disclosure of gender identity.²⁵³

4) Sexualized bullying - behavior such as spreading rumors or gossiping about the victim’s alleged sexual behavior, posting sexual comments under the victim’s posts or photos, impersonating the victim and sharing sexually explicit material, or sexually harassing others that affects their reputation or livelihood, outing to intimidate, threaten or body shame a person without their consent.²⁵⁴

5) Cyberflashing - Sending unwanted sexual images through messaging or dating apps, as well as sending texts using Bluetooth or AirDrop technology.²⁵⁵

Online and technology enhanced stalking - also known as digital stalking, encompasses various harmful practices aimed at victims through digital means. These practices include threats of sexual, economic, physical, and psychological harm, damaging the victim’s reputation, exerting control over them, and gathering personal information without consent. Tactics such as stalking and monitoring victims on social media or communication platforms, accessing their emails and phones illicitly to gain entry into their personal spaces, deploying spyware or location-tracking apps, or stealing their devices are common. Perpetrators may also impersonate others to deceive or isolate their victims, and even exploit Internet of Things (IoT)²⁵⁶, devices or smart home appliances to assert control.²⁵⁷

The digital dimension of psychological violence - all forms of violence against women in the online or technology-based realms.²⁵⁸ When combined with technology, psychological abuse in domestic violence situations can escalate significantly. For instance, the posses-

²⁵⁰ Although in paragraph 38 of the Georgian translation of the general recommendation, the term “image-based sexual abuse” is translated as “photo-based sexual abuse”, it is more appropriate to use the term “image-based sexual abuse”. It is worth noting that this is how this term is translated in the appendix of the recommendation - the dictionary. Image-based sexual harassment, according to the annex to the GREVIO general recommendation, is defined as “the online distribution of sexually explicit photos or videos stolen and obtained from the victim’s computer, social media accounts or phone by the abuser during a relationship or”. see GREVIO General Recommendation No. 1 on the Digital Dimension of Violence against Women, 2022, <<https://rm.coe.int/grevio-no1/1680a960a1>> [22.04.2024].

²⁵¹ GREVIO General Recommendation No. 1 on the Digital Dimension of Violence against Women, 2022, par. 38, <<https://rm.coe.int/grevio-no1/1680a960a1>> [22.04.2024].

²⁵² Ibid

²⁵³ Ibid

²⁵⁴ Ibid

²⁵⁵ Ibid

²⁵⁶ The Internet of Things (IoT) is a network of physical objects that are connected to each other and to the Internet, thereby recording and transmitting data about their use. See: GREVIO General Recommendation No. 1 on the Digital Dimension of Violence against Women, 2022, <<https://rm.coe.int/grevio-no1/1680a960a1>> [22.04.2024].

²⁵⁷ GREVIO General Recommendation No. 1 on the Digital Dimension of Violence against Women, 2022, para 41, <<https://rm.coe.int/grevio-no1/1680a960a1>> [22.04.2024].

²⁵⁸ Ibid 43.

sion of intimate images by a current or former partner gains a new dimension of harm in the digital realm.²⁵⁹ Acts that are not criminalized individually can border on psychological violence when amplified through the internet, such as a single harassing comment evolving into cyberbullying due to widespread repetition. Any woman can become a target in cyberspace, particularly those who have previously experienced gender-based violence, achieved success in male-dominated fields, challenge gender norms, or possess intersectional identities. Such individuals may be more vulnerable to violence based on factors like sex, gender, race, color, language, religion, political beliefs, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, health condition, disability, marital status, migrant or refugee status, or other characteristics.²⁶⁰

Another form of psychological abuse, economic abuse, often occurs within intimate partner relationships and extends into the digital realm. In the digital space, economic violence can involve controlling the victim's bank accounts and financial activities through online banking, using the victim's credit cards or entering into financial contracts (such as leases, loans, utilities, etc.) without permission, which can severely impact their credit rating.²⁶¹

Article 157 of the Criminal Code of Georgia **criminalizes the illegal acquisition, storage, use, distribution, or other provision of access to personal information or personal data.**²⁶² These legal norms should be broadly interpreted to encompass the digital dimension of gender-based violence, particularly when perpetrators use technological means. For instance, the concept of sexual harassment under the Labor Code and the Code of Administrative Offenses should also cover cases where abusers engage in unwanted sexual behavior online or using technology. Threats, as defined in Article 115 of the Criminal Code concerning suicide, and systematic abuse, blackmail, or humiliation as outlined in Article 126¹ regarding domestic violence, may similarly occur through communication technology or social networks.

1.6. Discriminatory legislative Initiatives Encouraging Hate-motivated Violence

On April 3, 2024, the parliamentary majority initiated a constitutional draft titled **“On Family Values and Protection of Minors.”**²⁶³ Subsequently, on June 4, 2024, representatives of the parliamentary majority introduced a package of legislative amendments with similar content.²⁶⁴ This package includes the adoption of a new law called **“On Family Values and Protection of Minors”** and amendments to 18 existing legislative acts.²⁶⁵ These amendments also entail consequential changes to the administrative offenses and criminal codes.

²⁵⁹ Ibid

²⁶⁰ Ibid 44.

²⁶¹ Ibid para 47-48.

²⁶² Criminal Code of Georgia, Article 157.

²⁶³ see Parliament website <https://www.parliament.ge/legislation/28353> [05.05.2024]

²⁶⁴ see Parliament website <https://info.parliament.ge/#law-drafting/28703> [13.06.2024]

²⁶⁵ These legislative acts are: Civil Code of Georgia; Law of Georgia “On Adoption and Foster Care”; Child Rights Code; Law of Georgia “On Health Protection”; Law of Georgia “On Civil Acts”; Law of Georgia “On the Procedure for Issuing Registration of Georgian Citizens and Foreigners Living in Georgia, Identity (Residence) Certificate and Georgian Citizen’s Passport”; Law of Georgia “On Early and Preschool Education and Education”; Law of Georgia “On General Education”; Law of Georgia “On Professional Education”; Law of Georgia “On Higher Education”; Law of Georgia “On Broadcasting”; Law of Georgia “On Advertising”; Law of Georgia “On Freedom of Speech and Expression”; Law of Georgia “On Assemblies and Manifestations”; Law of Georgia “On Public Service”; Code of Administrative Offenses of Georgia; Criminal Law Code of Georgia; Organic Law of Georgia “Labor Code of Georgia”; see Parliament website <https://info.parliament.ge/#law-drafting/28703> [13.06.2024].

Articles 1-2 of the Draft Law of Georgia “On Family Values and Protection of Minors”:

Article 1. Purpose of the law

The purpose of this law is to strengthen the family values based on the union of men and women and the mechanisms for the protection of minors.

Article 2. Definition of terms

The terms used in this law have the following meanings:

- a) woman - female person identified according to hereditary genetic characteristics;
- b) man - male person identified according to hereditary genetic characteristics;
- c) Biological sex - sex identified according to hereditary genetic characteristics.

The aforementioned package of amendments, like the draft constitutional law, grossly violates the right to respect for private life, freedom of assembly and expression, and the principle of prohibition of discrimination.

According to the regulation proposed by the legislative package, **marriage is defined** as “the voluntary union of two people of different biological sexes for the purpose of creating a family, which meets the requirements established by the legislation of Georgia.”²⁶⁶ The package prohibits the registration of any alternative form of union as marriage that does not meet this definition.²⁶⁷ Additionally, adoption or foster care by a person who “identifies as a gender different from their biological sex or whose sexual orientation is not heterosexual” is also prohibited.²⁶⁸

The package of legislative changes proposes the criminalization of “conducting a surgical operation or other form of medical manipulation on another person with the purpose of assigning them to a gender different from their biological sex.”²⁶⁹ Additionally, it prohibits indicating “a person’s gender different from their biological sex” in state-issued documents.²⁷⁰

According to the draft amendments, it is prohibited for an employee of an educational institution, within the scope of their activities in the institution or on its premises, **to disseminate or facilitate the dissemination of information** “aimed at promoting a person identifying with a gender different from their biological sex, a relationship expressed as a sign of sexual orientation between individuals of the same biological sex, or incest”²⁷¹. **It is also prohibited to provide or make such information available to a minor through direct communication. Additionally, distributing advertisements aimed at “promoting a person’s identification with a gender different from their biological sex, a relationship expressed as a sign of sexual orientation, or incest between individuals of the same biological sex” is prohibited.**

²⁷² Violation of these prohibitions is considered an administrative offense. **Moreover, com-**

²⁶⁶ Draft Law of Georgia on Family Values and Protection of Minors, Article 3; Draft Law of Georgia on Amendments to the Civil Code of Georgia, <<https://info.parliament.ge/#law-drafting/28703>> [13.06.2024].

²⁶⁷ It should be noted that Georgian legislation does not allow recognition of the marriage of same-sex couples or an alternative form of such union even in the current situation. see Article 1106 of the Civil Code of Georgia.

²⁶⁸ Draft Law of Georgia on Family Values and Protection of Minors, Article 4, “On Amendments to the Law of Georgia on Adoption and Foster Care”, Draft Law of Georgia, <<https://info.parliament.ge/#law-drafting/28703>> [13.06.2024].

²⁶⁹ Draft Law of Georgia “On Amending the Criminal Code of Georgia” <<https://info.parliament.ge/#law-drafting/28703>> [13.06.2024].

²⁷⁰ Draft Law of Georgia “On Family Values and Protection of Minors”, Article 6.

²⁷¹ Ibid., Article 7.

²⁷² Ibid., Article 8.

mitting any of these actions by someone already subject to administrative punishment for the same offense constitutes a crime under the Criminal Code.²⁷³

The package of changes also provides for restriction of the right to assembly and demonstration and censorship of broadcasting.²⁷⁴

According to the package of legislative changes, “any obligation imposed within the framework of the employment relationship, any instruction given within the framework of the employment relationship, and/or any agreement concluded between the employer and the employee that aims to disregard biological sex or encourages its disregard” is prohibited.²⁷⁵

The legal arrangement proposed by the draft constitutional law and the package of legislative amendments **contradicts international standards of human rights protection and Georgia’s international legal obligations.**²⁷⁶ **It violates the freedom of expression by imposing censorship and creates legal barriers,**²⁷⁷ **including those affecting scientific and creative expression, rights protection, and awareness-raising on equality issues.**²⁷⁸ **The UN Committee on the Rights of the Child has called on the state to withdraw the draft constitutional law in its May 30 report.**²⁷⁹

Venice commission has also criticized the draft constitutional amendments. According to the commission, “the compliance of the provisions at stake with European and international standards cannot be established for the reasons set out above and the mere proposal of adopting this text risks to (further) fuel a hostile and stigmatising atmosphere against LGBTI people in Georgia. The Commission thus recommends the Georgian authorities to reconsider this legislative proposal entirely and to not proceed with its adoption.”²⁸⁰ However, if the draft Constitutional Law were maintained, the Venice Commission outlines recommendations that entail removing discriminatory norms and taking steps towards ensuring equality.²⁸¹

According to the Istanbul Convention, “gender” refers to the socially-related roles, behav-

²⁷³ Draft Law of Georgia “On Amendments to the Code of Administrative Offenses of Georgia”; Draft of the Georgian Law “On Amendments to the Criminal Code of Georgia”, <<https://info.parliament.ge/#law-drafting/28703>> [13.06.2024].

²⁷⁴ Draft Law of Georgia “On Family Values and Protection of Minors”, Articles 8-9, <<https://info.parliament.ge/#law-drafting/28703>> [13.06.2024].

²⁷⁵ *Ibid.*, Article 10.

²⁷⁶ For example, see The following decisions of the European Court of Human Rights: A.P., Garçon and Nicot v. France, (Applications nos. 79885/12, 52471/13 and 52596/13); E.B. v. France (Application No. 43546/02); Karner v. Austria, (Application no. 40016/98); Fedotova and Others v. Russia (Applications nos. 40792/10, 30538/14 and 43439/14), see Recommendation of the Committee of Ministers of the Council of Europe: Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, 2010, <https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a> [04.04.2024]

²⁷⁷ Social justice Center 03.06.2024, <<https://socialjustice.org.ge/ka/products/initsirebuli-konstitutsiuri-kanonis-proekti-gamokhatvis-tavisuflebas-etsinaaghmdegeba-da-tsenzuras-atsesebs>>

²⁷⁸ It is worth noting that a similar legal arrangement in Russia with a similar ban has already led to the removal of books, films, other works of art from circulation, further restrictions on the freedom of expression of artists and media, and the spread of self-censorship among publishing houses and artists due to the fear of sanctions. see euronews, From museums to book publishing: How Russia’s new anti-LGBTQ laws will impact culture, 2022 <<https://www.euronews.com/culture/2022/12/06/from-museums-to-book-publishing-how-russias-new-anti-lgbtq-laws-will-impact-culture>> [13.06.2024]

²⁷⁹ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth reports of Georgia, 30.05.2024, CRC/C/GEO/CO/5-6, 7.

²⁸⁰ VENICE COMMISSION, GEORGIA OPINION ON THE DRAFT CONSTITUTIONAL LAW ON PROTECTING FAMILY VALUES AND MINORS, 25.06. 2024, CDL-AD(2024)021, Opinion No. 1188/2024, par. 104-105

²⁸¹ *Ibid.*

iors, activities and characteristics that a given society considers appropriate for men and women. According to the Convention, parties must take all necessary measures to introduce changes in the social and cultural patterns of behavior of women and men in order to eliminate prejudices, customs, traditions and all other practices based **on the idea of inferiority of women or stereotypical representations of the roles of women and men.**²⁸²

According to the European Court of Human Rights, gender identity is recognized as one of the most intimate aspects of a person's private life,²⁸³ with which the state should act within a narrow perspective.²⁸⁴

According to the recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe (on measures against discrimination based on sexual orientation and gender identity towards member states)²⁸⁵

13. Member states should take appropriate measures to ensure, in accordance with Article 10 of the Convention, that the right to freedom of expression can be effectively enjoyed, without discrimination on grounds of sexual orientation or gender identity, including with respect to the freedom to receive and impart information on subjects dealing with sexual orientation or gender identity.

16. Member states should take appropriate measures to prevent restrictions on the effective enjoyment of the rights to freedom of expression and peaceful assembly resulting from the abuse of legal or administrative provisions, for example on grounds of public health, public morality and public order.

The proposed bills lead to discrimination based on gender identity and sexual orientation, exacerbating homophobic and transphobic attitudes while reinforcing traditional gender stereotypes regarding the roles of men and women in society. Additionally, they create a legal framework that could facilitate gender-based discrimination in labor relations and fail to acknowledge the distinction between gender and biological sex.

During the public hearings related to the constitutional draft, **members of parliament actively used hate speech, spreading homophobic, biphobic, and transphobic rhetoric.** This contributes to reinforcing misconceptions about gender roles, conflating the concepts of gender and sex, and portraying non-heterosexual sexual orientations as deviant behavior.²⁸⁶

According to the recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe (on measures against discrimination based on sexual orientation and gender identity towards member states)²⁸⁷

7. Member States should raise awareness among public authorities and public institu-

²⁸² Ibid., Article 12, Paragraph 1.

²⁸³ The decision of the European Court of Human Rights of June 12, 2003 in the case of Van Kück v. Germany, 35968/97, par. 56.

²⁸⁴ The decision of the European Court of Human Rights of December 1, 2022 in the case of A.D. AND OTHERS v. GEORGIA, 57864/17, 79087/17, 55353/19, par. 71.

²⁸⁵ Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures against discrimination on the grounds of sexual orientation and gender identity towards member states, Annex, <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016807379f6> [05.05.2024].

²⁸⁶ Discussion of the bill restricting LGBT rights in the regions began, 22.04.2024, Radio Liberty Facebook page <<https://www.facebook.com/radiotavisupleba/videos/981684230142038>> [04.05.2024].

²⁸⁷ Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures against discrimination against member states on the basis of sexual orientation and gender identity, Annex, <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016807379f6> [05.05.2024]

tions, at all levels of their responsibility, to refrain from making statements, in particular to the media, that could reasonably be understood as condoning such hatred or discrimination.

8. Public officials and other state representatives should be encouraged to promote tolerance and respect for the human rights of lesbian, gay, bisexual and transgender persons whenever they engage in a dialogue with key representatives of the civil society, including media and sports organisations, political organisations and religious communities.

In addition, the format of the mentioned public discussions is used by the parliamentary majority as a platform to voice initiatives against women's sexual and reproductive rights (for example, against abortion and in vitro fertilization).²⁸⁸

At a time when LGBTQI+ people already experience violence both within and outside the family,²⁸⁹ and when transgender people are a particularly vulnerable group to gender-based violence, the introduction of such discriminatory legislative initiatives and the spread of false, hateful narratives by state officials are at even greater risk.²⁹⁰ **It puts members of the LGBTQI+ community and anyone with non-normative gender expression. However, the harmful effects of such legislative initiatives go beyond the scope of individual groups of society and lead to the deterioration of the general situation in terms of human rights protection, including by encouraging hate-motivated violence in society.**

RECOMMENDATIONS

Parliament of Georgia

- **Adopt appropriate legislative changes to ensure that:**
 - ✓ In accordance with GREVIO's recommendation, **the definition of domestic violence should also be extended to those partners who are not/were not married and do not live/have not lived together.**
 - ✓ **Article 151¹ of the Criminal Code should be brought into line with the Istanbul Convention**, the requirement of "mental suffering" and "significant change of lifestyle or existence of a real need" to qualify the action as stalking should be abolished.
 - ✓ The legal definition of rape, in accordance with the standard of the Istanbul Convention, should be based on the component of consent and not on the component of violence and threats of violence.
 - ✓ **Crimes stipulated by Articles 137 and 139 of the Criminal Law should be formulated in one article.**
 - ✓ An article on forced abortion should be added to the Criminal Code of Georgia.
 - ✓ The definition of sexual harassment in the Labor Code of Georgia should be formulated as follows: **"Unwanted sexual conduct towards a person, which**

²⁸⁸ Nino Tsilosani accuses "Publika" of circulating lies, 23.04.2024, Publika's Facebook page, <<https://www.facebook.com/publika.ge/videos/2356163147928303>> [05.04.2024].

²⁸⁹ Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 70, <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [05.05.2024]

²⁹⁰ Ibid., 71

aims and/or causes damage to his dignity or creates an intimidating, hostile, humiliating, degrading or insulting environment for Person.”

- ✓ Development of legal mechanisms for imposing responsibility for economic violence against women and one of the forms of domestic violence.
- **Reject the legislative initiatives directed against equality, encouraging hate-motivated violence:** the constitutional draft law “On family values and protection of minors” initiated on April 3, as well as the draft law “On family values and protection of minors” announced on June 4 and the package of related legislative amendments.

analysis of the collected statistical data is the authority of the parties, not an obligation: “The parties participating in the memorandum are authorized to analyze the data of the published reports at the periodicity agreed upon by them and to provide the Statist with a unified document of statistical data analysis.”³⁰⁰

The annex to the memorandum defines the data that the agencies participating in the memorandum must reflect in their statistics. According to the memorandum, the publication of annual unified statistics, based on the data provided by the agencies, will be provided by Geostat.³⁰¹ **The 2023 unified report published on the Geostat website does not contain an analytical part where the main causes of violence, results, trends, and the effectiveness of state policies are analyzed.**³⁰²

An analysis of crimes motivated by intolerance is published **on the website of the Prosecutor’s Office of Georgia**, which provides not only statistical data but also brief information about trends, challenges, and future plans, which is a positive step.³⁰³ In addition to crimes motivated by intolerance, the website of the Prosecutor’s Office of Georgia also publishes statistical data on gender discrimination motives in criminal cases of domestic violence against women. The document “Data on criminal and criminological aspects of femicide for the years 2014-2022” is also available on the website of the Prosecutor’s Office.³⁰⁴

In the 2023 statistics published **on the website of the Special Investigation Service**, data on crimes committed on the grounds of discrimination based on intolerance (including gender-based) have been integrated.³⁰⁵

According to the information from the Ministry of Internal Affairs of Georgia, the Ministry processes statistical data quarterly and annually based on the following parameters: gender of the victim and the perpetrator; age of the victim and the perpetrator; form of violence; and geographical location.³⁰⁶ The statistics of restraining orders issued in cases of violence against women are published on the Ministry’s website, where the information is differentiated according to regions and forms of violence.³⁰⁷ Additionally, statistics of restraining orders issued in cases of domestic violence are published, with the data differentiated according to the gender and age groups of the victim and the perpetrator.³⁰⁸ However, these statistics do not contain an analytical part and do not include information on trends and challenges, nor do they provide information about intersectional violence.

As for the population survey, Geostat, together with the United Nations Women’s Organiza-

³⁰⁰ *ibid* 3.5.

³⁰¹ See the Geostat website <<https://www.geostat.ge/ka/modules/categories/680/discriminations-nish-nit-sheutsqnareblobis-motivit-chadenili-danashaulis-statistika>> [05.05.2024]

³⁰² Unified Report on Statistics of Intolerance Crimes Based on Discrimination, 2023, <https://www.geostat.ge/media/60697/diskrinacia_2023.pdf> [05.05.2024]

³⁰³ Human Rights Protection Department of the Prosecutor’s Office, Analysis of crimes motivated by intolerance, General of Georgia 2023, <<https://pog.gov.ge/page/default/sheuwynareblobis-motiviT-chadenili-danashaulebi>> [05.05.2024]

³⁰⁴ General Prosecutor’s Office of Georgia, Human Rights Protection Department, Criminal and Criminological Aspects of Femicide 2014-2022, <<https://pog.gov.ge/page/default/qalTa-mimarT-genderuli-Zaladoba-da-oxaxshi-Zaladoba>> [05.05.2024]

³⁰⁵ Statistics of the Special Investigation Service for 2023, <https://sis.gov.ge/Statistics-and-reports?rec_id=45> [05.05.2024]

³⁰⁶ Letter of the Ministry of Internal Affairs of Georgia dated March 6, 2024 MIA 2 24 00692617.

³⁰⁷ see Website of the Ministry of Internal Affairs of Georgia, Statistics of violence against women, (2023) <https://info.police.ge/page?id=841&parent_id=785>

³⁰⁸ see Website of the Ministry of Internal Affairs of Georgia, Domestic violence statistics, <https://info.police.ge/page?id=786&parent_id=102> [05.05.2024]

tion, prepared a national survey of violence against women in 2022.³⁰⁹ A national survey on violence against women was also prepared in 2017.³¹⁰

According to the findings of the 2022 national survey,³¹¹

Overall, women aged 15-69:³¹²

- 50.1 percent experienced at least one of the seven forms³¹³ of violence in their lifetime.

Over the past 12 months, women:³¹⁴

- 9.3 percent experienced violence from a partner,
- 0.5 percent experienced physical violence from a non-partner,
- 9.7 percent experienced sexual harassment,
- 1.6 percent experienced stalking.

RECOMMENDATIONS

To the Supreme Court of Georgia, the Prosecutor's Office of Georgia, the Ministry of Internal Affairs of Georgia, the Special Investigation Service of Georgia, and the National Statistical Service of Georgia:

- **An analytical section should be added to the unified report on the statistics of the crime of intolerance based on discrimination, which will assess the main trends, the reasons for the existing statistics, challenges, and future goals.** The creation of such an analytical document and its sharing with Geostat should be defined as an obligation, not an authority, of the parties to the Memorandum of Cooperation on the production of statistics and the issuance of a unified report on crimes committed on the grounds of discrimination based on intolerance.

³⁰⁹ Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [05.05.2024]

³¹⁰ Geostat, UN Women, National Survey on Violence against Women in Georgia 2017, <<https://gender.geostat.ge/gender/img/publicationspdf/National%20VAW%20Study%20Report%20Geo.pdf>> [05.05.2024]

³¹¹ Since the 2017 and 2022 surveys used different methodologies, the prevalence rates of violence are not comparable, see Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 14, <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [05.05.2024]

³¹² Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 65-66, <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [05.05.2024]

³¹³ According to the study, forms of violence include: (1) sexual violence experienced in childhood (under the age of 18); (2) physical and/or emotional abuse experienced in childhood (up to the age of 18); (3) partner violence; (4) physical abuse by a non-partner (after age 15); (5) sexual abuse by a non-partner (after age 15); (6) sexual harassment; and (7) persecution, see Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 355, <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [05.05.2024]

³¹⁴ Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 65-66, <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [05.05.2024]

3. POLICY DOCUMENTS

Policy planning, coordination of its implementation, monitoring, and evaluation are essential components of effective public administration.³¹⁵ A policy document is a strategic or action-oriented document that outlines national or sectoral policies, identifying ways to address problems and promote development.³¹⁶ In Georgia’s policy planning and coordination system, policy documents with general characteristics encompass three types: concept, strategy, and action plan.³¹⁷

Concept

A general national or sectoral policy³¹⁸ document that defines the need, vision, main principles and priorities³¹⁹ for strategy development; Its preparation is optional.³²⁰

Strategy

A policy document defines priorities, Objectives, and tasks for addressing identified problems in a national or sectoral direction. It establishes approaches for implementing the set Objective and tasks and sets indicators to evaluate progress.³²¹

Government policy in a specific area is generally presented in a strategy document. This document is developed based on the relevant concept,³²² if one exists; however, it is more often created without such a concept.³²³

Action plan

A policy document that defines specific activities to achieve national or sectoral priorities, goals and objectives, indicators of their results, responsible and partner agencies, deadlines for implementation, budget and source of funding³²⁴

³¹⁵ Guidelines approved by the Ordinance of the Government of Georgia No. 629 of December 20, 2019 on the approval of the procedure for development, monitoring and evaluation of policy documents, 4.

³¹⁶ Rule approved by Ordinance No. 629 of the Government of Georgia of December 20, 2019, Article 2, subsection “a” on the approval of the rules for development, monitoring and evaluation of policy documents.

³¹⁷ Guidelines approved by the Ordinance of the Government of Georgia No. 629 of December 20, 2019 on the approval of the procedure for development, monitoring and evaluation of policy documents, 4.

³¹⁸ A policy document can be national, sectoral or institutional. The national policy document is a document of the highest hierarchy, which defines the main priorities, goals and objectives of the country’s development in all areas; A sectoral policy document is a hierarchically subordinate document to national policy documents, which aims to overcome challenges in a specific area(s) and develop it to achieve national priorities, goals and objectives; The institutional policy document is hierarchically subordinate to the national and sectoral policy documents, which aims to strengthen the institution in order to overcome the challenges in the relevant field(s) and to develop it. see Rule approved by the Ordinance of the Government of Georgia No. 629 of December 20, 2019 on the approval of the rules for development, monitoring and evaluation of policy documents, Article 2, subsections “K”-“M”

³¹⁹ Rule approved by Ordinance No. 629 of the Government of Georgia of December 20, 2019, Article 2, subsection “b” on the approval of the rules for development, monitoring and evaluation of policy documents

³²⁰ Guidelines approved by the Ordinance of the Government of Georgia No. 629 of December 20, 2019 on the approval of the procedure for development, monitoring and evaluation of policy documents, 4.

³²¹ Rule approved by Ordinance No. 629 of the Government of Georgia of December 20, 2019, Article 2, subsection “c” on the approval of the rules for development, monitoring and evaluation of policy documents.

³²² Guidelines approved by the Government of Georgia Ordinance No. 629 of December 20, 2019 on the approval of the procedure for development, monitoring and evaluation of policy documents, 5.

³²³ *ibid*

³²⁴ Rule approved by Ordinance No. 629 of the Government of Georgia of December 20, 2019, Article 2, subsection “d” on the approval of the rules for development, monitoring and evaluation of policy documents.

Its function is to prescribe specific activities to achieve the goals and objectives presented in the strategy.³²⁵ A strategy must be accompanied by a corresponding action plan, although an action plan can be adopted without a strategy.³²⁶

3.1. Action Plan of Measures to be Carried out in 2022-2024 to Fight Against Violence Against Women and Domestic Violence and to Protect Victims

On October 26, 2022, the Georgian Government's Ordinance No. 509 approved the action plan for **measures to be implemented from 2022 to 2024 for combating violence against women and domestic violence, and for the protection of victims**. The previous action plan was valid for the years 2018-2020, but its update for 2021 was delayed due to the impact of the new coronavirus pandemic.³²⁷

The action plan defines activities to achieve the following goals and objectives:³²⁸

OGGoal 1. Promotion of zero tolerance of violence against women and domestic violence in society and improvement of prevention mechanisms.

Objective 1.1. To promote the prevention of violence, increase public awareness of issues related to violence against women/domestic violence and victim protection and support services, and correct violent attitudes and behavior.

Goal 2. Increase access to quality support services for women and victims of domestic violence.

Objective 2.1. Refinement/improvement of existing national legislation in the field of victim protection and support in accordance with international standards.

objective 2.2. Promoting increased protection and support services for women and victims of domestic violence.

objective 2.3. Development of professional skills and capabilities of service providers through training and training/retraining.

Goal 3. Ensuring effective and quick response to cases of violence against women and domestic violence.

Objective 3.1. Increase the capacity of those responsible for response and prevention through training and improvement of working tools.

Goal 4. To increase the efficiency of the state policy in the direction of combating/preventing violence against women and domestic violence and protecting victims by strengthening integrated and coordinated approaches.

Objective 4.1. Enhancing cooperation between central and local authorities on issues of prevention/elimination of violence against women and domestic violence and protection and support of victims of violence.

Objective 4.2. Improving the processing and availability of statistical data on cases of violence against women and domestic violence.

³²⁵ Guidelines approved by the Government of Georgia Ordinance No. 629 of December 20, 2019 on the approval of the procedure for development, monitoring and evaluation of policy documents, 5-6.

³²⁶ *ibid*

³²⁷ Analysis of the situation of the "action plan of measures to be implemented in 2022-2024 to fight against violence against women and domestic violence and to protect victims (victims)" approved by the resolution of the Government of Georgia dated October 26, 2022 N 509.

³²⁸ "Action plan of measures to be implemented in 2022-2024 to fight against violence against women and domestic violence and to protect victims"

The activity 1.1.1. of the action plan is the development and approval of a unified action plan for the prevention of violence against women and domestic violence. The development of the mentioned action plan (the plan covers the period of 2024-2025) is currently underway.

Some of the activity indicators in the action plan are overly general and lack clarity needed to meet the SMART standard—specific, measurable, achievable, relevant, and time-bound.³²⁹ For instance, indicator 1.1.3³³⁰, “Revised and improved violent attitudes and behavior correction programs,” lacks specificity on what constitutes “improvement” and how to measure the extent of implementation. Similarly, indicator 1.1.4,³³¹ “Modified behavior correction program/programs for delivery in emergency situations,” lacks baseline and target data, making it unclear what defines partial or full performance of the activity.

It should be noted that in the action plan, activities in terms of fighting intersectional violence are given in 4.1. Under the objective, “Enhancing cooperation between central and local authorities on prevention/elimination of violence against women and domestic violence and protection and support of victims of violence”, and is related to improving the production of statistics on violence against the elderly and persons with disabilities.³³² The activities envisaged under the other objectives of the action plan do not include measures to be implemented against intersectional violence (for example, issues of combating gender-based violence against members of non-dominant ethnic and religious groups, persons with disabilities, elderly persons, LGBTQI+ people).

The state agencies/institutions provided for by the mentioned action plan must submit reports on the implementation of the action plan to the inter-agency commission working on the issues of gender equality, violence against women and domestic violence once a year, which will monitor the implementation of the plan through the Human Rights Secretariat of the Government of Georgia.³³³ According to Ordinance 629 of the Government of Georgia, the coordinating body approves the monitoring reports and publishes them on its own electronic resource.³³⁴ The annual monitoring report must be published on the electronic resource within 60 calendar days after the end of the one-year reporting period of the policy document.³³⁵ Nevertheless, **the annual monitoring report of the mentioned action plan has not been published on the website of the Secretariat of Human Rights.**³³⁶

3.2. National Strategy for Human Rights Protection of Georgia (for 2022-2030) and Action Plan (for 2024-2026)

The Parliament of Georgia approved the **National Human Rights Strategy of Georgia (2022-2030) through its resolution on March 23, 2023**. This strategy establishes a unified framework aimed at bolstering the national system of fundamental human rights and freedoms

³²⁹ Guidelines approved by the Ordinance of the Government of Georgia No. 629 of December 20, 2019 on the approval of the procedure for development, monitoring and evaluation of policy documents, 25; Also, Appendix 2, 5-8.

³³⁰ Activity of the action plan of measures to be carried out in 2022-2024 to fight against violence against women and domestic violence and to protect victims (victims) 1.1.3. - “Revision, further refinement and implementation of existing violent attitudes and behavior correction programs for violent convicts” “

³³¹ Ibid., activity 1.1.4. - “Modification of violent attitudes and behavior correction program(s) and delivery to violent persons in emergency situations, including pandemic conditions”

³³² Ibid., objective 4.1.

³³³ Resolution No. 509 of the Government of Georgia of October 26, 2022 on the approval of the action plan for the fight against violence against women and domestic violence and for the protection of victims (victims) in 2022-2024, Article 3.

³³⁴ Rule approved by Ordinance No. 629 of the Government of Georgia of December 20, 2019, Article 11, Clause 5, on the approval of the rules for development, monitoring and evaluation of policy documents.

³³⁵ Ibid., Article 11, Clause 6.

³³⁶ see Website of the Human Rights Secretariat <<https://myrights.gov.ge/ka/reports/progress%20reports/>> [05.05.2024]

and institutional democracy within the country.³³⁷ The strategy's third priority focuses on integrating constitutional guarantees of equality into state policies, promoting their practical implementation, and ensuring the enjoyment of human rights and freedoms without discrimination. A significant portion of the defined tasks under this priority will concentrate on advancing gender equality across all spheres of life,³³⁸ with particular emphasis on combatting violence against women and domestic violence.

Goal

Strengthening the principle of gender equality in all spheres of life, to ensure equality according to legal guarantees and to promote the actual realization of the same principle; Improving systemic and institutional mechanisms to ensure equal opportunities and de facto equality and empowering women and girls.

Objective

- a) strengthening of state mechanisms promoting gender equality, including by improving coordination;
- b) political and economic empowerment of women, including by strengthening an equal environment;
- c) strengthening of response to incidents of violence against women and domestic violence, protection of victims and preventive mechanisms;
- d) effective response to crimes committed based on gender discrimination; Strengthening of victim protection and rehabilitation mechanisms and access to shelter;
- e) increasing the participation of women in the implementation of the policy of establishing peace and security;
- f) elimination of harmful practices against women and girls and strengthening of preventive and response measures for cases of child marriage;
- g) Raising public awareness on issues of gender equality and domestic violence

It should be noted that the **administration of the Government of Georgia has not published the document of the situational analysis of the human rights situation in the country, on which the strategy document was based.**³³⁹ **Also, the strategy does not additionally indicate to what extent gender and social inclusion perspectives were taken into account in the process of its development.**³⁴⁰

On December 28, 2023, the Government of Georgia approved the 2024-2026 action plan for the protection of human rights of Georgia by Ordinance N528, **which outlines the activities corresponding to the mentioned tasks. It should be noted that this action plan also**

³³⁷ "National strategy for the protection of human rights of Georgia (for the years 2022-2030)", approved by the resolution of the Parliament of Georgia on March 23, 2023, 2.

³³⁸ *Ibid.*, 44.

³³⁹ GYLA, 2022-2030 National Human Rights Strategy Development and Implementation Monitoring Document Regarding Labor and Environmental Rights, 2023, 11, <<https://gyla.ge/files/%E1%83%90%E1%83%93%E1%83%90%E1%83%9B%E1%83%98%E1%83%90%E1%83%9C%E1%83%98%E1%83%A1%20%E1%83%A3%E1%83%A4%E1%83%9A%E1%83%94%E1%83%91%E1%83%90%E1%83%97%E1%83%90%20%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%90%E1%83%A2%E1%83%94%E1%83%92%E1%83%98%E1%83%98%E1%83%A1%20%E1%83%9B%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A2%E1%83%9D%E1%83%A0%E1%83%98%E1%83%9C%E1%83%92%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%E1%83%98.pdf>> [05.05.2024]

³⁴⁰ *ibid*

has the problem of vague and general indicators that do not meet the SMART indicator standard.³⁴¹

It is noteworthy that the process of developing and approving the strategy and action plan occurred without inclusiveness and full involvement of civil society. The Government of Georgia set a two-week deadline for external stakeholders to submit their opinions on the human rights protection strategy. The document was approved on September 5, 2022, immediately after this deadline, without adequate discussions.³⁴²

After adopting the strategy document, the Government of Georgia began developing the action plan for human rights protection. It is important to note that this process coincided with the initiation of draft laws on transparency of foreign influence, the use of derogatory language towards human rights defenders, and attempts to restrict civil society space.³⁴³ Despite civil society organizations expressing their desire to provide written opinions on the action plan and present them in a coordinated manner, the parallel nature of these processes made such coordination impossible.³⁴⁴

The process of developing the action plan remained non-inclusive, even after the repeal of the mentioned draft law. For instance, on October 31, 2023, the Georgian government administration shared the working document of the action plan for human rights protection strategy with civil society organizations and invited them to a working meeting on November 1, 2023. This short notice did not allow civil society organizations sufficient time to fully review the document and present their opinions at the meeting.³⁴⁵

In December 2023, Georgia was granted the status of a candidate for EU membership, contingent upon fulfilling the steps outlined in the European Commission's recommendation³⁴⁶. **All nine steps in the recommendation emphasize improving standards of human rights protection**, including adopting an ambitious human rights strategy, ensuring freedom of assembly and expression, and consulting civil society to involve them in lawmaking, policy development, and ensuring their ability to work freely³⁴⁷

³⁴¹ "In the action plan, consider 21.3.7 as an example. The activity result indicator states: 'To effectively protect the rights of victims, increase the participation of witnesses and victim coordinators in criminal cases of domestic and sexual violence.' The indicator lacks clarity on the specific increase required in coordinator involvement to deem the activity partially or fully completed (what is the target indicator). Additionally, for indicator 21.3.11, which states: 'Conduct multi-departmental meetings involving agencies or non-governmental organizations working on gender violence against women, domestic violence, and sexual crimes,' there is no specified target number of meetings needed to consider the activity complete. Furthermore, the indicator's formulation raises concerns as it could be fulfilled even if civil society organizations are entirely excluded from these meetings."

³⁴² GYLA, 2022-2030 National Human Rights Strategy Development and Implementation Monitoring Document Regarding Labor and Environmental Rights, 2023, 10, <<https://gyla.ge/files/%E1%83%90%E1%83%93%E1%83%90%E1%83%9B%E1%83%98%E1%83%90%E1%83%9C%E1%83%98%E1%83%A1%20%E1%83%A3%E1%83%A4%E1%83%9A%E1%83%94%E1%83%91%E1%83%90%E1%83%97%E1%83%90%20%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%90%E1%83%A2%E1%83%94%E1%83%92%E1%83%98%E1%83%98%E1%83%A1%20%E1%83%9B%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A2%E1%83%9D%E1%83%A0%E1%83%98%E1%83%9C%E1%83%92%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%98.pdf>> [05.05.2024]

³⁴³ Ibid 13.

³⁴⁴ Ibid

³⁴⁵ Ibid 16.

³⁴⁶ European Council conclusions, Brussels, 15 December 2023, EUCO 20/23, <<https://www.consilium.europa.eu/media/68967/europeancouncilconclusions-14-15-12-2023-en.pdf>> [05.05.2024]

³⁴⁷ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, COM(2023) 690 final, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf?fbclid=IwAR01ZKjWxltP6a9KDGKeQWQu3sD64HdOgcviIAWYuuTB-ZEEI95vneLD0MwU> [05.05.2024]

According to the special report of the Public Defender of Georgia, published in 2023, Gender Equality Councils formally exist in all municipalities.³⁵⁶ The only exception was the municipality of Senaki; however, in December 2022, the Gender Equality Council of Senaki Municipality resumed its functioning.³⁵⁷

According to the Public defender of Georgia, there are many barriers to the effective functioning of gender equality councils, including in-depth knowledge and expertise of decision-makers and executives, financial and human resources, and sensitivity to gender equality issues of municipal decision-makers, need for systematic awareness raising for employees of the municipality and the members of the councils regarding gender equality, women's rights and gender mainstreaming.

Under the project "Strengthening Oversight Capacities of Councils of Batumi, Chokhatauri, Lentekhi, Mestia, Ozurgeti, Tkibuli, and Zugdidi Municipalities,"³⁵⁸ GYLA assessed the work of Gender Equality Councils in the mentioned municipalities. **The councils in these municipalities lack monitoring mechanisms, such as conducting thematic inquiries.** It should be noted that Zugdidi Council changed the regulations of its Gender Equality Council to include thematic inquiries.³⁵⁹ In four municipalities (Zugdidi, Ozurgeti, Tkibuli, Batumi) out of the mentioned seven, it was revealed that a large number of council members did not attend the council meetings, indicating low interest in these issues among the council members. In Tkibuli, Chokhatauri, and Batumi, weak monitoring practices of City Hall's work were also observed. In the cases of Lentekhi and Mestia, GYLA could not assess the practices of the Gender Equality Councils since these municipalities had not provided the relevant documents.

According to the Public Defender of Georgia openness and inclusivity of the gender equality councils is a challenge - women in several locations reported that they had never heard of the council and/or had never had a cooperative relationship with them.³⁶⁰ Another important challenge is evaluation and monitoring of the existing policy documents and evidence based policymaking. According to the Public Defender of Georgia, municipalities rely on information received from different sources during policy development; implementation of research and the processing of statistical data is a challenge.³⁶¹

Regarding the cooperation with the central government, The Municipal Gender Equality Councils have experience of cooperating with Interagency commission working on issues of gender equality, violence against women and domestic violence and Permanent Council of Gender Equality of the Parliament, mainly in the process of developing action plans, as well as in the direction of trainings/retraining, requesting/sharing information.³⁶² A significant part of the gender equality councils has a much more active cooperation with the Parliament's Permanent Council for Gender Equality. It is noteworthy, that the National Association of Local Self-Governments of Georgia (NALAG), which is an umbrella organization of municipalities, takes part in the format of an Inter-agency Commission, which, in turn, implies the involvement of municipalities.³⁶³

³⁵⁶ The Public Defender of Georgia, Evaluation of Gender Equality Policies of Municipalities, 2023, 16, <https://ombudsman.ge/res/docs/2023041823365383262.pdf> [15.07.2024].

³⁵⁷ Ibid.

³⁵⁸ Strengthening Oversight Capacities of Councils of Batumi, Chokhatauri, Lentekhi, Mestia, Ozurgeti, Tkibuli, and Zugdidi Municipalities, <https://www.gyla.ge/en/post/sakrebuloebis-sazedamkhedvelo-shesadzleblobebis-gadzlireba-batumis-chokhatauris-lentekhis-mestiis-ozurgetis-tyibulisa-da-zugdidis-municipalitetebshi#sthash.Pmk6auZZ.dpbs> [15.07.2024].

³⁵⁹ Zugdidi Municipality Decree №37 of March 22, 2018, on creating Zugdidi Municipality Gender Equality Council and approving its rules of procedure.

³⁶⁰ The Public Defender of Georgia, Evaluation of Gender Equality Policies of Municipalities, 2023, 7-8, <https://ombudsman.ge/res/docs/2023041823365383262.pdf> [15.07.2024]

³⁶¹ Ibid.

³⁶² Ibid 20-21.

³⁶³ Ibid 22.

Challenges regarding oversight of the executive bodies and the attendance of the members are also associated with the Permanent Parliamentary Gender Equality Council – according to Transparency International Georgia, The Council's oversight of executive authorities is weak, The Government fails to submit reports to the Council within the specified timeframe, after hearing reports, the Council does not issue recommendations; The Council does not monitor the implementation of the recommendations issued by the thematic inquiry group in a timely and efficient manner; The members often do not attend sessions of the Council.

RECOMMENDATIONS

The Government of Georgia:

- **Policy documents should be based on the situation assessment document**, which will be publicly published, in accordance with the rules defined by Government ordinance 629.
- **Gender and social inclusion perspectives should be considered in the process of developing policy documents.**
- **Ensure substantial involvement of civil society in the process of policy development**
- **Indicators of the activity results of the action plans should be established in such a way as to meet the SMART standard defined by the annexes of the government ordinance 629.**
- **Policy documents should address the issues of protecting the rights of the LGBTQI+ community, including the protection of LGBTQI+ people from gender-based violence.**
- **Monitoring reports of policy documents should be publicly published**, in accordance with the rules defined by Government ordinance 629.

Municipalities:

- Ensure that Gender Equality Policies are based on evidence, local research and evaluation of previous policy documents.
- Ensure involvement of public in policymaking.
- Continuously take care of awareness raising and training of the employees of the Municipality and Gender Equality Council members.
- Ensure the Gender Equality Councils have monitoring powers, including the authority to conduct thematic inquiries.

Gender Equality Councils of Municipalities

- Ensure members attend council meetings.
- Ensure the public availability of the minutes of the Gender Equality Council meetings. Ensure Publicity and accessibility of the minutes of Gender Equality Council

Permanent Parliamentary Gender Equality Council

- Ensure members attend council meetings.
- Ensure use of monitoring mechanisms, such as issuing recommendations and monitoring their implementation.

4. PREVENTION OF GENDER-BASED VIOLENCE

4.1. Raising Public Awareness

4.1.1. Narrowing the Space of Civil Society

According to Article 13 of the Istanbul Convention, states promote or carry out information and educational campaigns and programs regularly and at all levels, **including in cooperation with state institutions protecting human rights and bodies working on equality issues, civil society and non-governmental organizations, especially women's organizations.**

³⁶⁴ The term 'women's organizations,' as explained in the Convention's explanatory report, refers to NGOs that work in the field of protection and support of victims of violence against women. ³⁶⁵The Istanbul Convention calls on states to cooperate with civil society in the area of awareness-raising, as many NGOs have extensive experience successfully implementing such activities at local, regional, and national levels. ³⁶⁶

Nevertheless, state policy in Georgia is aimed at stigmatizing civil society organizations and limiting their operational space, making such cooperation impossible and threatening the existence of women's organizations. The ruling party began spreading discrediting rhetoric about civil society as early as 2022, when representatives of 'Georgian Dream' started questioning the funding sources and goals of NGOs operating in the country. ³⁶⁷ Additionally, on February 22, 2023, the Georgian parliamentary majority officially registered the draft law On Registration of Foreign Agents, and subsequently registered a second draft law, which they claimed to be American-style but had the same objective. ³⁶⁸ Both bills were criticized by international organizations, partner states, and civil society. ³⁶⁹ According to a statement issued by more than 400 civil society organizations, this law would leave vulnerable children, **women, victims of violence**, persons with disabilities, minorities, scientists, workers, and youth without support. It would also fail to assist socially vulnerable families, farmers, miners, the illegally dismissed, the displaced, the homeless, the restricted in freedom, and others fighting for their rights. Furthermore, the voices of people living in highlands and other regions, who communicate their struggles to the public through local, independent media, would be silenced. ³⁷⁰

After the first reading of the bill "On transparency of foreign influence" at the plenary session of March 7, 2023, due to mass protests, the ruling team was forced to issue a statement on March 9 that it would withdraw the bill passed in the first reading. ³⁷¹ On March 10, the

³⁶⁴ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 article 13.

³⁶⁵ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 explanatory report para. 92.

³⁶⁶ *ibid*

³⁶⁷ GYLA, People Against the Russian law, 2023, 26, <<https://www.gyla.ge/files/2020/%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%94%E1%83%91%E1%83%98/untitled%20folder/%E1%83%9C%E1%83%98%E1%83%A3%E1%83%A1%E1%83%9A%E1%83%94%E1%83%97%E1%83%94%E1%83%A0%E1%83%98/%E1%83%AE%E1%83%90%E1%83%9A%E1%83%AE%E1%83%98%20%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%A3%E1%83%9A%E1%83%98%20%E1%83%99%E1%83%90%E1%83%9C%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A1%20%E1%83%AC%E1%83%98%E1%83%9C%E1%83%90%E1%83%90%E1%83%A6%E1%83%9B%E1%83%93%E1%83%94%E1%83%92-2.pdf>> [05.05.2024]

³⁶⁸ *ibid.*, 28.

³⁶⁹ *ibid.*, 27-28.

³⁷⁰ see "Russian law is not Georgia's choice." GYLA. 21.02.2023, <<https://gyla.ge/ge/post/rusuli-kanoni-ar-aris-saqartvelos-archevani#sthash.7RKnG1jd.dpbs>> [05.05.2024]

³⁷¹ GYLA People Against The Russian Law 2023, 29-30, <<https://www.gyla.ge/files/2020/%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%94%E1%83%91%E1%83%98/untitled%20folder/%E1%83%9C%E1%83%98%E1%83%A3%E1%83%A1%E1%83%9A%E1%83%94%E1%83%97%E1%83%94%E1%83%A0%E1%83%98/%E1%83%AE%E1%83%90%E1%83%9A%E1%83%AE%E1%83%98%20%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%A3%E1%83%9A%E1%83%98%20%E1%83%99%E1%83%90%E1%83%9C%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A1%20%E1%83%AC%E1%83%98%E1%83%9C%E1%83%90%E1%83%90%E1%83%A6%E1%83%9B%E1%83%93%E1%83%94%E1%83%92-2.pdf>> [05.05.2024]

draft law was officially rejected in the second reading.³⁷²

On November 8, 2023, the European Commission recommended that Georgia be granted candidate status, **but noted in the report that Georgia should refrain from taking measures that limit or hinder the participation of civil society organizations in the decision-making process.**³⁷³ **The Commission also emphasized in recommendation 9 the importance of the involvement of civil society organizations.**³⁷⁴

Nevertheless, on April 3, 2024, Georgian Dream re-initiated an identical bill.³⁷⁵

The re-initiation of the draft law again caused mass protests and earned severe criticism from international organizations and partner states.³⁷⁶ On April 25, 2024, more than 200 civil and media organizations (including those working on women's and gender-based violence issues) issued a statement declaring that they will never register in the defamation register and will cease cooperation with the authorities until they renounce the Russian law.³⁷⁷ **The state, along with the Venice Commission,³⁷⁸ the OSCE Office for Democratic Institutions and Human Rights (ODIHR),³⁷⁹ and the UN Committee on the Rights of the Child, called on the state to reject this law.**³⁸⁰

Despite the mass protests, the Parliament adopted the bill in the third reading on May 14, 2024.³⁸¹ On May 18, the president returned the draft law to the parliament with motivated remarks, effectively vetoing the draft law,³⁸² indicating that the law would be effective only

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³⁷² Ibid

³⁷³ Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy, Brussels, 8.11.2023, SWD(2023) 697 final, 12.

³⁷⁴ Ibid

³⁷⁵ BREAKING: GD Reintroduces the Draft law on Foreign Agents, Civil.ge, 03.04.2024. <<https://civil.ge/archives/589747>> [04.06.2024]

³⁷⁶ Statement of the press-speaker of the High Representative of the European Union regarding the draft law "On transparency of foreign influence", 04.04.2024; also, US Department of State, 05.04.2024, <<https://www.state.gov/georgian-draft-legislation/>> [05.05.2024], CoE Commissioner for Human Rights, 11.04.2024, <<https://www.coe.int/en/web/commissioner/-/georgia-concerns-about-the-compatibility-of-the-draft-law-on-transparency-of-foreign-influence-with-the-rights-to-freedom-of-association-and-expression>> [05.05.2024]; International Reactions to Reintroduction of Draft Law on Foreign Agents, Civil.ge, 17.04.2024, <<https://civil.ge/archives/589823>> [04.06.2024]; Chair Cardin Leads Trans-Atlantic Foreign Affairs Committee Chairs in Joint Statement on Georgian Parliament's Passage of Russian-Style 'Foreign Agent' Law, 15.05.2024, <<https://www.foreign.senate.gov/press/dem/release/chair-cardin-leads-trans-atlantic-foreign-affairs-committee-chairs-in-joint-statement-on-georgian-parliaments-passage-of-russian-style-foreign-agent-law>>, [04.06.2024]

³⁷⁷ Public and media organizations suspend cooperation with the authorities until the Russian law is enacted, 25.04.2024, <<https://www.gyla.ge/ge/post/the-non-governmental-and-media-organizations-suspend-cooperation-formats-with-the-government-until-the-russian-law-is-dropped#sthash.ARkbSL9I.dpbs>> [05.05.2024]

³⁷⁸ VENICE COMMISSION, GEORGIA URGENT OPINION ON THE LAW ON TRANSPARENCY OF FOREIGN INFLUENCE, 21.05.2024, CDL-PI(2024)013, Opinion No. 1190/2024, par. 100.

³⁷⁹ OSCE Office for Democratic Institutions and Human Rights, GEORGIA, URGENT OPINION ON THE LAW OF GEORGIA "ON TRANSPARENCY OF FOREIGN INFLUENCE", 30.05.2024, Opinion-Nr.: NGO-GEO/506/2024 [NR].

³⁸⁰ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth reports of Georgia, 30.05.2024, CRC/C/GEO/CO/5-6, par. 13

³⁸¹ Parliament adopted the "Agents' Law" in the third, final reading, Radio Liberty, 14.05.2024, <<https://www.radiotavisupleba.ge/a/32946944.html>> [04.06.2024]

³⁸² The president vetoed the "law of agents": this is Russian law, Radio Liberty, 28.05.2024, <<https://www.radiotavisupleba.ge/a/32952886.html>> [04.06.2024]

one day after its publication, which in practice meant its repeal.³⁸³ However, on May 28, at the plenary session, the parliament did not support the president's motivated remarks and overcame the veto.³⁸⁴

It should be emphasized that **the process of adopting the law took place against the background of severe and systematic violations of human rights by the state and attempts to suppress peaceful protests with violent, repressive methods.**³⁸⁵

The law envisages the creation of a stigmatizing registry for non-governmental and media organizations that receive more than 20% of their annual funding from foreign sources.³⁸⁶ Such organizations must be registered as 'an organization carrying out the interests of a foreign power' and submit appropriate declarations.³⁸⁷ In case of non-fulfillment of these obligations, the law provides for heavy financial sanctions,³⁸⁸ which will ultimately make it impossible for organizations to function. These organizations are subject to intensive monitoring, and the monitoring body can request from any person (including natural persons) information containing any secrets (except state secrets) and any personal data (including special categories of personal data).³⁸⁹

Civil society organizations, including women's organizations and other non-governmental organizations that provide legal aid, shelter, or other services to victims of gender-based violence, **are threatened with disappearance under the said law.**

Accordingly, by narrowing the space of civil society and stigmatizing civil society, the state violates Article 13 of the Istanbul Convention, which obliges it, among other things, to cooperate with non-governmental organizations in order to raise public awareness.

4.1.2. Normalizing Gender-Based Insults Against Female Politicians

Over the past years, sexist, gender-based insulting and humiliating rhetoric has been repeatedly used against women in the Parliament of Georgia. In 2023, some members of the Parliament of Georgia used offensive language, applied physical force, and sexually harassed female deputies, for which they were not held accountable.³⁹⁰

According to Article 3, subsection "O" of the Code of Ethics of the Member of the Parlia-

³⁸³ Speaker Papuashvili Talks Agents' Law, President's Veto, Sanctions, Civil.ge, 20.05.2024, <<https://civil.ge/archives/608343>>, [04.06.2024]

³⁸⁴ The Parliament overcame the President's veto on the "Agents Law", Radio Liberty, 28.05.2024, <<https://www.radiotavisupleba.ge/a/32967067.html>> [04.06.2024]

³⁸⁵ gyla "GEORGIA: HUMAN RIGHTS AMIDST OF RUSSIAN LAW" Human rights record within 60 days of the reintroduction of the Foreign Influence Transparency Bill, 2024, <<https://gyla.ge/files/%E1%83%90%E1%83%93%E1%83%90%E1%83%9B%E1%83%98%E1%83%90%E1%83%9C%E1%83%98%E1%83%A1%20%E1%83%A3%E1%83%A4%E1%83%9A%E1%83%94%E1%83%91%E1%83%94%E1%83%91%E1%83%98%20%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%A3%E1%83%9A%E1%83%98%20%E1%83%99%E1%83%90%E1%83%9C%E1%83%9D%E1%83%9C%E1%83%98%E1%83%A1%20%E1%83%9E%E1%83%98%E1%83%A0%E1%83%98%E1%83%A1%E1%83%9E%E1%83%98%E1%83%A0.pdf>> [12.06.2024]

³⁸⁶ Law of Georgia "On Transparency of Foreign Influence", Article 2, 4.

³⁸⁷ Ibid., Article 4, 6.

³⁸⁸ Ibid., Article 9.

³⁸⁹ Ibid., Article 8.

³⁹⁰ "Ghudushauri and Beraya insulted female MPs in the Parliament", 31.10.2023, "Formula" TV company website, <<https://formulanews.ge/News/100493>> [05.05.2024], "Dream" MP Levan Mgaloblishvili turned off the microphone at the session of Ana Tsitlidze" , , "Formula" TV company website, <<https://formulanews.ge/News/101609>> [05.05.2024], "Tina Bokuchava was forced out of the place intended for the speaker by Shalva Papuashvili", 18.07.2021, "Radio Liberty" website, <<https://www.radiotavisupleba.ge/a/31364779.html>> [05.05.2024].

overridden by the Parliament on May 15.⁴⁰⁰ It's important to note that while Article 12, Paragraph 6 of the Istanbul Convention does not explicitly require gender quotas in parliament,⁴⁰¹ According to the Explanatory Report, it entails empowering women in all areas of life, including their political and economic empowerment.⁴⁰² **The introduction of gender quotas in Georgia had previously proven beneficial, increasing the number of women candidates and elected representatives.**⁴⁰³ **In recent years public support for gender equality measures has also increased.**⁴⁰⁴ Arguments for canceling quotas included the assertion that they had already achieved their primary goal by increasing women's participation in politics⁴⁰⁵ and making women's issues more prominent on the political agenda. However, this decision to abolish quotas raises questions, especially considering that just over a year earlier, in February 2023, the Parliament had extended the mandate of gender quotas until the 2032 elections.⁴⁰⁶ Despite some progress, data from the United Nations Women's Organization shows that in 2023, women constituted only 19% of parliamentarians in Georgia, lower than the global average of 27% and the regional average of 31%.⁴⁰⁷ **Women involved in politics continue to face entrenched stereotypes, challenges within political parties, and instances of societal violence.**⁴⁰⁸ **The persistence of sexist insults against women parliamentarians exemplifies these ongoing challenges.**

The Venice Commission has also negatively assessed the abolition of the gender quotas. According to the commission recommendation, state should take special temporary measures to improve women's representation in Parliament and in local councils (Sakrebulo), such as the re-introduction of gender quotas or other recognised methods for facilitating the election of women candidates, so that current percentages of women who are elected are increased substantially.⁴⁰⁹

Given these factors, the abolition of gender quotas could be seen as a regressive step in terms of advancing women's opportunities and representation in Georgian politics.

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⁴⁰⁰ The Parliament overcame the President's veto on the abolition of gender quotas, civil.ge, 15.05.2024, <<https://civil.ge/ka/archives/607551>>, [04.06.2024]

⁴⁰¹ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 Article 12, Paragraph 6.

⁴⁰² Explanatory Report of the The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 par. 90.

⁴⁰³ UN Women, Gender Equality Profile, Georgia 2023, 15 <https://georgia.unwomen.org/sites/default/files/2024-04/cgep_geo_web_1.pdf> [05.05.2024]

⁴⁰⁴ Ibid

⁴⁰⁵ Women from the parliamentary majority support the abolition of quotas, 02.04.2024, Tabula, <<https://tabula.ge/ge/news/716260-kalebi-saparlamento-umravlesobidan-kvotebis>> [05.05.2024]

⁴⁰⁶ Organic Law of Georgia on Amendments to the Organic Law of Georgia "Election Code of Georgia", date of adoption 09.02.2023, <<https://matsne.gov.ge/ka/document/view/5717699?publication=0#DOCUMENT:1;>> [05.05.2024]

⁴⁰⁷ UN Women, Gender Equality Profile, Georgia 2023, 15 <https://georgia.unwomen.org/sites/default/files/2024-04/cgep_geo_web_1.pdf> [05.05.2024]

⁴⁰⁸ Ibid

⁴⁰⁹ VENICE COMMISSION, GEORGIA OPINION AMENDMENTS TO THE ELECTION CODE WHICH ABOLISH GENDER QUOTAS, 24.06. 2024, CDL-AD(2024)023, Opinion No. 1189/2024, par. 43.

4.1.3. Education

According to Article 14 of the Istanbul Convention, states are required to take all necessary measures to include topics such as equality between women and men, non-stereotypical gender roles, mutual respect, non-violent conflict resolution, gender-based violence against women, and personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.⁴¹⁰ In Georgia, the Law on Violence against Women and Domestic Violence mandates the Ministry of Education to undertake preventive measures against violence targeting women and/or domestic violence. This includes ensuring the recognition of gender-based violence and responding to it effectively within educational settings.⁴¹¹

According to the Ministry of Education of Georgia, the national curriculum incorporates principles of gender equality as follows: In the “I and Society” subject for grades III-IV, part of the primary level curriculum, the concept of equality, including gender equality, is integral. Specifically, within the broader concept of “society,” one of the sub-concepts covered is “equality (stereotypes).” Moving to the basic level (grades VII-IX), the “Citizenship” (civic education) curriculum is designed to raise awareness among young people about gender equality. Within thematic blocks spanning grades VII-VIII, such as “Individual and Society” and “Citizen, Civil Society, and Local Government,” students are encouraged to integrate principles of sustainable development and democracy—such as equality, rule of law, transparency, responsibility, inclusiveness, non-violent methods, prohibition of discrimination, and tolerance—into their personal and community activities.⁴¹²

Comprehensive sexuality education (CSE) is crucial for protecting children and adolescents from violence by empowering them with attitudes, skills, and knowledge about their rights, equality, and safe relationships.⁴¹³ It enables young people to understand their bodies, recognize signs of violence, and report abuse.⁴¹⁴ However, in Georgia, CSE is inadequately integrated into the general education system.⁴¹⁵ While some aspects of human sexuality education are included in the national curriculum, schools often fail to provide essential information about feelings and bodies, sexual identity, gender-based violence, healthy relationships, and related topics. This gap highlights the need for comprehensive and inclusive CSE implementation across educational institutions to better support the well-being and safety of young individuals.⁴¹⁶

4.2. Increasing the Competence of Professionals and State Representatives

Article 15 of the Istanbul Convention includes the State’s obligation to ensure or improve the professional training of relevant professionals who deal with victims or perpetrators of

⁴¹⁰ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 Article 14.

⁴¹¹ Law of Georgia “On Prevention of Violence Against Women and/or Domestic Violence, Protection and Assistance to Victims of Violence”, Article 14, Paragraph 1.

⁴¹² Letter of the Ministry of Education of March 5, 2024 MES 0 24 0000268436.

⁴¹³ Amnesty international, Amnesty International at the “36th Meeting of High-Level Authorities on Human Rights of the Southern Common Market (MERCOSUR)” 2020, <<https://www.amnesty.org/en/wp-content/uploads/2021/05/AMR0332922020ENGLISH.pdf>> [05.05.2024]

⁴¹⁴ *ibid*

⁴¹⁵ UNFPA, Review of Human Sexuality Education in Georgia According to the UNESCO Human Sexuality Education Review and Evaluation Tool (SERAT), 2022, 7, <https://georgia.unfpa.org/sites/default/files/pub-pdf/sexuality_education_-_pages.pdf> [05.05.2024]

⁴¹⁶ *ibid*

all acts of violence within the scope of this Convention.⁴¹⁷ According to the Explanatory Report of the Istanbul Convention, training not only helps professionals to raise awareness of issues related to women and domestic violence, but also helps to change their views and attitudes towards victims and significantly improves the types and quality of assistance to victims.⁴¹⁸ According to the mentioned article, the state should provide training to professionals on the issues related to the prevention and detection of violence stipulated by the Convention, equality between women and men, the needs and rights of victims, as well as how to prevent secondary victimization.⁴¹⁹ According to the Explanatory Report of the Istanbul Convention, “relevant professionals” may include judges, lawyers, law enforcement officials, health care, social assistance and education.⁴²⁰

In 2022, GREVIO strongly urged the Georgian authorities to provide **systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women within the scope of the Istanbul Convention**, the equality of women and men, the needs and rights of victims, inter-agency cooperation and the prevention of secondary victimization for all groups of specialists.⁴²¹

To prevent and combat violence against women and domestic violence, the Ministry of Internal Affairs operates a specialized unit called the Department of Human Rights Protection and Investigation Quality Monitoring. According to information from the Ministry, since the establishment of this department, approximately 17,000 police officers, including managerial staff, have been trained on various critical issues. These include legal mechanisms related to violence against women and domestic violence, promoting gender equality, addressing gender stereotypes in legal procedures, employing victim-oriented approaches, handling crimes involving minors with discriminatory motives, combating trafficking, and supporting individuals with disabilities.⁴²²

It should be positively evaluated that, according to the information of the Ministry of Internal Affairs, training on gender-based issues has been integrated in the Academy of the Ministry of Internal Affairs of Georgia, in the special professional educational program of the basic training of police officers.⁴²³

According to the Ministry of Internal Affairs:⁴²⁴

In the Academy of the Ministry of Internal Affairs of Georgia, within the framework of the special professional educational program for the basic training of police officers, training on gender equality is being conducted. This topic is taught within the framework of the subject “Police and Human Rights” and covers such issues as: basic concepts of gender, equality and politics; Main international documents of gender equality; Georgian legislation on gender equality; Guarantees for ensuring gender equality.

⁴¹⁷ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 , art 15, paragraph 1.

⁴¹⁸ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 explanatory card, para 98

⁴¹⁹ *ibid* para 99; also The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 , art 15, paragraph 1

⁴²⁰ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 explanatory card, para 100.

⁴²¹ GREVIO, (baseline) evaluation report, 2022, par. 117, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [05.05.2024]

⁴²² Letter of the Ministry of Internal Affairs of March 12, 2024 MIA 0 24 00745517.

⁴²³ *ibid*

⁴²⁴ *ibid*.

In addition, in the Academy, as part of the special professional educational program for the basic training of police officers, the subject “Violence against women and/or domestic violence” is being taught, which includes the following issues:

- The essence of domestic violence and theories of domestic violence;
- Georgian legislation on domestic violence; way of identifying the victim;
- administrative proceedings related to prevention of violence against women and/or domestic violence, protection and assistance of victims of violence;
- Filling in the restraining order and the protocol of the restraining order, as well as the protocols related to weapons.

However, it should be noted that in the application sent to the Ministry of Internal Affairs within the framework of the study, we also requested to provide information regarding the geographical and gender distribution of investigators and police officers participating in the qualification raising events, although we did not receive an answer to these questions.⁴²⁵

According to the information provided by the Agency for State Care and Assistance for (statutory) Victims of Human Trafficking (State Care Agency), “in order to raise the qualifications of social workers and psychologists employed in the agency, trainings on gender-based violence are periodically held, in which social workers and psychologists from all territorial units of the agency are actively involved.”⁴²⁶ No information was provided about specific trainings.⁴²⁷ A social worker from a care agency mentioned in an interview conducted as part of the study that social workers, along with other professionals, are trained on issues of gender-based violence, but it would be better if more emphasis was placed on the training of skills development in a narrow way, on the needs of specific groups, for example, representatives of ethnically non-dominant communities.

The training of social workers employed in its own system is also provided by the Office of Resource Officers of Educational Institutions.⁴²⁸ In addition, it should be noted as a positive practice of the Office of Resource Officers of Educational Institutions, when the employees trained with the training module developed by the donor organization then themselves re-train officers, including in the regions.⁴²⁹

⁴²⁵ GYLA’s letter on requesting public information G-04/08-24.

⁴²⁶ Letter of May 16, 2024 SCA 2 24 00531640 from the State Care and Assistance Agency for Victims of Trafficking.

⁴²⁷ Letter of May 16, 2024 SCA 2 24 00531640 from the State Care and Assistance Agency for Victims of Trafficking.

⁴²⁸ According to the information provided by the service, “specialists of the Psychosocial Service Center of the the Office of Resource Officers of Educational Institutions, within the framework of continuing education, annually undergo trainings, including those related to issues of violence against women, in order to improve their qualifications. The following trainings have been held on the mentioned topic from 2019 until now: sexual violence against minors; violence against children; violence against children and child labor; simulation training “be in his place”; issues of sexual education of students with disabilities and special needs; Identifying and responding to violence against children with disabilities. In total, 96 social workers were retrained within the framework of the mentioned trainings.” Letter of March 1, 2024 from the Office of Resource Officers of Educational Institutions MES 4 24 0000251906.

⁴²⁹ According to the human resource service of the LSU educational institution, within the framework of the project of the United Nations Women’s Organization and the United Nations Population Fund - “Against violence against women and girls”, a training module - “Gender Mainstreaming in Education” was developed for the human resource service in 2021. On the basis of the mentioned training module, training of trainers was conducted for the employees of the Mandatory Service. As a result, in the years 2022-2023, the trained employees of the Mandatory Service have retrained the bailiffs of Tbilisi, Kvemo Kartli and Guri.” Letter of March 1, 2024 of the Mandatory Service of the LSI educational institution MES 4 24 0000251906.

The Ministry of Education of Georgia did not provide us with information about the measures taken to raise the awareness of teachers.⁴³⁰ According to the special report of the Public Defender of 2019, the problem of teacher qualification as a barrier can be seen in such subjects as biology, civic education and Georgian literature.⁴³¹ According to the special report, the school is still not a space for sharing knowledge about the principles of gender justice and equality.⁴³² According to the annual parliamentary report published by the Public Defender in 2024, the human rights component is not integrated in teacher education and training programs.⁴³³

Training of employees is regularly carried out by the **Legal Aid Service** with the support of international organizations. It should be positively evaluated that, according to the information provided by the service, part of the conducted trainings includes issues of protecting the rights of individual vulnerable group members.⁴³⁴

It should be negatively evaluated that the theoretical part of the Professional Adaptation Program of the Bar Association does not cover issues of gender-based violence.⁴³⁵ Given the observed derogatory and insulting attitudes towards victims by lawyers during trials involving gender-based violence cases,⁴³⁶ it is necessary to include awareness-raising about gender-based violence as a mandatory component in the adaptation program for aspiring lawyers entering the profession.

Within the framework of the research, we requested from the High **Council of Justice of Georgia**⁴³⁷ and the **School of Justice**⁴³⁸ public information regarding what measures have been taken, from 2019 to the present, in connection with gender-based violence, in order to raise the qualifications of judges. Also, whether the training course of justice trainees

⁴³⁰ GYLA's letter on requesting public information G-04/22-24.

⁴³¹ Special report of the Public Defender of Georgia on sexual and reproductive issues Health and Rights: National Assessment, 2019, 56 <<https://www.ombudsman.ge/res/docs/2019072913513745197.pdf>> [05.05.2024]

⁴³² *ibid*

⁴³³ According to the recommendation issued by the Public Defender to the National Center for the Development of the Quality of Education of the Public Defender's Office in the parliamentary report published in 2024, an amendment should be made "On the approval of the sectoral characteristics of the higher education of teacher education" by the order of the Director of the National Center for the Development of the Quality of Education of January 3, 2018 No. On the approval of the sectoral characteristics of the educational program of preparation" on making changes to the order of the Director of the National Center for the Development of Education Quality of July 10, 2018 No. : After completing the program, the person knows the general essence and standards of human rights. He can plan and implement the teaching process based on the principles of human rights. see Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 2024, 351-353 <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>> [05.05.2024]

⁴³⁴ For example, according to the information provided by the legal aid service, "on July 20, 2021, St. In Kutaisi, with the support of the Partnership for Human Rights (PHR), a training was held on the topic - "The right to sexual and reproductive health of women with disabilities." Public advocates and consultants participated in the training. 6 employees of the legal assistance service were trained; On May 16-17 and May 21-22, 2022 (2 trainings), UN WOMEN and the Women's Initiative Support Group (WISG) held a training on the topic "Legal regulation of issues of sexual orientation, gender identity and expression and The needs of the LGBT person". Legal aid service consultants and public advocates participated in the training. 29 employees of the legal assistance service were trained; On June 30 - July 3, 2022, in Kakheti, with the support of the United Nations Women's Organization (UN WOMEN), the Swedish government and the Georgia office of the Council of Europe, a training of trainers was held on the topic - "Issues of sexual violence". Public advocates participated in the training. 4 employees of the Legal Assistance Service were trained" Annex to the letter of the Legal Assistance Service dated March 7, 2024 LA 4 24 00007785.

⁴³⁵ Letter N 67/24 of February 29, 2024 of the Georgian Bar Association

⁴³⁶ Public Defender of Georgia, Implementation of justice for crimes of sexual violence against women in Georgia, 2020, 37, <<https://ombudsman.ge/res/docs/2020121613551185316.pdf>> [05.05.2024]

⁴³⁷ Gylas letter on requesting public information G-04/12-24.

⁴³⁸ Gylas's letter on requesting public information G-04/11-24.

takes into account issues of gender-based violence, in what form and to what extent the mentioned issues are integrated into the training course of justice trainees. We have not received answers to these questions.

RECOMMENDATIONS

To the Parliament of Georgia and the Government of Georgia:

- **Stop narrowing the space of civil society organizations**, refrain from such legislative initiatives and anti-civil society rhetoric. The state should cooperate with civil society organizations in accordance with Article 13 of the Istanbul Convention.

Parliament of Georgia:

- **Take measures to eliminate derogatory language and gender-based insults against women politicians in Parliament**, including through the development and application of appropriate disciplinary sanctions.
- Amendments should be made to the “Election Code of Georgia”, which will restore the legal arrangements regarding gender quotas existing before the adoption of the Organic Law of May 15, 2024 (document number 4158-XIV06-X03) on the amendment to the “Election Code of Georgia”.

Representatives of the legislative and executive authorities:

- **Stop spreading hateful rhetoric, including homophobic, transphobic and biphobic narratives.**

Ministry of Education, Science and Youth:

- **Ensure that gender-based violence issues are more effectively and comprehensively integrated into general education**, including through the strengthening of comprehensive sexuality education CSE in schools.
- **Ensure teachers’ awareness of gender equality and gender-based violence**, including by integrating these issues into teacher education and training programs.

Georgian Bar Association:

- **Continuously take care of raising the qualifications of lawyers**, including by integrating issues of gender equality and gender-based violence in the theoretical part of the adaptation program.

5. DETECTING AND RESPONDING TO GENDER-BASED VIOLENCE

5.1. Identification of Violence

According to Article 9¹ of the Law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence “:

Law enforcement and judicial bodies shall ensure identification of and relevant response to cases of violence against women and/or domestic violence, in accordance with the procedures established by this Law. The obligation to apply to relevant authorities for primary identification of and response to cases of violence against women and/or domestic violence shall rest with the authorised personnel of medical institutions, or in cases of violence against minors, also authorised personnel of childcare and educational institutions, authorised employees of guardianship and custodianship authorities, and other entities provided for by the legislation of Georgia According to the National Survey on Violence Against Women, the majority of women do not turn to formal organizations for help.⁴³⁹ The survey data indicate that women who are injured as a result of violence from their partner are more likely to turn to the police if the injury is of a serious nature.⁴⁴⁰ Only 22.8 percent of women victims of physical and/or sexual violence by their partners sought help from formal organizations or individuals.⁴⁴¹

The main reasons for this include sexist attitudes in society, lack of information about support services, and lack of trust in formal institutions. According to the National Survey on Violence Against Women, 44.8 percent of respondents cited the reason for not seeking help as the situation not being serious enough, and 25.2 percent said they did not want to harm the family’s dignity. Additionally, 15.0 percent of female victims reported not knowing who to turn to for help, and 14.0 percent were embarrassed, ashamed, or afraid they would not be believed. Lastly, 10.8 percent thought it would not help or knew it would not help other women.⁴⁴²

According to **women living in certain villages near occupation line**, despite frequent cases of physical and psychological violence, people do not report them to law enforcement. One of the reasons of this, according women , is lack of trust, caused by insensitive attitudes of the police.⁴⁴³

People with disabilities face particular challenges in reporting abuse due to stigma and stereotypes in society. According to the National Survey on Violence Against Women, women with disabilities are often dependent on other people, especially family members, which limits their opportunities to escape or seek help in the event of domestic violence.⁴⁴⁴ To avoid violence in public places, women with disabilities often refuse to leave their homes, further deepening their isolation and negatively affecting their health and well-being.⁴⁴⁵ Ad-

⁴³⁹ Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 136, <https://georgia.un-women.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [02.06.2024]

⁴⁴⁰ Ibid

⁴⁴¹ Ibid 135.

⁴⁴² Ibid 139.

⁴⁴³ Public Defender’s Office, Report on meetings held with women living in the occupied territories and villages located along the occupation line, 2024, 16, <https://ombudsman.ge/res/docs/2024071113543082740.pdf> [11.07.2024]

⁴⁴⁴ Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 73, <https://georgia.un-women.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [02.06.2024]

⁴⁴⁵ Ibid 73.

ditionally, in terms of access to justice, the inaccessibility of buildings and services of justice bodies poses a significant challenge for persons with disabilities.⁴⁴⁶

In the process of detecting gender-based violence, the role of employees of medical institutions is important, as they are obligated by legislation to initially identify incidents of violence against women and/or domestic violence and to refer them to the relevant authorities for response.⁴⁴⁷ Changes were made in 2020 to the “Rules for Production of Stationary Medical Documentation” approved by Order No. 01-41/N of the Minister of Labor, Health, and Social Protection of Georgia dated August 15, 2011, and the “Rules for Production of Inpatient Medical Documentation in Medical Institutions” approved by Order No. 108/N of the Minister of Labor, Health, and Social Protection of Georgia dated March 19, 2009. These changes concern the procedure for documenting gender-based violence/sexual violence against women. According to the changes, the service provider is authorized to fill in a special form for documenting gender-based violence/sexual violence against women when the patient discloses the fact of violence and/or in cases of suspected injuries, in order to identify/assess the patient who is a victim and ensure appropriate documentation.⁴⁴⁸

According to the 2019 annual report on the monitoring of the 2018-2020 action plan for combating violence against women and domestic violence and measures to protect victims, with the support of the United Nations Population Fund (UNFPA), the “Healthcare Response to Domestic Violence/Gender Violence” program developed guidelines on the detection of physical, psychological, and sexual violence against women, treatment principles, and referral issues (standard operating procedures of intersectoral response of healthcare services).⁴⁴⁹ During the preparation of the study, efforts were made to request public information from the Ministry of Health regarding the implementation stage of these guidelines, the measures taken to implement them in practice, the number of medical institutions currently implementing these procedures, and their regional distribution. However, no responses were received from the Ministry on these questions.⁴⁵⁰

The obligation to identify and respond to cases of violence against women and domestic violence also rests with the authorized employees of educational and educational institutions, as well as guardianship and care bodies.⁴⁵¹ The identification of violence by the employees of educational institutions and an appropriate response is particularly important for the timely detection of violence against children. The brutal murder of a 14-year-old girl in 2023 highlighted the severe consequences of the challenges in detecting gender-based vi-

⁴⁴⁶ Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 2024, 270, <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>> [02.06.2024];

⁴⁴⁷ Article 9¹ of the Law of Georgia “on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence”.

⁴⁴⁸ 2019 annual report on the monitoring of the 2018-2020 action plan for the fight against violence against women and domestic violence and measures to protect victims (victims), <<https://myrights.gov.ge/uploads/files/docs/9654717-evaw.pdf>> [02.06.2024], as well as the “Rules for production of outpatient medical documentation”, Article 71, approved by Order No. 01-41/N of the Minister of Labor, Health and Social Protection of Georgia on August 15, 2011; Also, the “Rules for production of inpatient medical documentation in medical institutions”, Article 2, Clause 6¹, approved by Order No. 108/N of the Minister of Labor, Health and Social Protection of Georgia dated March 19, 2009.

⁴⁴⁹ 2019 annual report on the monitoring of the 2018-2020 action plan for the fight against violence against women and domestic violence and measures to protect victims (victims), <<https://myrights.gov.ge/uploads/files/docs/9654717-evaw.pdf>> [02.06.2024].

⁴⁵⁰ Gyla’s letter on requesting public information G-04/18-24.

⁴⁵¹ Article 9¹ of the Law of Georgia “On Prevention of Violence Against Women and/or Domestic Violence, Protection and Assistance to Victims of Violence”.

olence against children, emphasizing the need for school involvement in the process, timely response, and coordinated inter-agency cooperation.⁴⁵²

It should be noted that by Resolution No. 14 of the Government of Georgia, dated January 22, 2024, about **the national referral procedures for the identification, protection, assistance, and rehabilitation of victims of violence against women and/or domestic violence were approved.**⁴⁵³ These procedures are general in nature and do not define specific obligations for the participating entities to respond to cases of violence. According to the resolution, by December 31, 2024, all entities participating in the national referral procedures, in coordination with the inter-agency commission working on issues of gender equality, violence against women, and domestic violence, **must ensure the update/development of the standard operating procedures (SOPs) that detail the agency's response to violence against women and/or measures to be carried out for the identification, protection, assistance, and rehabilitation of victims of domestic violence.**⁴⁵⁴

5.2. Response of Investigative Bodies

When responding to gender-based violence, it is important for the state to show due diligence.⁴⁵⁵ If the state does not take all appropriate measures when state officials knew or should have known about the risk of gender-based violence, and if the state does not investigate such acts and punish the perpetrators, there is a violation of human rights.⁴⁵⁶ General state passivity towards gender-based violence, whether intentional or not, violates the right to equality.⁴⁵⁷ Where there is a suspicion that discriminatory attitudes induced a violent act, it is particularly important that the official investigation be pursued with vigour and impartiality.⁴⁵⁸ When the approach to violence motivated by discrimination is not different from the approach to other cases of violence, the resultant indifference would be tantamount to official acquiescence to or even connivance with hate crimes.⁴⁵⁹

“There were puddles, I was bleeding so much, the police did not take any photos.” The police wrote that I was hit by three fists, there was no reference to other injuries. she had a broken nose, but I didn't have a broken nose” - one of the respondents of interviews with victims of violence⁴⁶⁰

According to the National Survey on Violence Against Women, although only 11.8 percent of women victims of violence sought help from the police, only 30.1 percent of them were very satisfied with the help and support they received from the police. One in two women (50.5

⁴⁵² Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 2024, 33, <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>> [02.06.2024]; Also, where was the school when Aitaj needed help?, Netgazeti, 12.10.2023, <<https://netgazeti.ge/life/691911/>>, [02.06.2024].

⁴⁵³ Resolution No. 14 of the Government of Georgia dated January 22, 2024 “On approval of national referral procedures for identification, protection, assistance and rehabilitation of victims of violence against women and/or domestic violence”

⁴⁵⁴ Ibid., Article 7.

⁴⁵⁵ Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 2017.

⁴⁵⁶ Ibid., para. 24,

⁴⁵⁷ The decision of the European Court of Human Rights on July 8, 2021 in the case TKHELIDZE v. GEORGIA, 33056/17, par. 51.

⁴⁵⁸ Ibid

⁴⁵⁹ Ibid

⁴⁶⁰ Respondent N7 of interviews who suffered abused, 12.03.2024.

percent) reported that they were somewhat satisfied with the support, while 19.4 percent were dissatisfied.⁴⁶¹

5.2.1. Use of Victim Protection Measures

According to CEDAW Committee Recommendation No. 35, the state must ensure the implementation of adequate and accessible protective mechanisms to prevent the recurrence of violence or potential violence.⁴⁶² This includes immediate risk assessment and protection, such as restraining and protective orders where necessary, along with appropriate sanctions for non-compliance.⁴⁶³ Importantly, these mechanisms should not impose unnecessary financial, bureaucratic, or personal burdens on the victims of violence.⁴⁶⁴

5.2.1.1. Risk Assessment

Article 51 of the Istanbul Convention envisages the obligation of the state to assess and manage risk.⁴⁶⁵ This obligation includes, in each specific case, not only law enforcement, but also all relevant authorities to effectively assess security risks and develop their management plan, based on standardized procedures and mutual cooperation.⁴⁶⁶

The tool for assessing the risk of violence in Georgia is the questionnaire approved by the order N81 of the Minister of Internal Affairs of Georgia.⁴⁶⁷

After receiving a notification about an instance of violence against women and/or domestic violence, an authorized police officer assesses the risk of recurrence of such violence in accordance with the order of the Minister of Internal Affairs of Georgia. Depending on the severity of this risk, the officer then decides either to issue a restraining order or to decline issuing such an order.⁴⁶⁸

It should be noted that according to the 2023 report of the Public Defender, despite the absence of a legal basis for completing risk assessment documents, in practice, the authorized person requests such a basis before proceeding. This practice involves surveying women victims of violence to determine whether to complete the risk assessment document, potentially leading to an underestimation of the risks involved.⁴⁶⁹

⁴⁶¹ Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 136, <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [02.06.2024]

⁴⁶² Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 2017, par 31.

⁴⁶³ Ibid

⁴⁶⁴ Ibid

⁴⁶⁵ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 art 51, <<https://matsne.gov.ge/ka/document/view/3789678?publication=0>> [02.05.2024].

⁴⁶⁶ GREVIO, (baseline) evaluation report, 2022, par. 322 <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [02.06.2024].

⁴⁶⁷ Order No. 81 of July 13, 2018 of the Minister of Internal Affairs of Georgia “On the approval of the forms of the restraining order and the protocol of the restraining order, as well as the determination of the persons authorized to draw them up”

⁴⁶⁸ Law of Georgia “on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence”, Article 10, Clause 1²

⁴⁶⁹ Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 2024, 201, <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>> [02.06.2024]

5.2.1.2. Restraining and Protective Orders

According to Article 53 of the Istanbul Convention, the State is required to implement all necessary legislative or other measures to ensure the issuance of appropriate restraining or protection orders for victims of all forms of violence covered by the Convention.⁴⁷⁰ Violation of these orders should lead to effective, proportionate, and dissuasive criminal or other legal sanctions.⁴⁷¹

According to the Istanbul Convention, restraining or protective orders must be:

- available for immediate protection and without undue financial or administrative burdens placed on the victim;
- issued for a specified period or until modified or discharged;
- where necessary, issued on an ex parte basis which has immediate effect;
- available irrespective of, or in addition to, other legal proceedings;
- allowed to be introduced in subsequent legal proceedings.

According to the law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence”^e, a restraining order can be issued as a temporary measure by the authorized person to promptly respond to instances of violence against women and/or domestic violence. This order is intended to ensure the protection of the victim and restrict certain actions of the perpetrator.

⁴⁷²

The victim, a member of the victim’s family, or with the victim’s consent— a social worker or a person providing medical, legal, or psychological assistance to the victim—**can request the issuance of restraining and protective orders. In cases of violence against a minor, the guardianship and care authority also have the right to request these orders.**⁴⁷³

Issuance of a restraining order is mandatory when an investigation is underway or initiated under the articles of the Criminal Code listed in Article 10, Section 11 of the Law of Georgia “ on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence .”⁴⁷⁴

In addition, the police are authorized to issue a restraining order on their own initiative if there is sufficient reason to believe that a person’s constitutional rights and freedoms may be violated through neglect, coercion, or physical, psychological, economic, or sexual violence against them.⁴⁷⁵

⁴⁷⁰ Council of Europe Convention on the Prevention and Suppression of Violence against Women and Domestic Violence, (date of adoption 11.05.2011, entered into force 01.09.2017), CETS No. 210, Article 53, Paragraph 1 <<https://matsne.gov.ge/ka/document/view/3789678?publication=0>> [02.05.2024].

⁴⁷¹ Ibid., Article 53, Paragraph 3.

⁴⁷² Law of Georgia “On Prevention of Violence Against Women and/or Domestic Violence, Protection and Assistance to Victims of Violence”, Article 10, Paragraph 1.

⁴⁷³ Ibid., Article 11, Paragraph 1.

⁴⁷⁴ “Issuing of a restraining order by an authorized police officer as a temporary measure to ensure the protection of the victim and the restriction of certain actions of the perpetrator is mandatory in accordance with 108, 109, 115, 117, 118, 120, 126 of the Criminal Code of Georgia. e, Articles 137 and 138, Article 143, Part 3, subsection “e” and Part 4, Article 144, Part 2, subsection “i” and Part 3, 1441-1443 and Articles 151, Article 160, Section 2, Sub-Clause “A” and Section 3, and Article 3811 in the case of initiation of investigation or ongoing investigation. Law of Georgia “on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence”, Article 10, Paragraph 1¹.

⁴⁷⁵ Ibid., Article 11, Paragraph 2.

A restraining order is issued by an authorized police officer and is valid for up to 1 month, taking effect immediately upon issuance. Both the victim and the aggressor have the right to appeal the order within 3 days after it has been served.⁴⁷⁶ In cases of violence against women and/or domestic violence, temporary measures for the protection of the victim are established by the aforementioned legislation.

A restraining order may include:⁴⁷⁷

- a) the issue of removing the victim of the abuser from the residential house, regardless of whether the abuser is the owner of this house or not;
- b) the issues of avoiding the victim and the person dependent on him from the abuser and placing him in a shelter;
- c) prohibiting the abuser from the right to sole use of co-ownership;
- d) the issue of separation of the perpetrator from the minor;
- e) the issue of the perpetrator's approach to the victim, his work and other places where the victim is present;
- f) the issue of implementation of electronic supervision;
- g) restricting or prohibiting the right of the perpetrator to use weapons (including official weapons) during the period of validity of this warrant or during the period determined by this warrant, the prohibition of the right to purchase weapons or to obtain a permit or license for their purchase, and personal weapons and/or belonging weapons (including the conditions of storage or temporary confiscation of service weapons;
- h) to warn the aggressor about the imposition of responsibility defined by the legislation of Georgia in case of non-fulfillment of the requirements and obligations stipulated by this order;
- i) other issues, the solution of which is necessary to ensure the safety of the victim.

A protective order is an act issued by a court of first instance (judge) in the manner of administrative proceedings, which determines temporary measures for the protection of the victim.⁴⁷⁸

A protective order is issued for a period of up to 9 months.⁴⁷⁹ If there is a threat to the victim or another family member, then the protection order can be extended for no more than 3 months.⁴⁸⁰

Effect of protective and restraining orders in case of conciliation⁴⁸¹

Reconciliation between the victim and the abuser does not prevent the issuance of protective and restraining orders and does not lead to the cancellation of protective and restraining orders if there is still a threat of violence against the victim or another member of his family or the fact of violence against the woman and/or domestic violence is contrary to other members of the victim's family (especially minor) interests.

⁴⁷⁶ Ibid., Article 10, Paragraph 3⁸

⁴⁷⁷ Ibid., Article 10, Paragraph 3²

⁴⁷⁸ Ibid., Article 10, Paragraph 2.

⁴⁷⁹ Ibid., Article 12, Paragraph 1.

⁴⁸⁰ Ibid., Article 12, Paragraph 2.

⁴⁸¹ Ibid., Article 13.

Failure by the abuser to comply with the requirements stipulated by the restraining or protective order results in criminal liability.⁴⁸²

A significant challenge arises from the inadequate response to violations of restraining orders. This includes situations where courts may not sufficiently assess the risk of violence, opting for lighter preventive measures instead of imprisonment for the perpetrator. Moreover, when perpetrators return to live with victims shortly after a brief imprisonment, this fails to prevent the recurrence of violence and may lead to more severe forms of harm.⁴⁸³

In 2022, GREVIO strongly called on the Georgian authorities to more strictly monitor the implementation of restraining orders, as well as to identify the reasons for the high rate of violations of restraining and protective orders and to ensure the application of effective, proportionate and deterrent sanctions in cases of their violation.⁴⁸⁴

5.2.1.3. Electronic Surveillance of the Abuser

In cases of violence against women and/or domestic violence, an authorized police officer has the authority to implement temporary protection measures, including electronic surveillance of the victim, their residence, and other locations where the victim may be, to enforce prohibitions on the perpetrator approaching the victim.⁴⁸⁵ The assessment of the risk of violence recurrence is conducted by the authorized police officer using a risk assessment questionnaire specified in the protocol for issuing restraining orders, as approved by the Minister of Internal Affairs of Georgia.⁴⁸⁶

Electronic monitoring of the perpetrator can be imposed either upon issuance of a restraining order or during the period when the restraining order is in effect, as deemed necessary by the authorities.⁴⁸⁷

The consent of the victim or their legal representative is required for the implementation of electronic surveillance. In cases where a minor victim consents to electronic surveillance but their legal representative opposes it, the decision is made based on the best interests of the minor.⁴⁸⁸

The victim, a member of the victim's family, or with the victim's consent—social worker or a person providing medical, legal, or psychological assistance to the victim—may request electronic surveillance. In cases of violence against a minor, the guardianship and care authority also have the right to request electronic surveillance.⁴⁸⁹

The protocol for the implementation of electronic surveillance must be submitted to the court for approval within 24 hours. If the protocol is not submitted to the court within this timeframe or if the court refuses to approve it, the electronic surveillance measure must be immediately terminated.⁴⁹⁰

⁴⁸² *Ibid.*, Article 10, Paragraph 4; Also, Criminal Code of Georgia, Article 381¹

⁴⁸³ Public Defender of Georgia, Analysis of femicide and attempted femicide cases in 2021, 2023, 30-31, <<https://ombudsman.ge/res/docs/2023071314513662215.pdf>> [02.06.2024]

⁴⁸⁴ GREVIO, (baseline) evaluation report, 2022, par. 340, 346, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [02.06.2024].

⁴⁸⁵ Law of Georgia “ on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence “, Article 101, Paragraph 1.

⁴⁸⁶ *Ibid.*, Article 10¹, Paragraph 2.

⁴⁸⁷ *Ibid.*, Article 10¹, Paragraph 3.

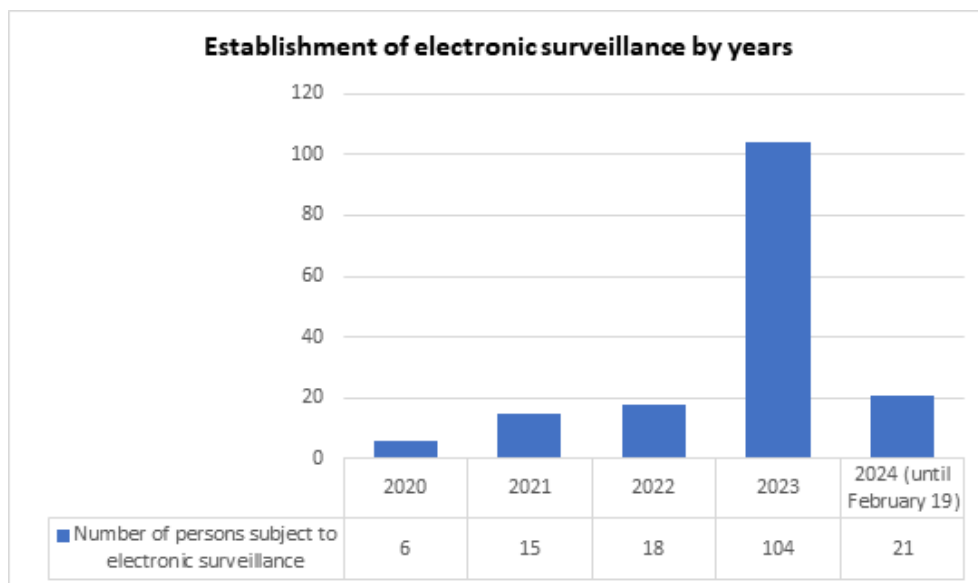
⁴⁸⁸ *Ibid.*, Article 10¹, Paragraph 6.

⁴⁸⁹ *Ibid.*, Article 10¹, Paragraph 5.

⁴⁹⁰ *Ibid.*, Article 10¹, Paragraph 4.

During the implementation of electronic surveillance, if the perpetrator enters the alarm zone defined by the rules for electronic surveillance, fails to comply with the authorized person’s request to leave the alarm or buffer zone, or evades electronic surveillance, they are held liable under the criminal law of Georgia.⁴⁹¹

The activation of electronic surveillance in recent years should be positively evaluated. From September 1, 2020, to February 19, 2024, electronic surveillance was implemented for 164 individuals.⁴⁹² Notably, in 2023, the number of electronic surveillance cases increased nearly sixfold compared to 2022.⁴⁹³



As of 2024, there are 350 electronic devices allocated to the balance of the Public Security Management Center “112”.⁴⁹⁴ Gyla requested information regarding the insurance of these electronic devices and the liability for damages in case of destruction.⁴⁹⁵ According to the Ministry’s response, under Article 13, Clause 2 of Order No. 126 issued by the Minister of Internal Affairs of Georgia on August 26, 2020, any damage or destruction of electronic devices used for electronic surveillance results in criminal liability. Compensation for damages is addressed through civil proceedings.⁴⁹⁶

It is important, given that electronic surveillance provides for the transfer of the receiving device to the victim, in connection with which the victim bears relevant obligations, that the devices are insured and that the victim and the general public are informed about this. Otherwise, the risk of incurring financial and other liabilities as a result of damage to the electronic device may frighten the victim and become one of the reasons for refusing electronic surveillance.

⁴⁹¹ Ibid., Article 10², Paragraph 24.

⁴⁹² Letter of the Ministry of Internal Affairs of Georgia dated March 7, 2024, MIA 7 24 00707921.

⁴⁹³ Ibid

⁴⁹⁴ Ibid

⁴⁹⁵ Gyla’s statement on requesting public information G-04/10-24.

⁴⁹⁶ Letter of the Ministry of Internal Affairs of Georgia dated March 7, 2024, MIA 7 24 00707921.

5.2.2. Investigation

5.2.2.1. Delineation of the Gender Motive

Progress can be seen in terms of highlighting the gender motive. It should be positively evaluated that the rate of highlighting the gender motive is high.⁴⁹⁷ However, in some cases, the mentioned issue is still a challenge.⁴⁹⁸

It is concerning that in certain cases, gender stereotypes prevalent in society, including among employees of investigative bodies, hinder the recognition of gender-based motives. For instance, in some cases, the prior relationship between the victim and the perpetrator is unjustly considered a mitigating factor in cases of sexual violence. Similarly, when a woman is abducted for forced marriage, the context of gender discrimination rooted in tradition is often overlooked. Furthermore, in cases of abduction, the marriage of the perpetrator and the victim is sometimes viewed as a resolution rather than a criminal act, perpetuating harmful gender biases.⁴⁹⁹

5.2.2.2. Forensic Examination

According to GREVIO, in Georgia, the results of forensic medical examinations often play a decisive role in the prosecution of sexual violence cases.⁵⁰⁰ This emphasis suggests that physical evidence is disproportionately prioritized in determining the severity of sexual violence, highlighting shortcomings in context-based investigations and prosecutions. This approach may contribute to many cases failing to progress to the stage of legal prosecution.⁵⁰¹

The practice of conducting unnecessary psychological examinations for victims of sexual violence is problematic.⁵⁰² This practice may be aimed at assessing the “reliability” of the victim, thereby perpetuating a general atmosphere of distrust towards victims of violence.

Problematically, the absence of hymen damage often leads to the incorrect conclusion that penetration and rape did not occur.⁵⁰³ In some cases, despite evidence suggesting rape, if the hymen remains intact, the act may be wrongly classified as attempted rape instead of rape.⁵⁰⁴ This practice is harmful and discriminatory. “Virginity testing” is not a

⁴⁹⁷ According to the Gyla criminal justice process monitoring report N18, from the 39 family crime cases analyzed in the period from August 2023 to February 2024, it can be seen that when there is an appropriate basis, the prosecution indicates the motive of intolerance based on gender and (in 97% of the cases) requests strict preventive measures for the accused. see Gyla Criminal Law Monitoring Report N18, 2024. Also, according to the parliamentary report published by the Public Defender of Skartvelo in 2024, “the rate of identifying gender marks in cases of femicide and attempted femicide has increased.” see Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 2024, 33-34, <https://ombudsman.ge/res/docs/2024040116015759558.pdf> [02.06.2024].

⁴⁹⁸ Parliamentary report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia 2023, 2024, 33-34, <https://ombudsman.ge/res/docs/2024040116015759558.pdf> [02.06.2024]

⁴⁹⁹ *ibid* 23.

⁵⁰⁰ GREVIO, (baseline) evaluation report, 2022, par. 312, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [02.06.2024].

⁵⁰¹ *ibid*

⁵⁰² Gyla’s statement on International Women’s Day, 08.03.2024, <<https://gyla.ge/ge/post/saia-ekhmianeba-qalta-saertashoriso-dghes#sthash.2Egk1SOH.dpbs>>, [02.06.2024].

⁵⁰³ GREVIO, (baseline) evaluation report, 2022, par. 314, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [02.06.2024].

⁵⁰⁴ Public Defender of Georgia, Implementation of justice for crimes of sexual violence against women in Georgia, 2020, 40, <<https://ombudsman.ge/res/docs/2020121613551185316.pdf>> [06.02.2024]

reliable method to determine rape and fails to assess the severity of the impact of rape on the victim.⁵⁰⁵

It is problematic when victims are not given the opportunity to request an expert of the same gender.⁵⁰⁶ Despite efforts to increase the number of female medical experts employed in the National Bureau of Expertise and some progress still has to be made in this regard,⁵⁰⁷ there remains a noticeable shortage of female medical experts, particularly in regional departments.⁵⁰⁸ Many victims of sexual violence refuse examination due to the gender of the experts.⁵⁰⁹ Indirectly forcing a victim of sexual violence to be examined by an expert of the opposite gender reflects a gender-insensitive approach. Victims often face insensitivity and gender stereotypes from experts during the examination process.⁵¹⁰

RECOMMENDATIONS

Justice and Investigative Bodies

- Ensure accessibility of infrastructure and services for persons with disabilities.

The Ministry of Education and Science of Georgia and Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia

- Establish tailored SOPs(Special Operating Procedures) for collaboration between educational and health institutions to identify and respond effectively to gender-based violence, ensuring a coordinated approach.
- Continuously improve awareness and skills among employees of educational and medical institutions in recognizing and responding to gender-based violence.

⁵⁰⁵ Eliminating virginity testing: an interagency statement. Geneva: World Health Organization; 2018, 7-10. <<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/EliminatingVirginityTestingAnInteragency.pdf>> [02.06.2024]

⁵⁰⁶ Recommendation of the Public Defender of Georgia to the Levan Samkharauli National Forensics Bureau, 2020, <<https://www.ombudsman.ge/res/docs/2020122312175323189.pdf>> [06.02.2024]

⁵⁰⁷ According to the information provided by the National Forensics Bureau, since 2019, female experts have been employed in the field of medical examination in the regional examination departments of Kutaisi, Adjara and Shida Kartli. Also, in order to increase the possibility of employment of female experts, in 2023, the Accreditation Council of the Ministry of Health implemented the accreditation of the subspecialty program “Clinical Forensic Medicine”.

⁵⁰⁸ According to the information provided by the National Forensics Bureau, “a total of 17 experts are employed as medical experts in the Tbilisi Medical Examination Department, including 8 female and 9 male experts. There are 3 male experts employed in the Kakheti Medical Examination Department; 4 male experts in the medical examination department of Kvemo Kartli; There are 3 male experts and 1 female expert in the Shida Kartli Medical Expertise Department, and 1 male expert in the Samtskhe Javakheti Medical Expertise Department. 3 male and 1 female experts are employed in the medical and histological examination department of the regional examination department of Western Georgia. And 3 male and 1 female expert in the Adjara Regional Expertise Department.” Letter of the National Forensics Bureau dated March 22, 2024 N 5001785024.

⁵⁰⁹ Recommendation of the Public Defender of Georgia to the Levan Samkharauli National Forensics Bureau, 2020, <<https://www.ombudsman.ge/res/docs/2020122312175323189.pdf>> [06.02.2024]

⁵¹⁰ Ibid., also GREVIO, (baseline) evaluation report, 2022, para. 114, <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>> [02.06.2024]; Also, Public Defender of Georgia, Implementation of justice for crimes of sexual violence against women in Georgia, 2020, 40, <<https://ombudsman.ge/res/docs/2020121613551185316.pdf>> [06.02.2024].

Ministry of Internal Affairs of Georgia

- Provide information to the public regarding the issue of insurance for electronic surveillance devices so that fear of financial liability arising from damage to the device does not cause victims to refuse electronic surveillance.

The Ministry of Internal Affairs of Georgia and the Prosecutor's Office of Georgia

- Provide continuing education for investigators and prosecutors regarding gender profiling when investigating gender-based crimes.
- Rejection of the practice when, as a result of the examination of the hymen, a conclusion is drawn as to whether the act of rape actually took place or not.

National Forensics Bureau

- To ensure the employment of more female medical experts and their distribution in the regions.

6. PROCEEDINGS IN COURT

This chapter discusses issues related to the court proceedings in cases of gender-based violence, such as specialized judges, prosecutors, investigators, and court statistics.

6.1. Specialized Judges, Prosecutors, Investigators

6.1.1. Specialized Judges

In 2012, the Consultative Council of European Judges (CCJE) adopted Opinion #15 “On Specialization of Judges.” In this opinion, a specialized judge is defined as follows: “a judge whose specialization is limited to certain fields of law or a judge who works on a case with specific factual circumstances in a specific field.”⁵¹¹

The specialization of judges in Georgia is carried out based on the decision of the Supreme Council of Justice of Georgia in the courts of first and second instance. A person is entitled to pass the qualification exam of a judge in general or one of the specializations (Criminal, administrative, civil),⁵¹² although judge may be offered an appointment in another field.⁵¹³ Appointment of a judge in a non-specialized field may have a negative impact on the effective consideration of the case.

“A criminal judge cannot consider a civil case as effectively as a civil one. It will take more time, the probability of errors is also higher. Accordingly, an appeal to a higher instance is more likely.”⁵¹⁴

In the court of first instance (district, city), where there are two judges, one considers criminal cases, and the other considers civil and other categories of cases, except for the cases established by the procedural legislation of Georgia.⁵¹⁵ **In district (city) courts where the proceedings are particularly intensive and there are more than two judges, the Supreme Council of Justice of Georgia may decide to implement narrower specialization of judges or create specialized judicial panels (hereinafter - judicial panels).**⁵¹⁶ The Supreme Council of Justice of Georgia determines the number of judges in the judicial panels and determines the composition of the judicial panels.⁵¹⁷

According to the decision of the Supreme Council of Justice of Georgia, a narrower specialization of judges can be implemented in the Court of Appeal.⁵¹⁸ In the court of the second instance, a chamber of civil cases, a chamber of administrative cases, a chamber of criminal cases and an investigative panel are established.⁵¹⁹

⁵¹¹ <https://rm.coe.int/-/ccje-15-2012-/1680747465> , 3

⁵¹² Decision of the Supreme Council of Justice of March 19, 2018 on the procedure for conducting the qualification exam for judges and approving the qualification exam program, Article 6.

⁵¹³ Organic Law of Georgia on General Courts, Article 35.4.

⁵¹⁴ Democracy Index - Georgia Independent Lawyers Group, The Problem of Case Delays in Georgia’s General Courts, 2023, p. 88, face-to-face interview, judge, male, superior court.

⁵¹⁵ Organic Law of Georgia on General Courts, Article 30.2.

⁵¹⁶ *ibid*

⁵¹⁷ *Ibid.*, Article 30.3.

⁵¹⁸ *Ibid.*, Article 23.2¹

⁵¹⁹ *Ibid.*, Article 23.2

The Supreme Court of Georgia is the highest and final court of cassation in the entire territory of Georgia,⁵²⁰ which consists of 28 judges⁵²¹. Specialized structures are created within it: **Chamber of Civil Affairs, Chamber of Administrative Affairs, Chamber of Criminal Affairs, Grand Chamber, Plenum, Disciplinary Chamber, Qualification Chamber.**⁵²²

It should be noted that in the narrow specialization list of judges given in the resolution on the determination of specialization of judges of the Tbilisi Court of Appeal No. 10 of the Supreme Council of Justice of Georgia, there is no specialization for the crime of gender-based violence. However, the judges of the Criminal Chamber have a narrow specialization in the categories of crimes committed against sexual freedom and inviolability, against the family, and against minors.⁵²³

On February 19, 2024, GYLA asked the Supreme Council of Justice how many judges specialize in gender-based violence and domestic violence. Unfortunately, the Supreme Council of Justice left the said questions of GYLA unanswered.

In the Criminal Law Chamber of the Tbilisi Court of Appeal, there are three narrow specialization groups of judges, with cases distributed in a rather non-thematic manner: sexual crimes and official crimes are gathered in one specialization group, crimes against health, official and financial crimes in another group, and sexual freedom and inviolability, family, and environmental crimes committed against minors in a third group.⁵²⁴

The specialization of judges does not imply that only specialized judges will handle cases of gender-based violence. Furthermore, in a district court with a small number of judges and in the absence of specialization, a provision requiring only a specialized judge to hear a case could delay the proceedings.

According to the CCJE, specialist judges apply a multidisciplinary approach to particular issues. The experience gained through specialization can improve case management, which is crucial given the ever-increasing number of cases. Additionally, specialization will help judges, as a result of reviewing similar cases multiple times, to better analyze the existing realities related to the cases presented to them at technical, social, or economic levels and thus make decisions that correspond to reality.⁵²⁵

However, the specialization of judges also has risks. For instance, a judge may repeat decisions, which could hinder the development of precedent law.⁵²⁶ Despite this risk, judicial specialization in cases of gender-based violence may have more positive than negative consequences. Specifically, a specialized judge is experienced and has more knowledge in conducting a trial that will not lead to the secondary victimization of the victim of violence.

⁵²⁰ Ibid., Article 14.1.

⁵²¹ Ibid., Article 14.3.

⁵²² Ibid., Article 15.2

⁵²³ Resolution No. 10 of the Supreme Council of Justice of Georgia, August 11, 2020, on determining the narrow specialization of judges in civil, administrative, and criminal chambers of the Tbilisi Court of Appeal, Article 1.C (G.A.; G.B.; G.G.)

⁵²⁴ Ibid

⁵²⁵ Consultative Council of European Judges (CCJE) Conclusion #15 (2012) for the attention of the Committee of Ministers of the Council of Europe on the specialization of judges, paras 11-13.

⁵²⁶ Ibid para 15.

6.1.2. Specialized Prosecutors and Investigators

In order to strengthen the results of judicial monitoring, GYLA requested verdicts related to domestic violence and domestic crime from 7 courts.⁵²⁷ However, only Batumi City Court sent us 20 verdicts. Based on the N18 report of the monitoring of criminal justice processes of GYLA, from the 39 family crime cases analyzed in the period from August 2023 to February 2024, it can be seen that when there is an appropriate basis, **the prosecution indicates the motive of intolerance on the basis of gender and (in 97% of cases) requests strict preventive measures for the accused.**⁵²⁸

Also, according to the information provided by the Prosecutor's Office, prosecutors are undergoing training. The course includes specializations in combating domestic violence and family crime, as well as crimes committed with the motive of intolerance. There are 225 prosecutors specializing in the fight against domestic violence and family crime (including 100 female prosecutors), and 139 prosecutors specializing in crimes committed with the motive of intolerance (including 65 female prosecutors).⁵²⁹

From 2021, only prosecutors and investigators of the General Prosecutor's Office who have completed a specialized training course on sexual violence are authorized to investigate cases of sexual violence and handle criminal prosecutions related to them. Additionally, these investigators and prosecutors with this specialization handle other criminal cases assigned to them.

According to the state, despite the increasing number of crimes against sexual freedom and inviolability over the last three years,⁵³⁰ the authorities do not believe there is a need to establish specialized prosecution services for sexual crimes. Additionally, the rate of initiating prosecutions is about half the rate of reported specific crimes.⁵³¹

According to Article 55 of the Istanbul Convention, investigation and prosecution should not be contingent upon the victim filing a complaint or making a notification.⁵³² This principle aims to ensure justice is pursued independently of the victim's willingness or ability to hold the perpetrator accountable. Additionally, prosecutors play a crucial role in overseeing the legality of investigations and evidence collection, ensuring that trials are not solely reliant on the testimony of victims or witnesses. This approach enhances the robustness and fairness of the judicial process.⁵³³

Conducting specialized trainings for prosecutors and investigative agency employees to raise awareness is a positive step. However, the increasing trend of sexual crime cases and the low rate of criminal prosecutions being initiated indicate significant room for improvement within the prosecutor's office system. Therefore, ongoing efforts are essential to align practices more closely with the standards outlined in the Istanbul Convention. These efforts should focus on enhancing investigative procedures, ensuring robust prosecution of sexual crimes, and reinforcing the independence of justice processes from victim reporting.

⁵²⁷ Tbilisi, Kutaisi, Batumi, Rustavi city and Zugdidi, Telavi and Gori district courts.

⁵²⁸ GYLA Criminal Law Monitoring Report N18, 2024, 63.

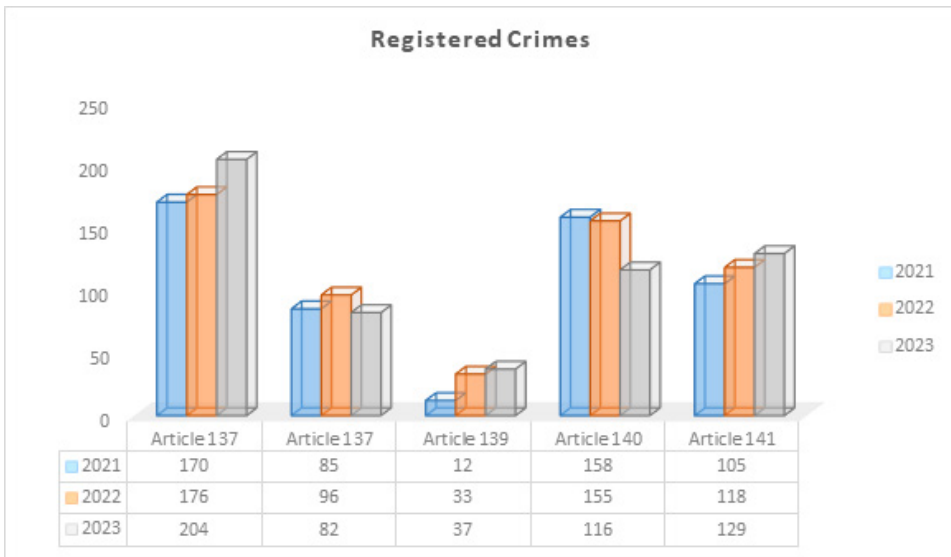
⁵²⁹ Answer of the General Prosecutor's Office of Georgia #13/15206, 06.03.2024.

⁵³⁰ GREVIO's (Baseline) Evaluation Report, 2022, 72, available at: <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>>, [02.04.2024].

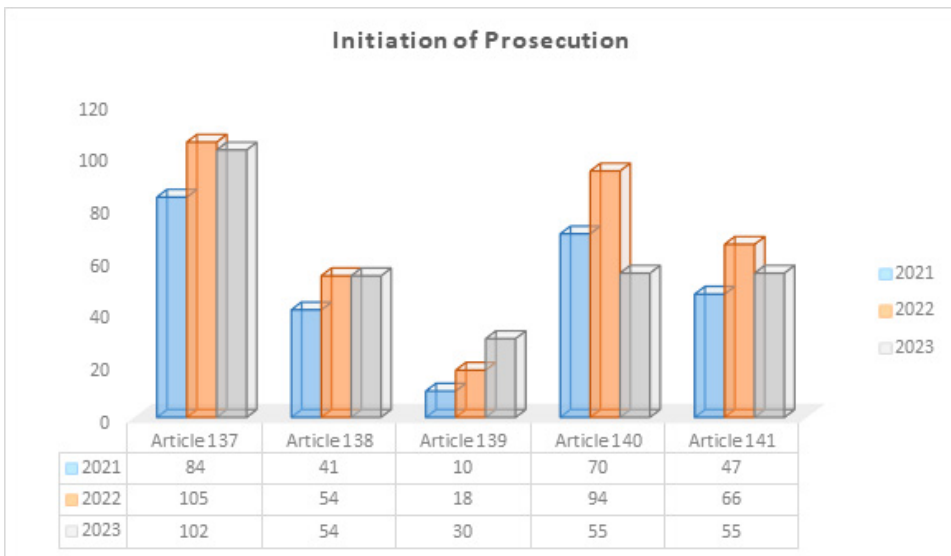
⁵³¹ For example, in 2021, 170 cases of rape were recorded (Article 137), but prosecution was initiated in 84 cases. The statistics of 2023 also reveal that only 102 of the 204 rape incidents were prosecuted. (see bar charts below)

⁵³² Istanbul Convention, Article 55.1.

⁵³³ GREVIO's (Baseline) Evaluation Report, 2022, 20, available at: <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>>, [02.04.2024].



534



535

⁵³⁴ Statistics of the Ministry of Internal Affairs of Georgia on registered crimes, available at: <<https://info.police.ge/uploads/63d90004cd52a.pdf>>, [02.04.2024] <<https://info.police.ge/uploads/65ba233e8609a.pdf>>, [02.04.2024].

⁵³⁵ Statistics of the Prosecutor's Office of Georgia, available at: <<https://pog.gov.ge/uploads/294341cc-sqeso-brivi-Tavisuflebis-a-da-xelsheuxeblobis-winaaRmdeg-mimarT.pdf>>, [02.04.2024].

6.2. Court Statistics

GYLA wrote to the 7 Courts of First Instance⁵³⁶ with the following questions:

1. During the years 2019-2023, how many cases were considered by each court regarding specific articles?⁵³⁷
2. In how many of these cases was a plea agreement signed, in how many cases was the review of the case essentially completed, in how many cases was acquittal, guilty or partially acquitted?
3. In how many of these cases was the criminal prosecution stopped due to insulting the accused?
4. Please provide us with the rulings on termination of criminal prosecution for each of the crimes listed above, on the grounds of insulting the accused, in the period from January 1, 2019 to December 31, 2023.

6.2.1. Tbilisi City Court

According to the letter of the Tbilisi City Court, due to the lack of resources, statistical production of data is not carried out.⁵³⁸

6.2.2. Kutaisi City Court

According to the letter of the Kutaisi City Court, due to lack of resources, they are unable to process information and do statistical accounting.⁵³⁹

6.2.3. Batumi City Court

Batumi City Court sent us general statistical reports⁵⁴⁰ and explained that the resources cannot be processed in more detail.⁵⁴¹

⁵³⁶ Tbilisi City Court, Batumi City Court, Kutaisi City Court, Rustavi City Court, Gori District Court, Telavi District Court, Zugdidi District Court.

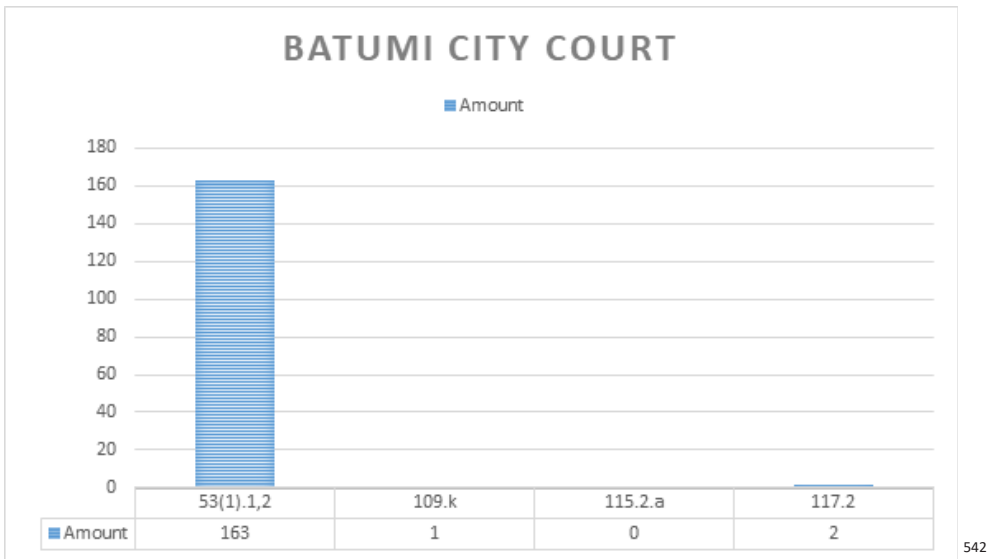
⁵³⁷ 531.1,2 of the Criminal Code of Georgia; 109. D, T, K; 115.2a; 117.2 E, F, K; 137-141;

⁵³⁸ Tbilisi City Court letter N1-0123/10195-1096, 04.03.2024.

⁵³⁹ Letter N19991-1 of Kutaisi City Court, 01.03.2024.

⁵⁴⁰ Letter N296 of Batumi City Court, 13.03.2024.

⁵⁴¹ Letter N297 of Batumi City Court, 13.03.2024.



6.2.4. Gori District Court

According to the letter sent by the Gori District Court, in 2022-2023, 75 cases were considered on the basis of gender or gender identity.⁵⁴³

6.2.5. Zugdidi District Court

Zugdidi District Court did not respond.

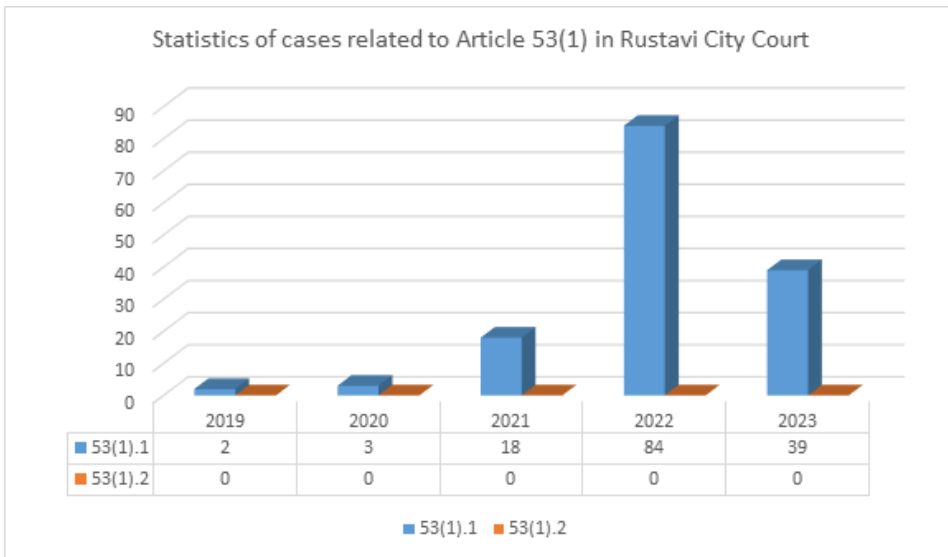
6.2.6. Rustavi City Court

According to the information provided by the Rustavi City Court:⁵⁴⁴

⁵⁴² Letter N296 of Batumi City Court, 13.03.2024.

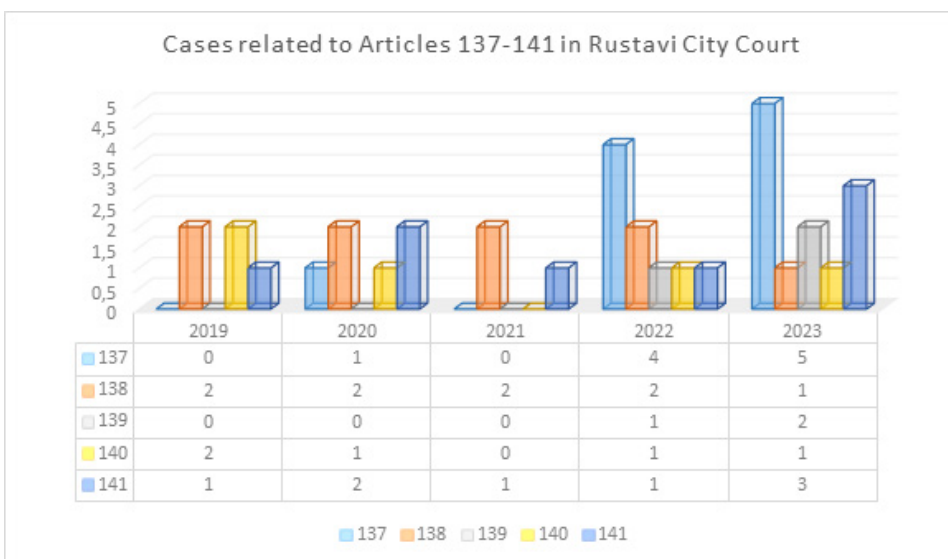
⁵⁴³ Letter of Gori District Court No. 2335, 29.02.2024. Here, by letter N2336, they informed us that they do not have the resources to systematize cases and archive processing, therefore, they could not answer other questions.

⁵⁴⁴ Letter N420/g of Rustavi City Court, 02.03.2024.



545

In the last two years, cases of crimes committed on the grounds of intolerance on the grounds of discrimination (Article 53 prima of the Civil Code) have been actively considered. This may indicate the frequency of this type of crime or the success of an awareness campaign that has led to an increase in crime.



546

⁵⁴⁵ In addition, according to the same letter, in 2019-2023, the Rustavi court did not consider 109d, t, k; 115.2a; 117.2e-v,k; Crimes provided for in Articles 139.

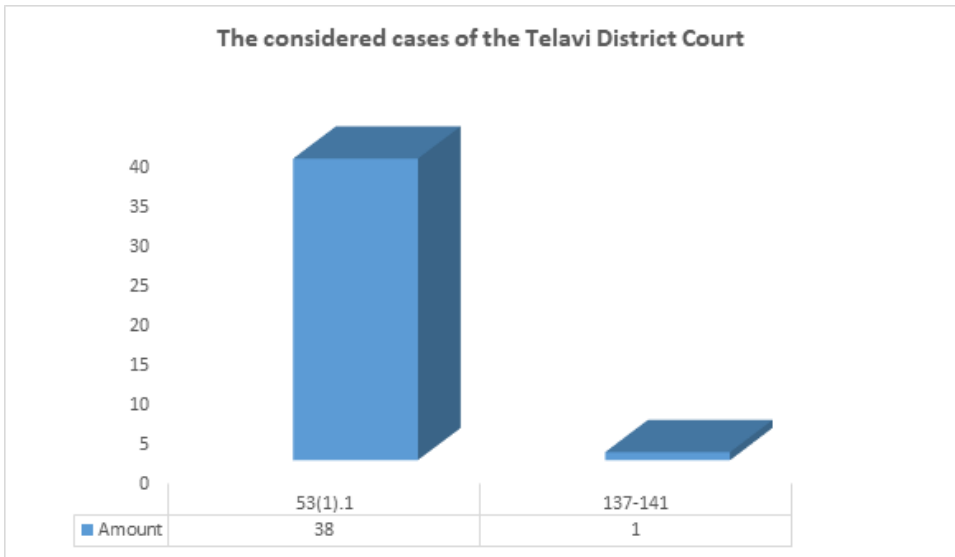
⁵⁴⁶ Ibid

substantive consideration	174
Plea Agreement	7
Termination of criminal prosecution due to the death of the accused	1
acquittal	5
Termination of criminal prosecution due to mental condition of the accused	0

547

6.2.7. Telavi District Court

According to the letter of Telavi District Court,⁵⁴⁸

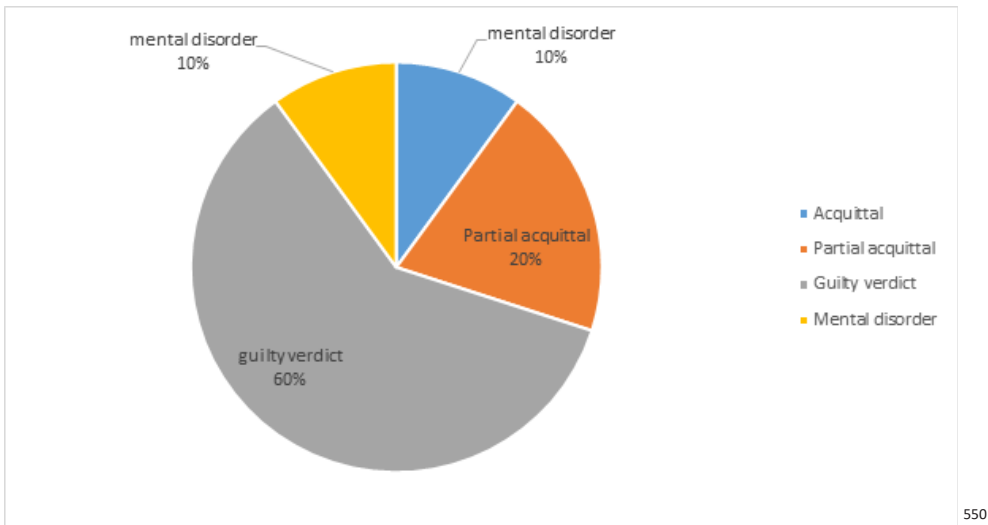


549

⁵⁴⁷ Ibid

⁵⁴⁸ Telavi District Court letter N92, 03.04.2020.

⁵⁴⁹ Ibid



RECOMMENDATIONS

Recommendations of the High Council of Justice of Georgia

- **The narrow specialization of judges should be supplemented with the specialization of gender-based violence.**
- Redistribute specialization thematically. In particular, the crime of gender-based violence (taking into account all forms of violence) and family crimes should be established as a separate specialization.

Prosecutor’s Office of Georgia

- Provide training for more female prosecutors to specialize in “combating domestic violence and family crime” and “crimes motivated by intolerance”.
- **Ensure continuous education and training of prosecutors.**

General Courts

- **Ensure that efforts to produce statistics on gender-based violence are strengthened.**

⁵⁵⁰ *ibid.*

7. EXECUTION OF PUNISHMENT AND CORRECTION OF OFFENDER'S BEHAVIOR

The Istanbul Convention mandates states to implement all comprehensive measures aimed at preventing and addressing violence, particularly in the context of domestic and sexual violence.⁵⁵¹ This includes developing and supporting programs tailored to individuals who have committed such acts. These programs should focus on teaching non-violent behavior, based on best practices and research findings, to prevent future violence and promote a shift in attitudes towards women.⁵⁵² Additionally, the convention stresses the importance of treatment programs for sexual offenders, whether they are incarcerated or released, aimed at reducing the risk of reoffending through effective prevention strategies.⁵⁵³ These efforts are crucial in ensuring the safety and well-being of individuals and society as a whole.⁵⁵⁴

Expanding the authority of the court to impose mandatory education courses focused on changing violent attitudes and behaviors beyond just suspended sentences is crucial for addressing domestic and family violence effectively. Article 65 of the Criminal Law Code of Georgia already allows courts to order such courses as part of a conditional sentence for perpetrators of family crimes.⁵⁵⁵ However, it would be beneficial to extend this authority to include other types of sentences, ensuring that education aimed at behavioral change becomes a standard component of the judicial response to all forms of violence. This approach not only enhances rehabilitation efforts but also contributes to preventing future offenses by addressing the root causes of violent behavior.

According to information from the Ministry of Justice, penitentiary institutions offer a **“training course focused on changing violent attitudes and behavior (PRIA)”** for individuals convicted of gender-based violence, aiming to rehabilitate and modify their behavior. Additionally, there are informative trainings and awareness-raising events available.⁵⁵⁶ It's important to note that participation in these courses, like all programs in penitentiary institutions, is voluntary.⁵⁵⁷

PRIA is conducted over 25 weeks, with sessions held once a week either in groups or individually. Each session lasts 90 minutes, making the entire program span approximately 6.5 months. Informative trainings and various awareness-raising events vary widely, ranging from single sessions to two-month programs. The primary criteria for participation in the PRIA course are adult males convicted under Articles 126¹ and 11¹ for violence against a spouse or partner, identified through risk and need assessment. Participation in other interventions is possible through specialist referral or at the request of the convicted individual.⁵⁵⁸ In 2023, 34 convicts enrolled in the program, with 31 successfully completing it (91%).⁵⁵⁹

⁵⁵¹ The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (date of adoption 11.05.2011, entered into force 01.09.2017 CETS No.210 art 16, paragraph 1 <<https://matsne.gov.ge/ka/document/view/3789678?publication=0>> [05.06.2024]

⁵⁵² The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence explanatory report para. 104.

⁵⁵³ Ibid., 105

⁵⁵⁴ Ibid

⁵⁵⁵ Criminal Code of Georgia, Article 65.

⁵⁵⁶ Appendix 1 of the letter No. 3526 of the Ministry of Justice of Georgia dated March 25, 2024.

⁵⁵⁷ Ibid

⁵⁵⁸ Ibid

⁵⁵⁹ Ibid

The mentioned training course is also implemented in the system of the National Agency for Crime Prevention, Non-custodial Sentences and Probation, and currently 132 people are compulsorily involved in it.⁵⁶⁰

In 2022, GREVIO strongly urged the authorities to take steps to establish treatment programs for sex offenders, in accordance with the requirements of Article 16, paragraph 2 of the Istanbul Convention. Such a special program for sex offenders has not yet been implemented.

RECOMMENDATIONS

Parliament of Georgia

- Amend the Criminal Code of Georgia so that the imposition of a mandatory education course focused on changing violent attitudes and behavior is no longer associated only with a suspended sentence, and the court can apply it to any sentence.

Ministry of Justice of Georgia

- Ensure the implementation of special programs for persons convicted of sexual crimes, in order to prevent the repetition of the crime, in accordance with Article 16, paragraph 2 of the Istanbul Convention.

⁵⁶⁰ Ibid

8. RECEIVING COMPENSATION BY THE VICTIM

According to the legislation of Georgia, victims of violence against women have the right to receive damages from the perpetrator⁵⁶¹ or compensation from the state. In this chapter, it is discussed in what cases the victim can receive the mentioned and what procedures are required.⁵⁶²

8.1. Receiving Damages from the Abuser

Civil legal mechanisms are used to receive damages from the abuser for damages caused by violence against women and/or domestic violence.⁵⁶³ The victim has the right to apply to the court to request compensation from the perpetrator for the damage caused to him as a result of violence against women and/or domestic violence.⁵⁶⁴ **Within the framework of the said proceedings, the plaintiff (victim) is exempted from paying court costs in favor of the state budget.**⁵⁶⁵ The mentioned claims are reviewed by the court in shorter time, according to 309¹⁶-309²¹ articles of Civil Procedure Code of Georgia.⁵⁶⁶

8.2. Receiving Compensation from the State

The CEDAW Committee recommends that the High Contracting States ensure effective reparations for victims/survivors of gender-based violence against women, including the provision of monetary compensation.⁵⁶⁷ In Georgia, the issue of compensation from the state is provided for, although the victim has the right to receive compensation from the state if the perpetrator does not compensate for the damage.⁵⁶⁸

Who can claim compensation?

- *A victim of violence against women⁵⁶⁹ and/or domestic violence or a minor child of a deceased victim.*⁵⁷⁰

Are there any prerequisites for claiming compensation?

- *Yes, first the court must determine the obligation to pay damages to the perpetrator. Therefore, the victim should file a lawsuit with the court and demand compensation from the perpetrator.*⁵⁷¹

⁵⁶¹ Section 1.c of Article 17 of the Georgian Law on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence.

⁵⁶² Ibid., Article 17.1.d; ordinance of the Government of Georgia No. 523 of November 9, 2022 on determining the amount of compensation to be given to victims of violence against women and/or domestic violence and approving the manner of giving it, Article 1.1.

⁵⁶³ Ibid., Article 17.1.d; ordinance of the Government of Georgia No. 523 of November 9, 2022 on determining the amount of compensation to be given to victims of violence against women and/or domestic violence and approving the manner of giving it, Article 1.1.

⁵⁶⁴ Ibid., Article 17.1g.

⁵⁶⁵ Civil Procedure Code of Georgia, Article 46.1 K.

⁵⁶⁶ Civil Procedure Code of Georgia, Articles 309¹⁶-309²¹

⁵⁶⁷ General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017, 17, para 33.

⁵⁶⁸ Section 1.d of Article 17 of the Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence.

⁵⁶⁹ Ordinance of the Government of Georgia No. 523 of November 9, 2022 on determining the amount of compensation to be given to victims of violence against women and/or domestic violence and approving the manner of giving it, Article 4.1.

⁵⁷⁰ Ibid., Article 3.b.

⁵⁷¹ Ibid., Article 4.2.

What court costs are involved?

- *Plaintiffs in lawsuits brought against perpetrators are exempted from paying court costs in favor of the state budget.*⁵⁷²

In what period does the victim have the right to claim compensation?

- *If it is not possible to pay at least 40% of the damages determined by the court from the perpetrator within six months, then the victim has the right to apply for compensation from the state.*⁵⁷³

In what period can the victim claim compensation?

- *Within 3 years from the entry into legal force of the court decision on damages.*⁵⁷⁴

In what period can a minor victim claim compensation?

- *Within 3 years after the legal entry into force of the court decision on damages.*⁵⁷⁵

How many times can compensation be requested?

- *The right to request compensation by the same person within the framework of one specific criminal case arises only once.*⁵⁷⁶

Is there a limit to the amount of state compensation?

- *Yes, the amount of compensation is determined by a legally binding decision of the court on compensation of damages, but not more than 10,000 (ten thousand) GEL.*⁵⁷⁷

How is the compensation amount distributed among the children of the deceased victim?

- *In case of more than one child, the compensation amount is distributed proportionally.*⁵⁷⁸

Which body is authorized to issue compensation?

- *State care and assistance agency for victims of trafficking.*⁵⁷⁹

How do I apply for compensation to the State Care Agency?

- *Through the application.*⁵⁸⁰

What documents should accompany the victim's statement?

- *copy of the identity document; for minors, a copy of the birth certificate and the identity document of their legal representative.*
- *If represented, a document confirming the identity of the representative (copy) and proof of representation (certified appropriately).*

⁵⁷² Article 46.1.k of the Civil Procedure Code of Georgia.

⁵⁷³ Ordinance of the Government of Georgia No. 523 of November 9, 2022 on determining the amount of compensation to be given to victims of violence against women and/or domestic violence and approving the manner of giving it Article 4.3.

⁵⁷⁴ Ibid., Article 4.2.

⁵⁷⁵ Ibid. According to art. 264 of the Civil Procedure Code of Georgia, a court decision shall enter into force if the decision of the one instance cannot be appealed

⁵⁷⁶ Ibid., Article 4.5.

⁵⁷⁷ Ibid., Article 5.1.

⁵⁷⁸ Ibid., Article 5.3.

⁵⁷⁹ Ibid., Article 5.4.

⁵⁸⁰ Ibid., Article 6.1.

- A legally binding court decision for damages, obligating the perpetrator to compensate for health damage caused by the crime.
- A legally binding court verdict or a summary decision by the prosecutor/judge confirming the crime under consideration, identifying the perpetrator and the victim of violence against women/domestic violence.
- Relevant document from the National Bureau of Enforcement, issued no more than 10 calendar days before applying to the state care agency.
- Bank details of the victim.⁵⁸¹

What documents should accompany the statement of the victim's child?

- A copy of the child's birth certificate and identity document, if applicable. For minors, also the identity document (copy) of their representative and the document confirming representation (duly certified).
- For applications by the child's representative: a document confirming the representative's identity (copy) and proof of representation (certified appropriately).
- Death certificate of the parent.
- A legally binding court verdict confirming the commission of a crime under this rule, specifying the identity of the perpetrator and the victim of violence against women/domestic violence. In cases where prosecution/investigation in the criminal case is terminated, the summary decision of the prosecutor/judge confirming the commission of the crime under this rule, identifying the perpetrator and the victim of violence against women/domestic violence.
- Bank details of the child entitled to claim compensation.⁵⁸²

In what cases is compensation not granted?

- If the deadline for applying for compensation is violated;
- If compensation has already been issued to the referring person within the framework of a specific criminal case;
- If the submitted/searched documents do not meet the requirements for issuing compensation;
- In case of a compensation request by an unauthorized person;
- In other cases provided for by law.⁵⁸³

In what time frame does the state care agency make a decision on granting / not granting compensation?

- Within one month from the complete submission of the application and the above-mentioned documents.⁵⁸⁴

How does the state care agency inform the person requesting compensation about the decision?

- In writing within 10 working days after the decision is made, to the address specified in the application.⁵⁸⁵

⁵⁸¹ Ibid

⁵⁸² Ibid., Article 6.2.

⁵⁸³ Ibid., Article 6.2.

⁵⁸⁴ Ibid., Article 6.5.

⁵⁸⁵ Ibid., Article 6.6.

Can a claimant appeal a State Care Agency decision?

- *The person applying for compensation has the right to appeal the decision of the state care agency on the refusal to issue compensation in accordance with the law.*⁵⁸⁶

What kind of payment is the compensation given?

- *Compensation money is issued by non-cash settlement.*⁵⁸⁷

In what period is the compensation paid?

- *No later than three months after the decision on compensation is made.*⁵⁸⁸

Does the compensation preclude the victim from receiving other benefits or services?

- *Receiving compensation does not exclude the victim of violence from receiving other benefits and services established by law.*⁵⁸⁹

RECOMMENDATIONS

Parliament of Georgia

- **Adopt changes in the legislative acts to define a reasonable, shortened time frame for the compensation procedure, so that the victim can receive the compensation in a timely manner.**

⁵⁸⁶ Ibid., Article 6.7.

⁵⁸⁷ Ibid., Article 6.8.

⁵⁸⁸ Ibid., Article 6.9.

⁵⁸⁹ Ibid., Article 6.10.

9. VICTIM SUPPORT

CEDAW recommends that states adopt administrative reparation schemes without prejudicing the rights of victims and encourages courts to develop transformative reparation programs. These programs should aim to eliminate the discrimination or disadvantage that led to or significantly contributed to the violation, considering individual, institutional, and structural aspects.⁵⁹⁰

Victim Support Services face challenges in terms of geographical accessibility and lack of general awareness. Women living near the occupation line highlight that these services are not long-term and do not sufficiently support women in living independently with their children.⁵⁹¹ According to these women, in 2023, awareness-raising meetings about violence against women and domestic violence were held in only a few villages.⁵⁹²

9.1. Hot Line

Hotlines operating in Georgia:

- **State care and assistance agency for victims of trafficking - 116 006;**
- **Children's help hotline - 111;**
- **Public Management Security Center - 112;**
- **Public defender - 1481;**
- **Legal assistance service - 292 00 55.**⁵⁹³

116 006 - hotline service is free and anonymous. It works 24 hours a day. Consultation can be received not only in Georgian, but also in English, Russian, Azerbaijani, Turkish, Armenian, Arabic and Persian languages.⁵⁹⁴

Public Defender's hotline - 1481, works 24 hours a day, including non-working days. Through the hotline, victims of violence against women can report violence to the Office of the Public Defender and request an investigation of any case.⁵⁹⁵

⁵⁹⁰ General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017, 17, para 33.

⁵⁹¹ Geostat, UN Women, National Survey on Violence Against Women in Georgia 2022, 142-143, <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_geo_web4-3.pdf> [02.06.2024]

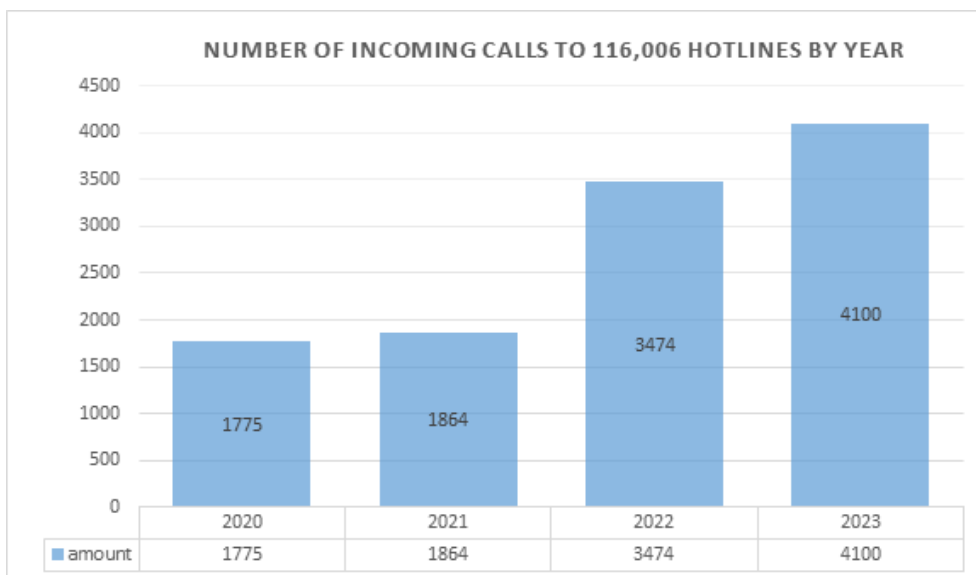
⁵⁹² Public Defender's Office, Report on meetings held with women living in the occupied territories and villages located along the occupation line, 2024, 16, <https://ombudsman.ge/res/docs/2024071113543082740.pdf> [11.07.2024]

⁵⁹³ <<https://sosfsokhumi.ge/central>> [02.06.2024].

⁵⁹⁴ <https://112.gov.ge/?page_id=7632> [02.04.2024].

⁵⁹⁵ GREVIO's (Baseline) Evaluation Report, 2022, 42, para 193.

It should be emphasized that the number of calls to the hotline increases significantly every year. (see bar chart below)



9.2. Shelters and Crisis Centers

Legal remedies, victim assistance and rehabilitation services should be available to women and children affected by harmful practices.⁵⁹⁶ In addition to providing monetary compensation to victims, according to CEDAW Recommendation 35, effective reparations should include the provision of legal, social and health services, including sexual, reproductive and mental health services.⁵⁹⁷

shelter

What is a shelter?

- *Temporary residence of victims or place of temporary (round-the-clock) placement of victims in the system of the Ministry of Labor, Health and Social Protection of IDPs from the occupied territories of Georgia and/or non-entrepreneurial (non-commercial) legal entity, which provides psychological and social assistance/rehabilitation of victims, legal assistance, medical help and protection.*⁵⁹⁸

*Victims and their dependents, especially women and children*⁵⁹⁹, who do not feel safe at

⁵⁹⁶ UN Convention on the Elimination of All Forms of Discrimination Against Women, Optional Protocol and General Recommendations of the Convention, 2018, 127.

⁵⁹⁷ General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017, 17, para 33.

⁵⁹⁸ Order No. 50/N of the Minister of IDPs from the occupied territories of Georgia, Labor, Health and Social Protection of July 11, 2023, Article 2.1

⁵⁹⁹ **In accordance with the legislative changes implemented in 2022, for the purposes of using the asylum service, the victim of violence does not imply the mandatory requirement of having the status of a victim, which should be evaluated positively.**

"on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence " according to Article 18, Paragraph 3 of the Law of Georgia, when the victim does not

home can benefit from the shelter.⁶⁰⁰

What kind of services does user receive in the shelter?

- *At the shelter, the beneficiary receives support services tailored to individual needs, organized by a qualified team. Services correspond to four components defined by the standard: social work, psychological, legal and medical assistance.*⁶⁰¹

What is provided to the beneficiary in the shelter?

- *with food, clothing (if needed), personal hygiene products and support services;*
- *with at least three healthy meals a day or products intended for three meals a day;*
- *Sufficient amount of safe drinking water;*
- *if necessary, with the services of an interpreter;*
- *With services tailored to individual needs.*⁶⁰²

On what basis does the user receive services tailored to individual needs?

- *Based on the individual service plan/case management plan, which is drawn up no later than 10 days after the reception of the beneficiary in the shelter, taking into account his needs and involvement*⁶⁰³.

What is the schedule of shelter services provided to the user?

- *Services at the shelter are provided 24 hours a day.*⁶⁰⁴

How often is the plan updated?

*Updating the plan periodically, at least once every 6 months or according to the identified need.*⁶⁰⁵

What is prohibited in the shelter?

- *consumption of alcoholic beverages;*
- *storage, carrying, use of firearms/cold weapons;*
- *creating a disorder in the shelter;*
- *any kind of violence;*⁶⁰⁶

cooperate with the law enforcement/prosecutor's office and/or judicial authorities (i.e. does not provide protection to the victim a restraining order or a protective order is in effect or no criminal prosecution measures are carried out in connection with violence against women and/or domestic violence), the shelter service provider makes a decision on the provision of shelter services or on the refusal to provide these services based on the objective criteria defined by him / by means of a special tool developed. . The Asylum Service Provider shall base this decision on the actual needs of the victim, without regard to refusal to cooperate with law enforcement/prosecutor and/or judicial authorities. In case of refusal to provide asylum services, the decision must be justified.

⁶⁰⁰ Order No. 50/N of the Minister of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Protection of July 11, 2023, Article 4.2 a.

⁶⁰¹ Ibid., Article 4.1.

⁶⁰² Ibid., Article 4.2.

⁶⁰³ Ibid., Article 8.2.

⁶⁰⁴ Order of the Minister of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Protection No. 50/N, Article 1.2

⁶⁰⁵ Ibid

⁶⁰⁶ Ibid., Article 9.2 V.A-V.D.

How much area is provided per person?

*An area of at least 6 m² per user.*⁶⁰⁷

How many shelters are there in Georgia?

- *There are 5 shelters for victims of violence throughout the country: in Tbilisi, Gori, Signaghi, Kutaisi and Batumi.*⁶⁰⁸

Challenges related to asylum

A neutral approach

*GREVIO criticized the state's gender-neutral approach to shelters, whereby men and women are housed in the same building. In recognition of the gendered nature of violence against women, shelters for women only and separate for men should be provided.*⁶⁰⁹

Strict requirements for asylum seekers

Due to the scarcity of places, there are strict requirements for shelter seekers in Georgia:

Shelter beneficiaries are no longer based on victim status, but on the individual characteristics of the shelter seeker, although strict standards still apply. For example: if a woman is admitted, she must have a child under 10 years old or be 26 weeks pregnant.⁶¹⁰

Duration of placement in shelter

State program

Victims are accommodated in shelters provided by the state program for up to 3 months.⁶¹¹ ***There are specific provisions for mothers and their children: if a child is under 1 year old, or the woman is pregnant, they can stay in a shelter for mothers and children for up to 12 months. Additionally, a minor mother with a child up to 12 months old, or a minor who is 26 weeks pregnant, can stay in a shelter for up to 8 months. However, a minor mother or pregnant woman, based on the decision of the Regional Council or Chairman of the Regional Council, may be accommodated in the shelter until the child reaches 25 months of age.***⁶¹²

⁶⁰⁷ Ibid., 9.2 O.A.

⁶⁰⁸ Information on domestic violence, <https://112.gov.ge/?page_id=7632>, [04.02.2024].

⁶⁰⁹ GREVIO's (Baseline) Evaluation Report, 2022, 50, para 178, ხელმისაწვდომია იხ: <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>>, [02.04.2024]

⁶¹⁰ Interview with a shelter employee.

⁶¹¹ <<https://sosfsokhumi.ge/central>>, [02.06.2024].

⁶¹² Order of the Minister of Labor, Health and Social Protection of Georgia No. 52/N of February 26, 2010 on approving the rules and conditions for the placement of a person in a specialized institution and his withdrawal from this institution, Article 3.

Program of non-governmental organizations

*There is no 3-month period of placement for the use of non-governmental organizations' shelter, and it is possible for the beneficiaries to live for a longer period.*⁶¹³

Depending on the scarcity of places, the beneficiaries may be placed in an institution of different specialization, for example:

*„The father of a 14-year-old Azerbaijani girl was forced to marry, unfortunately there was no place for her in the shelter for minors, and she was placed in a common shelter for victims of violence.”*⁶¹⁴

The mentioned example cannot be evaluated positively, since the environment and resources in the common shelter may not be appropriate for the minor, and on the contrary, it may have a negative effect.

Thus, due to the limited number of places in shelters, priority is given to those in the most critical situations. Consequently, shelter is provided primarily to individuals facing the most severe circumstances, while others in critical need may not receive this service despite requiring it.

GREVIO urges the state to increase the number of shelters or their capacity nationwide to meet the minimum standard of one family shelter for every 10,000 inhabitants. Additionally, it emphasizes the importance of ensuring equal access to shelters for women victims of all forms of violence, as stipulated by the Istanbul Convention.⁶¹⁵

Preparing beneficiaries for life after leaving the asylum

Beneficiaries often do not have a place to live or work after leaving the shelter. Therefore, the shelters under the program of non-governmental organizations try to teach the beneficiaries various disciplines, **for example: cooking, hair cutting, make-up and others. Beneficiaries are given the opportunity to be employed while living in the shelter, to accumulate savings, which will allow them to live after leaving the shelter.**⁶¹⁶

Lack of funding

*“Shelter funding provided by the state program is small and is actually only sufficient for utility bills, when this amount should cover all the needs of the beneficiary - food, clothing, medical services and other necessary expenses.”*⁶¹⁷

Due to inadequate state funding, it is challenging to accommodate all asylum seekers in suitable facilities and provide necessary services to those already accommodated. **As explained by shelter staff, medical services and other essential expenses for beneficiaries under the state program are funded by international organizations (donors).**

⁶¹³ Interview with a shelter employee.

⁶¹⁴ Interview with a shelter employee.

⁶¹⁵ GREVIO's (Baseline) Evaluation Report, 2022, 51, para 186, ხელმისაწვდომია იხ: <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>>, [02.04.2024].

⁶¹⁶ They are mainly employed as helpers in the shelter's kitchen, shop assistants, and hotel cleaners.

⁶¹⁷ Interview with a shelter employee.

Ethnic minority

Members of ethnic minorities also benefit from asylum.⁶¹⁸ An additional challenge for them is not knowing the state language - Georgian. Accordingly, the shelter provides the services of an interpreter and subsequently teaches them the Georgian language.⁶¹⁹

A shelter for members of the LGBTQI+ community

LGBTQI+ individuals face heightened challenges in accessing shelter due to discrimination based on gender identity and sexual orientation.⁶²⁰ The overall homophobic and transphobic environment, along with the risk of violence from other beneficiaries of shelter services, particularly affects transgender individuals.⁶²¹ There is also a general lack of trust in state temporary housing services among LGBTQI+ community members,⁶²² who often find these services discriminatory and insensitive to their specific needs.⁶²³ Currently, the non-governmental organization “Temida” provides temporary housing service tailored to LGBTQI+ individuals experiencing violence or other crisis situations. This service also includes social worker support, psychological counseling, legal assistance, medical services, and employment counseling.⁶²⁴

crisis center

What is a crisis center?

- *A crisis center is an institution providing support services that helps victims escape from a violent environment and recover their strength.*⁶²⁵

What does the crisis center provide?

- *psychological-social assistance/rehabilitation of victims. The crisis center may also provide other support services (including temporary (overnight) housing services) if this is provided for by the crisis center charter.*⁶²⁶

What are crisis centers based on?

- *The crisis center is established in the system of the Ministry of Labor, Health and Social Protection for IDPs from the occupied territories of Georgia and/or on the basis of a non-entrepreneurial (non-commercial) legal entity.*⁶²⁷

⁶¹⁸ According to a person employed at the shelter, they have Iranian, Russian, Ukrainian, Azerbaijani, Ivorian beneficiaries.

⁶¹⁹ Interview with a shelter employee.

⁶²⁰ Queer Association - Temida, Ensuring the right to proper housing for members of the LGBTQ community living in Georgia: current situation and challenges, policy document, 2023, 17 <https://drive.google.com/file/d/1Sxfj_AVncSIDBBnIkz94sG1QKCHJvLr/view> [04.04. 2024].

⁶²¹ *ibid* 22.

⁶²² *ibid* 16.

⁶²³ *ibid* 22.

⁶²⁴ Information about the temporary housing of “Temida” can be found on the website of “Temida” <<https://temida.org.ge/service/droebithi-satskhovrisi/>> [04.04.2024].

⁶²⁵ Part 1 of Article 181 of the Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence.

⁶²⁶ *Ibid.*, Article 4.1.

⁶²⁷ *Ibid.*, Article 18¹.2.

Does the provision of crisis center services depend on the victim's willingness to cooperate with law enforcement?

- *No, the provision of Crisis Center services is not dependent on the victim's willingness to cooperate with law enforcement/prosecutor and/or judicial authorities against perpetrators of violence against women and/or domestic violence.*⁶²⁸

Could the victim be denied access to the crisis center?

- *Yes, but the decision to refuse must be justified.*⁶²⁹

Does the victim lose their job while using the crisis center?

- *No, during the period of using the services of the crisis center, the victim is kept working in the same position according to the rules established by the legislation of Georgia.*⁶³⁰

When can you use the crisis center?

- *Services at crisis centers are available daily from 9:00 am to 6:00 pm, excluding weekends and holidays as defined by Georgian legislation. Should a victim or alleged victim require temporary residential services around the clock, they are referred to shelters managed by the foundation. Alleged victims are directed to the Tbilisi crisis center for violence victims' services.*⁶³¹

How many crisis centers are there in Georgia?

- *7 crisis centers operate across the country: in Tbilisi, Gori, Kutaisi, Ozurgeti, Marneuli, Zugdidi and Telavi. Of these, only the Tbilisi crisis center provides round-the-clock accommodation.*⁶³²

GREVIO notes that one crisis center should be available for every 200,000 inhabitants in the country.⁶³³ The population of Georgia is 3,694,600 people, therefore, there should be 19 crisis centers in the country, but only 7 are active.

9.3. Psychosocial Support

The user's psychosocial condition is his personal information, which is considered within the scope of service provision.⁶³⁴

*A user of psychosocial rehabilitation is a person who has a chronic mental disorder (schizophrenia, schizotypal or delusional disorder, schizoaffective disorder, mood (affective) disorder, obsessive-compulsive disorder, post-traumatic stress disorder, mental retardation and dementia).*⁶³⁵

⁶²⁸ Ibid Article 18¹.3

⁶²⁹ Ibid Article 18¹¹.4

⁶³⁰ Ibid Article 18¹.5

⁶³¹ Information on domestic violence, https://112.gov.ge/?page_id=7632, [04.02.2024].

⁶³² <https://atipfund.moh.gov.ge/geo/static/238/krizisuli-centri>, [02.04.2024].

⁶³³ GREVIO's (Baseline) Evaluation Report, 2022, 52, para 196, available at: <https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>, [02.04.2024].

⁶³⁴ Ordinance of the Government of Georgia No. 523 of November 9, 2022 on determining the amount of compensation to be given to victims of violence against women and/or domestic violence and approving the manner of giving it Article 7.2h.

⁶³⁵ Order of the Minister of Labor, Health and Social Protection of Georgia dated April 2, 2007 No. 112/N on approval of psychosocial rehabilitation standards Article 1.2.

Provision of psychosocial services is allowed in the shelter by a multidisciplinary team, which includes: psychiatrists, psychologists, nurses, social workers, art therapists and occupational therapists.⁶³⁶

9.4. Support for Rape Victims

There are currently no separate crisis centers or shelters specifically designated for rape victims in Georgia. As a result, victims of rape receive support from the same shelters and crisis centers available to all other victims. GREVIO has urged the government to establish crisis and referral centers specifically tailored to meet the comprehensive needs of rape and sexual violence victims in the short, medium, and long term.⁶³⁷

9.5. Support for Child Victims

Within the unified system of protection of minors, the state ensures the protection of physical and mental health of children affected by crime, victims of violence and witnesses, and their psychosocial rehabilitation in healthy and dignified conditions. The rehabilitation program can be short or long term.⁶³⁸ The content, form and duration of the program are determined according to the individual needs and best interests of the child.⁶³⁹

In its 2022 report, GREVIO emphasized the importance for states to legally recognize the detrimental impact on children who witness violence, including violence between parents, under the scope of the Istanbul Convention. While Georgia has taken steps to reflect these concerns in its legal framework, GREVIO has urged the state to further prioritize efforts in implementing these recommendations effectively in practice. This includes ensuring that legal provisions are consistently applied and supported by practical measures that protect and support children who witness violence.⁶⁴⁰

The state ensures that all individuals working with minors are specialized in preventing secondary victimization and re-victimization of the child.⁶⁴¹ During the questioning or interrogation of a child, their legal representative and lawyer are present.⁶⁴² Additionally, a psychologist participates in the process to assess the minor's needs and provide necessary psychological support, always considering the best interests of the child.

9.6. Support of the Victim in the Litigation Process

In Georgia, there are a number of services that provide support to the victim in the legal process. The following bodies are discussed in the present chapter:

⁶³⁶ Ibid., Article 1.7.

⁶³⁷ GREVIO's (Baseline) Evaluation Report, 2022, 42.

⁶³⁸ Law of Georgia, Article 61, Part 1 of the Child Rights Code.

⁶³⁹ Order of the Minister of Labor, Health and Social Protection of Georgia dated April 2, 2007 No. 112/N on approval of psychosocial rehabilitation standards, Article 43.1.

⁶⁴⁰ GREVIO's (Baseline) Evaluation Report, 2022, 54, para 207, available at: <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>>, [02.04.2024].

⁶⁴¹ Ibid., Article 61.4.

⁶⁴² Ibid., Article 61.3.

9.6.1. Legal Aid Service

Victims of violence against women or domestic violence are entitled to legal aid at the **state's expense** in accordance with the Law on Legal Aid.⁶⁴³

Thus, women victims of violence can receive the following services:

- *legal consultation;*
- *assistance in drafting legal documents (application, lawsuit, complaint, counterclaim, petition, etc.);*
- *Representation in court regarding administrative and civil cases.*⁶⁴⁴

It should be noted that the use of the **above-mentioned legal aid does not depend on the victim's ability to pay, and any victim can be its beneficiary**, regardless of the form of violence and social status.⁶⁴⁵

9.6.2. Involvement of Witness and Victim Coordinator in the Process

It is true that Georgian legislation does not provide for individual assessment of victims, but there is a witness and victim coordinator service that assesses victims of violent crimes and provides them with psychological assistance.⁶⁴⁶

*Witness and victim coordinator - a person who provides witness/victim support during the legal proceedings.*⁶⁴⁷

The objectives of the Witness and Victim Coordinator Institute are:

- Simplification of participation in the legal proceedings for the witness and the victim;
- reducing stress caused by crime;
- prevention of re-victimization and secondary victimization; Ensuring they are informed at the stages of investigation and trial.⁶⁴⁸

The Witness and Victim Coordinator Institute operates within both the Ministry of Internal Affairs and the Prosecutor's Office of Georgia.⁶⁴⁹ However, the lack of a unified system for witness and victim coordination reduces the effectiveness of this institution. This issue arises from the replacement of the victim coordinator from the Ministry of Internal Affairs,

⁶⁴³ Part 1.h of Article 17 of the Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence.

⁶⁴⁴ Law of Georgia "On Legal Aid", Article 5, Part 2⁴.

⁶⁴⁵ In 2023, 38 persons benefited from the said legal assistance, in 2022 - 33, in 2021 - 57, in 2020 - 47 and in 2019 - 57. (Letter of the Legal Aid Service of February 28, 2024 LA 5 24 00006598 letter).

⁶⁴⁶ Thandilashvili Kh., The rights of the victim in the criminal process according to the European and Georgian legislation, 56; It is noteworthy that, according to the Prosecutor's Office of Georgia, due to resources, priority should be given to the involvement of witnesses and victim coordinators in criminal cases of crimes motivated by intolerance. In 2023, the witness and victim coordinator was involved in 519 cases. (See Analysis of crimes motivated by intolerance, Human Rights Protection Department of the General Prosecutor's Office of Georgia, 2023, 41,38, <pog.gov.ge/uploads/a7acd8c5-sheuwynareblobiT-motivirebuli-danashaulebis-analizi-2023-weli-1.pdf>, [24.04.2024].

⁶⁴⁷ Section 22¹ of Article 3 of the Criminal Procedure Code of Georgia.

⁶⁴⁸ Part 2 of Article 58¹ of the Criminal Procedure Code of Georgia.

⁶⁴⁹ Ibid., parts 1 and 4.

who may have gained the trust of the victim during the investigation stage, with the witness and victim coordinator from the prosecutor's office.⁶⁵⁰ The involvement of the witness and victim coordinator in a case can be terminated by the decision of the investigator before the case is transferred to the court. Similarly, the prosecutor has the authority to make this decision at any stage of the proceedings.⁶⁵¹

In the criminal case of domestic violence provided for in Article 126¹ of the criminal code or family crime provided for in Article 111 of the same code, the person conducting the interrogation must offer the close relative of the accused, who suffered moral, physical or property damage as a direct result of this crime, to go through the consultation with the witness and victim coordinator and make the appropriate decision. Take advantage of the 3-day cooling-off period before receiving.

If the prosecutor or investigator decides to involve the witness and victim coordinator in a case, they are obligated to promptly inform the coordinator of this decision. They must also provide the coordinator with access to the criminal case materials and the contact information of the victim or witness involved. Subsequently, it is the duty of the witness and victim coordinator to reach out to the victim or witness. **Importantly, the victim retains the right to decline cooperation with the witness and victim coordinator if they choose to do so.**⁶⁵²

According to the data of 2023, 336 victims were offered to use witness and victim coordinator services (in accordance with the rules established by Article 50.5 of the Criminal Code of Ukraine), of which 227 persons expressed their consent, and 109 refused. Despite the fact that more people agreed to use this service, another statistic is noteworthy, according to which Out of these 227 people, 112 people did not testify.⁶⁵³

According to GREVIO's recommendation, the state should ensure the systematic use of all available protection measures for violence against women and domestic violence, including minor victims and witnesses, in accordance with Georgian legislation, during investigations and trials.⁶⁵⁴

Therefore, the state should continue to take steps in this direction. It should not only involve a witness-victim coordinator, but also ensure that additional support mechanisms are put in place to help the victim feel safe and testify.

Rights and duties of the witness and victim coordinator:

- *after consultation with the investigative body, provides the witness and the victim with the necessary information about the progress of the investigation and trial;*
- *explains their rights and duties to the witness and the victim in a language they understand and explains the legal procedures of the investigation and trial;*
- *During the investigation, attends the investigative action and the procedural action*

⁶⁵⁰ On April 5, 2024, a meeting was held with the representatives of the Office of the Public Defender of Georgia regarding gender-based violence, where the above-mentioned challenge was emphasized by the representatives of the Office of the Public Defender of Georgia.

⁶⁵¹ Parts 1 and 4 of Article 581 of the Criminal Procedure Code of Georgia.

⁶⁵² Ibid., parts 3, 4, 5, 6.

⁶⁵³ 2023 report on the activities of the witness and victim coordinator service of the General Prosecutor's Office of Georgia, 12-13, <<https://pog.gov.ge/uploads/ca98f09c-2023-wlis-angarishi-koordinatoris-samsaxuri-3.pdf>>, [04.06.2024].

⁶⁵⁴ GREVIO's (Baseline) Evaluation Report, 2022, 83, para 368, available at: <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>>, [24.06.2024].

conducted with the participation of the witness and the victim in order to provide emotional support to the witness/victim;

- *During the court hearing of the case, he attends the process of questioning the witness and the victim in court and examining the evidence with their participation in order to provide emotional support to the witness/victim;*
- *Provides the witness and the victim with information about the legal, psychological, medical and/or other services they need and, if necessary, helps them to contact the relevant authority/organization.*⁶⁵⁵

RECOMMENDATIONS

Government of Georgia

- Increase the funding of shelters to increase the number of shelters and provide different services to the beneficiaries. In particular, shelters should be built separately for women and men, as well as for rape victims.

Ministry of Internal Affairs and Prosecutor's Office of Georgia

- Ensure the active, effective work of the witness and victim coordinator.
- Provide training courses for witness and victim coordinator.

⁶⁵⁵ Article 58² of the Criminal Procedure Code of Georgia.

10. DECISIONS ISSUED BY INTERNATIONAL BODIES TOWARDS GEORGIA

This chapter examines the decisions of the European Court of Human Rights against Georgia on gender-based violence, more specifically the issue of enforcement of these decisions. Also, this chapter presents the decision made by CEDAW against Georgia and its impact on the country's legislation.

10.1. Decisions of the ECtHR Against Georgia

The cases related to gender-based violence that come before the Strasbourg Court often invoke various articles of the European Convention on Human Rights, such as Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment), Article 4 (prohibition of slavery and forced labor), Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), and Article 14 (prohibition of discrimination). Through these cases, the European Court of Human Rights has established significant jurisprudence that can guide judges in their daily adjudication of gender-based violence cases.⁶⁵⁶

High Contracting States of the European Convention on Human Rights are obliged to obey the final decision of the European Court of Human Rights in cases in which they represent a party.⁶⁵⁷ Decisions of the Strasbourg Court are handed over for enforcement to the Ministerial Committee, which oversees the enforcement process.⁶⁵⁸

10.1.1. " Tkhelidze " Group

The Committee of Ministers combined the issues of enforcement of 3 decisions issued against Georgia:

Complaint	case	Date of decision	Classification Determinant
33056/17	TKHELIDZE	08/10/2021	A complex problem
73975/16	A AND B	10/05/2022	
38650/18	GAIDUKEVICH	15/06/2023	

The mentioned cases refer to the failure of the state to take preventive measures to protect the female relatives of the applicants from domestic violence, which ended in their death. The implementation of these decisions serves to promote an integrated approach to eliminate violence against women and to strengthen gender equality in Georgia.

The Strasbourg Court noted the following systemic flaws:

- ***General and discriminatory passivity:*** *The passive response of law enforcement agencies to allegations of domestic violence created an enabling environment for further violence against women.*

⁶⁵⁶ Gasimova K.D., Guideline on Gender-Sensitive Approach for Adjudicating Gender-Based Violence Cases, 1-2.

⁶⁵⁷ The Committee of Ministers is a representative body of the Council of Europe, which consists of the ministers of foreign affairs of the member states of the Council of Europe. Statute of the Council of Europe (adopted 5 May 1949, entered into force 3 August 1949), Article 13 and Article 14.

⁶⁵⁸ European Convention on Human Rights (adopted on 27.04.1999, entered into force on 20.05.1999), Articles 46.1-2.

- **Failure to adequately qualify domestic violence and investigate gender-based discrimination:** Law enforcement agencies have failed to properly qualify cases of domestic violence and investigate gender-based discrimination. Gaps in evidence collection were also noted, which could lead to underestimation of the level of violence, reduced requests for assistance from victims and delays in effective criminal investigations.
- **Insufficient compensation offered to victims:** In the A and B case, the court found that the compensation offered to victims was insufficient because possible gender discrimination was not explored.⁶⁵⁹

Georgia has made some progress in addressing issues related to domestic violence and gender discrimination:

- **Strengthened risk assessment and oversight mechanisms:** Georgia has taken steps to update risk assessment tools and electronic surveillance systems, including making the risk assessment tool more victim-friendly, improving the scoring system and questions, and increasing the threshold for the use of electronic surveillance, as well as conducting training for police officers and raising awareness. initiative for the general public.
- **Improved Victim Support Services:** The Georgia Attorney General's Office released a report on the activities of witness and victim coordinators that highlighted cases of domestic violence.
- **Increased criminal prosecution of gender-based crimes:** The number of criminal prosecutions of gender-based crimes has increased in Georgia. This reflects a proactive approach to such offences, although there is still a need to bring case law into line with international standards.
- **Continue efforts to combat discriminatory attitudes:** raise awareness, build a culture of accountability for law enforcement officials who fail to respond adequately to complaints of gender-based violence.⁶⁶⁰

Thus, while Georgia has taken steps to strengthen its response to domestic violence and gender-based crimes, there are still areas for improvement.

Individual measures:

Redouble efforts to quickly and diligently carry out all the necessary investigative measures in the cases of Tkhelidze and A and B, as well as ensure a proper investigation into the motive for possible bias.

General measures

- **Upgrading risk assessment tools and electronic surveillance systems:** Strengthen risk assessment tools and the effectiveness of electronic surveillance systems in practice,

⁶⁵⁹ <[https://hudoc.exec.coe.int/eng#%22execidentifier%22:\[%22004-58703%22\]](https://hudoc.exec.coe.int/eng#%22execidentifier%22:[%22004-58703%22])>, [27.04.2023].

⁶⁶⁰ *ibid*

Implementation of recommendations:

- Until 2016, there was no legal mechanism for enforcing the decisions of the UN committees in the national legislation: the criminal procedure, civil procedure and administrative procedure codes were amended and the following provisions were added:

According to the changes made in Article 310 of the Code of Criminal Procedure and Article 423 of the Code of Civil Procedure:

“If there is a decision of the United Nations Human Rights Committee, the Committee on the Elimination of All Forms of Discrimination against Women, the Committee on the Rights of the Child, the Committee against Torture, or the Committee on the Elimination of Racial Discrimination, which has established a violation of the Convention establishing the Committee in relation to the case, and the review decision is based on that violation, the person may apply With the request to the national courts to review the verdict/decision due to newly revealed/newly discovered circumstances, within 1 year in the case of criminal cases, and within 6 months in the case of civil cases.”⁶⁶⁵

A new Chapter VII14 was added to the Administrative Procedure Code of Georgia. Article 21⁵⁷ of the same Code defined the following procedure for applying to the court with a claim for monetary compensation:

- 1. A person against whom there is a United Nations Human Rights Committee, the Committee on the Elimination of All Forms of Discrimination against Women, the Committee on the Rights of the Child, the Committee against Torture, limited The decision of the Committee on the Rights of Persons with Disabilities or the Committee on the Elimination of Racial Discrimination (hereinafter - the Committee) which found a violation of the Convention establishing the Committee in relation to this case.*
- 2. A person or his representative shall submit a claim for monetary compensation to the district (city) court within 6 months from the decision of the committee provided for in the first part of this article.*
- 3. The claim for monetary compensation must include:*
 - a) a copy of the committee’s decision regarding the violation of the convention against the person and/or the payment of compensation by the state;*
 - b) When a claim is submitted by a person’s representative - a document confirming the representation.⁶⁶⁶*

- On August 12, 2016, the authors of the complaint applied to the Administrative Affairs Board of the Tbilisi City Court to receive compensation, and each was awarded 20,000 GEL.⁶⁶⁷
- The Parliament of Georgia ratified the Istanbul Convention, which entered into force in relation to Georgia on September 1, 2017.⁶⁶⁸
- In order to prevent and suppress violence against women and domestic violence, a spe-

⁶⁶⁵ *ibid* 23-24. Criminal Procedure Code of Georgia, Article 310;საქართველოს Civil Procedure Code, Article 423.

⁶⁶⁶ Administrative Procedure Code of Georgia, Article 21⁵⁷.

⁶⁶⁷ 2018 report on the implementation of the decisions taken by the United Nations Committees regarding Georgia, 5.

⁶⁶⁸ *ibid* 9.

cial unit, the Department of Human Rights Protection and Investigation Quality Monitoring, was created in 2018.⁶⁶⁹

- In order to fight against violence against women, trainings are conducted for judges, lawyers, and law enforcement agencies.⁶⁷⁰

RECOMMENDATIONS

Government of Georgia

- **Strengthen efforts to implement general and individual measures determined by the Committee of Ministers based on decisions of the European Court of Human Rights.**

General Courts

- **Ensure compliance of judicial practice with respect to the European Convention on Human Rights.**

⁶⁶⁹ *ibid* 12. *The said unit provides monitoring of ongoing proceedings in police units throughout the country regarding domestic violence and family crimes, including gender-based violence against women. (Letter of the Ministry of Internal Affairs of Georgia dated March 12, 2024 MIA 0 24 00745517)*

⁶⁷⁰ 2018 report on the implementation of the decisions taken by the United Nations Committees against Georgia, 19.

11. COVERAGE OF GENDER-BASED VIOLENCE

Gender-based violence coverage Information, awareness-raising and the role of the media are key targets⁶⁷¹ for addressing gender-based violence. In addition to the media, information about violence against women is disseminated by state bodies, non-governmental organizations and international human rights organizations. This chapter discusses public relations and reporting standards regarding gender-based violence.

11.1. The Standards of Public Relations of Investigative Bodies Regarding the Cases of Gender-based Violence,

Criminal investigations are carried out by the Ministry of Justice of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Defense of Georgia, the Ministry of Finance of Georgia, the State Security Service of Georgia, the Special Investigation Service and the Prosecutor's Office of Georgia.⁶⁷² According to the first part of Article 104 of the Criminal Procedure Code of Georgia, the investigative body, based on the interest of the investigation, must ensure that information is not disseminated publicly, although this does not mean that the public should not be provided with information at all, moreover, there are special agencies that provide information to the public.

„A prosecutor/investigator shall be obliged to ensure that information on the progress of an investigation is not made public. For this purpose, he/she shall be entitled to obligate a participant in criminal proceedings not to disclose details of a case without his/her permission, and warn him/her about criminal liability.“⁶⁷³

The Department of Strategic Communications of the Ministry of Internal Affairs of Georgia manages relations with the public and mass media, preparing and distributing press releases, informational materials, and visual content for media representatives.⁶⁷⁴ In the Prosecutor's Office, the Public and Media Relations Department of the General Prosecutor's Office of Georgia⁶⁷⁵ handles the dissemination of information through news channels, social media, and responses to inquiries received on social networks. It should be noted that none of the regulations of these services, which establish the standards of public relations for the investigative body, including those concerning gender-based violence, are publicly available.

11.2. The Practice of Public Relations of Investigative Bodies in Relation to Cases of Gender-based Violence,

The statements made by the investigative bodies do not review the factual circumstances of the case in detail. **The style of their statements is uniform and includes:**

- *the name of the body that performs investigative actions;*
- *In some cases, the place where the crime took place.*
- *It should be emphasized that they do not name the villages and indicate only the municipality;*

⁶⁷¹ Wolf B., gender-based violence and the challenge of visual representation, 2013,195.

⁶⁷² Article 34.1 of the Criminal Procedure Code of Georgia. The territorial and investigative powers of the aforementioned investigative bodies are determined by the order N3 of the Prosecutor General of Georgia dated August 23, 2019.

⁶⁷³ Article 104.1 of the Criminal Procedure Code of Georgia.

⁶⁷⁴ Order of the Minister of Internal Affairs of Georgia dated April 2, 2018 No. 48, Article 5, Clause b.

⁶⁷⁵ Order of the Prosecutor General of Georgia of May 6, 2020 No. 010m, Article E-2, Clause g.

- *In case of mention of natural persons, initials and year of birth are used;*
- *Attention is focused on the articles under which the investigation is being conducted and the sanction provided by these articles.*⁶⁷⁶.

11.3. Media Coverage Standards for Gender-based Violence

Society has assigned an important role to the media in solving the problem of gender-based violence.⁶⁷⁷ The provision of Article 17 of the Istanbul Convention refers to the involvement of the media and the private sector in eliminating gender stereotypes and promoting mutual respect,⁶⁷⁸ which at the international level confirms the role of the media in preventing gender-based violence.

According to the “Broadcasting” law in force in Georgia, it is prohibited to broadcast such a program or advertisement that incites violence or hatred against a person or a group of persons with signs of gender and gender affiliation.⁶⁷⁹

In addition, there is an independent association of journalists in **Georgia - the Charter of Journalistic Ethics of Georgia** (hereinafter referred to as the Charter), whose mission is to increase the public responsibility of the media through the protection of professional and ethical standards and the creation of self-regulation mechanisms.

The principle 7th of the Charter obliges the journalist to understand the danger of the media encouraging discrimination. Accordingly, a journalist must do everything possible to avoid discrimination of any person on the basis of race, gender, sexual orientation, language, religion, political and other opinions, national or social origin or any other reason.

*The principle 10th of the Charter obliges a journalist to respect a person's private life and not to intrude into a person's private life unless there is a special public interest.*⁶⁸⁰

In 2022, in collaboration with the Charter, **a media guide was published, which sets guidelines and self-regulatory standards in the coverage of issues related to gender, gender-based violence:**⁶⁸¹

- Information on cases of violence against women, gender-based violence should be accurate;⁶⁸²
- taking into account the gender aspect when reporting the news, if it exists;⁶⁸³
- Protecting the anonymity of victims of violence⁶⁸⁴ (not disclosing information that

⁶⁷⁶ The analysis was made on the basis of public statement published on official web-sites of Ministry of Internal Affairs and the Prosecution Service of Georgia throughout 2022-2024 years.

⁶⁷⁷ Martín-Llaguno M., Limiting Market-Driven Freedom of Expression by Regulating Sexist Advertising in Spain An Evaluation of and Some Shadows from the First Decade, blurring the lines, 177.

⁶⁷⁸ Council of Europe Convention on the Prevention and Suppression of Violence against Women and Domestic Violence, 2011, Article 17.

⁶⁷⁹ Law of Georgia on Broadcasting 55 Article 2

⁶⁸⁰ *ibid*

⁶⁸¹ Guidelines and self-regulatory standards for sensitive and ethical reporting of gender, gender-based violence and LGBTQI issues, Media Guidelines, UN Women, 2022, see <<https://www.qartia.ge/ka/sakhelmdzghvanelo-tsebebi1/article/94262>>, [02.04.2024]

⁶⁸² *ibid* 9

⁶⁸³ *ibid* 7

⁶⁸⁴ *ibid*

can identify them);⁶⁸⁵

- should not focus on a woman’s physical appearance or dress, even in a neutral context;⁶⁸⁶
- When reporting cases of femicide, such crimes cannot be justified and/or defended in any way;⁶⁸⁷
- Content should not include how a specific behavior or event “caused” the violence;⁶⁸⁸
- Consider the broader context beyond individual cases and include statistics on gender-based violence in reporting;⁶⁸⁹
- Statistics should be accurate and relevant (also, it should be recognized that many cases of violence against women are not reported to the police).⁶⁹⁰
- When talking to perpetrators about their alleged motive for the crime, it may inadvertently justify it or inspire others to commit similar acts, so the media should exercise caution in reporting.⁶⁹¹

11.4. Media Coverage of Gender-based Violence

Despite the legal regulations in Georgia, GREVIO notes the presence of gender stereotypes in the media. In particular, the media emphasizes the victim’s behavior and not the perpetrator’s actions, and stories are presented with insufficient sensitivity, which often leads to secondary victimization and trivialization of violence.⁶⁹²

The governing body of the Charter is a council composed of 9 members, which reviews the statements received against journalists and determines whether the principles of the Charter have been violated or not.⁶⁹³ During the review of the mentioned statements, the Council found the following violations on the part of the journalists:

*The 27-year-old single mother probably never imagined that the father of her child would be so cruel. Despite constant threats and blackmail, he never contacted the police. It seems that she still believed that her ex-husband would not do anything wrong.” - On this journalist’s statement, the Council considered that the violence was being romanticized and found a violation of the 7th principle.*⁶⁹⁴

During the survey on the street, the journalist asked questions: “Is the wife the property of the husband?” When a woman is asked, who is her owner? Who is the head of the family? Should a wife bear a blow from her husband? In what cases is wife beating justified? If your wife cheated on you, how would you react? What would you do if your wife called the police during a conflict?” - **According to the council, by asking these ques-**

⁶⁸⁵ ibid

⁶⁸⁶ ibid

⁶⁸⁷ ibid

⁶⁸⁸ ibid 9

⁶⁸⁹ ibid 8-9

⁶⁹⁰ ibid 9

⁶⁹¹ ibid 10

⁶⁹² GREVIO’s (Baseline) Evaluation Report, 2022, 39, para 132, available at: <<https://rm.coe.int/grevio-new-final-geo/1680ab2bb3>>, [02.04.2024]

⁶⁹³ Journalistic Ethics Charter of Georgia, <<https://www.qartia.ge/qartia>>, [04.02.2024].

⁶⁹⁴ Decision N566 of July 15, 2022 of the Charter of Journalistic Ethics of Georgia, <<https://www.qartia.ge/ka/gadatsyvetilebebis-dzebna/article/92371-gadatsyvetileba-saqmeze-femina-rusthavi-2-is-araidentificirebuli-zhurnalisticis-tsinaaghmddeg>>, [25.04.2024].

tions, the journalist strengthened the stigma and contributed to discrimination, which was found to be a violation of the 7th principle.⁶⁹⁵

The journalist had the defendant's mother as a guest in the program, and at the beginning of the program, the presenter noted, "Today we will look at this story from the other side of the medallion", "It is very difficult to tell the audience how the son decided to kill his ex-wife."

In addition, the accused's mother said that it was as if the victim of violence had an affair with another man, thus trying to explain what caused her son's aggression, which resulted in the wounding of the woman. - **In the opinion of the Council, the said program strengthened the stigma of femicide in the society, on which it found a violation of the 7th and 10th principles of the Charter.**⁶⁹⁶

The lawyer of the man accused of murdering a young girl in a TV story says: "The case involves a driver of a black BMW. It is clear from the case that there was an intimate relationship between the deceased and the driver of the black BMW." With whom he was wearing a robe, this is for the investigation to establish and find out." - **While focusing on the forms of violence, there should be no research into what the woman did wrong and why she was killed. The lawyer tried to justify the murder with this statement. No reason can justify murder. Thus, the Council found a violation of Principles 7 and 10.**⁶⁹⁷

RECOMMENDATIONS

Journalists and other media representatives

- To disseminate accurate information on cases of violence against women, gender-based violence.
- To take into account the gender aspect when reporting the news.
- **Protecting the anonymity of victims of violence** (not disclosing information that can identify them).
- **There should be no focus on a woman's physical appearance or dress, even in a neutral context.**
- **When reporting cases of femicide, such crimes cannot be justified and/or defended in any way;**
- **Content should not include how a specific behavior or event "caused" the violence;**
- **Consider the broader context beyond individual cases and include statistics on gender-based violence in reporting;** Statistics should be accurate and relevant (also, it should be recognized that many cases of violence against women are not reported to the police).

⁶⁹⁵ Decision N671 of September 4, 2023 of the Charter of Journalistic Ethics of Georgia, <<https://www.qartia.ge/ka/gadatsyvetilebebis-dzebnna/article/95654-gadatsyvetileba-saqmeze-qalebi-saertho-momavlisathvis-wecf-saqarth-velo-mariam-gafrindashvilis-tsinaaghmddeg>>, [25.04.2024].

⁶⁹⁶ Decision N365 of the Georgian Charter of Journalistic Ethics of July 8, 2020, <https://www.qartia.ge/en/component/content/article/6013/84938-kavshiri-qsafariq-grigol-chiqovani-nino-chiqovani-nanuka-zhorzholianis-tsinaaghmddeg> >, [25.04.2024].

⁶⁹⁷ Decision N205 of July 10, 2018 of the Charter of Journalistic Ethics of Georgia, <<https://www.qartia.ge/ka/gadatsyvetilebebis-dzebnna/article/56608-gadatsyvetileba-saqmeze-phr-i-qimedosq-araidenticirebuli-zhurnalistic-tsinaaghmddeg>>, [25.04.2024].