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Responses to Information Requests

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9 June 2015

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Georgia: Domestic violence, including legislation, state protection and support services available to victims (June 2012-May 2015)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

Sources report that Georgia's Ministry of Internal Affairs (MIA) released statistics indicating that between 2007 and June 2014 there were 1,102 cases of domestic violence registered, which included 1,010 female and 117 male victims (Front News 23 July 2014; IPN 23 July 2014; *Tabula* 23 July 2014). The MIA statistics indicate that 36 percent of the cases involved physical violence, 55 percent involved psychological violence, and 9 percent were "other" types of domestic violence (ibid.; Front News 23 July 2014). According to FactCheck, a project of Georgia's Reforms Associates (GRASS) that verifies the accuracy of statements made by public officials (n.d.), there were 459 cases of domestic violence registered with the MIA in 2013, and 591 cases in 2014 (FactCheck 24 Feb. 2015). Of those cases, there were 20 cases of "serious physical injury" in 2013, and 28 cases of "serious physical injury" in 2014 (ibid.).

The Institute for Development of Freedom of Information (IDFI), a Georgian NGO that promotes government transparency (n.d.), reports that the MIA provided them with statistics on the number of murders committed as a result of domestic violence in Georgia: 5 murders resulting from domestic violence in the second half of 2012, 14 in 2013, and 23 in the first 10 months of 2014; in all but one case the perpetrator was male (IDFI 3 Mar. 2015). Also quoting statistics from the MIA, FactCheck indicated that there were 8 cases of domestic violence-related homicide in 2013 and 19 cases in 2014 (FactCheck 24 Feb. 2015). Two sources indicate that, based on media reports, 23 women were killed in the first 10 months of 2014 due to domestic violence (Human Rights Watch Jan. 2015, 4; BBC 29 Nov. 2014). Similarly, in its 2014-15 annual report, Amnesty International (AI) indicated that "at least 25 women and girls" were killed due to domestic violence (AI 2015). According to a November 2014 article by the Human Rights House Network (HRHN), a network of 70 human rights organizations in 15 countries (n.d.), approximately 30 women were killed because of domestic violence within the year prior to the article (HRHN 7 Nov. 2014).

2. Societal Attitudes

In correspondence with the Research Directorate, a National Programme Officer at UN Women in Georgia indicated that "patriarchal norms and deeply-entrenched stereotypes in the Georgian society tend to condone violence against women" (UN 6 May 2015). EurasiaNet, a website that "provides information and analysis about political, economic, environmental and social developments in the countries of Central Asia and the Caucasus" (n.d.), similarly indicates that "Georgian society's patriarchal norms are broadly seen as the root of the problem" of domestic violence (EurasiaNet 3 Dec. 2014). The same source reports on a study conducted in 2013 in Tbilisi, Samegrelo-Zemo, Svaneti, and Kakheti regions by the Public Policy Institute, which found that

34.6 percent of respondents justify physical violence against a wife if "she does not pay attention to their children, argues with her husband, she is a bad cook, refuses intercourse with her husband or leaves home without permission" (ibid.).

Sources indicate that many people in Georgia view domestic violence as a family affair or private matter, rather than an issue that requires outside intervention (HRHN 7 Nov. 2014; FactCheck 24 Feb. 2015; Georgia [2013], 270). However, the UN National Programme Officer, citing the UN Women's 2013 study *Perceptions and Attitudes Towards Violence Against Women and Domestic Violence in Tbilisi, Kakheti and Samegrelo-Zemo Svaneti*, indicated that views towards domestic violence in Georgia are changing:

Comparison of the study findings with the studies carried out in previous years in Georgia illustrate that respondents increasingly perceive it [domestic violence] as a crime, rather than a family matter. For instance, according to the UNFPA/ACT National Research on Domestic Violence against Women in Georgia (2009), 78.3 percent of respondents believed that domestic violence is a family matter and 34.1 percent considered that violence in the family can be justified, while according to the study conducted by UN Women in 2013, only 25 percent believe domestic violence is a family matter, while 69 percent believe domestic violence is a crime and 17 percent believe it can be justified in certain cases. (UN 6 May 2015)

The National Programme Officer indicated that 57 percent of respondents in the UN Women's 2013 study consider "all instances of violence against women and domestic violence a crime" (ibid.).

The NGO Institute for War and Peace Reporting (IWPR) cites head of the Women's Information Centre as saying that gender-based violence in Georgia is "particularly acute outside the main towns, and also among ethnic minorities, because such communities may be less aware of the issues, victims have fewer opportunities to seek redress, and there is a persisting view that such matters should be kept within the family" (IWPR 30 Oct. 2014).

3. Legislation

Sources indicate that Georgia adopted a law on domestic violence in 2006 (HRHN 7 Nov. 2014; BBC News 29 Nov. 2014; UN 6 May 2015). Sources indicate that the law defines domestic violence, forms of violence, as well as mechanisms to protect victims, such as protective orders and restrictive [or deterrent] orders (ibid.; HRHN 7 Nov. 2014).

Sources indicate that Georgia criminalized domestic violence in June 2012 (Georgia [2012], 390; UN 6 May 2015; US 5 Nov. 2012). Sources indicate that Articles 11 and 126 were amended to the Criminal Code (ibid.). According to an article by the US Library of Congress, Article 11 "establishes general responsibility for acts of domestic violence regardless of who committed the act or where it was committed," and places responsibility on the investigative authorities to initiate criminal cases (ibid.). Article 126 defines the crime of domestic violence as "systematic abuse, blackmail, or humiliation of one family member by another if such acts cause physical pain or suffering..." and includes physical, psychological, economic, and sexual violence or coercion (ibid.). The punishment for the crime of domestic violence in the Criminal Code is between 80 and 200 hours of community work and "if an act of domestic violence was committed against a pregnant woman, a minor, or a disabled person; or in the presence of a minor; or against two or more people, it is punishable upon conviction by deprivation of freedom for up to one year" (ibid.).

According to the National Programme Officer, the Parliament of Georgia adopted new amendments and addenda on domestic violence legislation in October 2014, including:

Important amendments have been made to the Criminal Code of Georgia; Article prescribing responsibility for domestic violence has been expanded to include qualifying elements - repeated crime, crime committed against a member of his/her family in presence of a juvenile, by a group of individuals, with use of the arms.

A new article has been incorporated in the Criminal Code of Georgia: Article 1501 on Forced Marriage. The content of the aforementioned act, qualifying elements and types of punishment have been prescribed.

...

Amendments have also been made to the Code of Administrative Procedure of Georgia: According to the amendments a protective order issued by the court in respect with domestic violence may among other issues include the question of removal of the perpetrator from the place of residence of the victim.

...

The Law of Georgia on Legal Aid has been amended with a norm stating that application of legal aid at the expense of the State provided by the aforementioned law in the part of civil and administrative procedure shall be extended to the cases of defending the victims of domestic violence. (UN 6 May 2015)

For further information regarding the additions to the Administrative Procedure Code of Georgia, including appealing to the court, the rule on issuance and appeal of the protective order, the court mandate on approval of the restrictive order, issues to be considered under the protective and restrictive orders, including what the implications of a protective or restrictive order may be, see the Law of Georgia on Addendums to the Administrative Procedure Code of Georgia attached to this Response to Information Request.

4. State Protection

According to the MIA website, the Police Academy annually organizes training courses on domestic violence and works in cooperation with local NGOs and international organizations (Georgia 27 Apr. 2013). The same source indicates that police officers have the authorization to issue restrictive orders in instances of domestic violence (ibid.).

The US Department of State's *Country Reports on Human Rights Practices for 2013* indicates that the court must approve a restraining order within 24 hours of a victim's application and that this order prohibits the perpetrator from being within 310 feet of a victim, or using common property, for six months, although the victim can also request extensions of the restraining order (US 27 Feb. 2014, 46). *Country Reports 2013* states that the first violation of the order results in an administrative fine, while the second violation is punishable under the Georgian Criminal Code, but also notes that, according to NGOs, police are reluctant to charge perpetrators with a second offense (ibid.).

The UN National Programme Officer indicated that, according to the Supreme Court of Georgia, there were 44 protective orders issued in 2010, 52 in 2011, 54 in 2012, 57 in 2013, and 87 in 2014 (UN 6 May 2015). The same source reports that 182 restrictive orders were issued in 2010, 257 in 2011, 301 in 2012, 250 in 2013, and 902 in 2014 (ibid.). In its 2012 annual report, the Public Defender of Georgia (Ombudsman) indicates that between 2011 and September 2012, 105 protective orders were reviewed by the court and 90 were approved and issued (Georgia [2012], 390,). The same source reports that 503 restraining orders were reviewed by the court and 489 were approved (ibid).

According to the Public Defender's 2013 annual report, during that year 358 cases were identified as domestic violence and 212 restrictive orders were issued out of 5,447 domestic conflict calls and reports made to the Georgian emergency response number "112" (Georgia [2013], 270). According to the report, the registered cases included 139 cases of physical violence, 188 cases of psychological violence, 18 cases of economic violence, and 13 cases of coercive violence (ibid). The same source stated that "interagency coordination of domestic violence issues and implementation of effective measures for protection of victims of domestic violence are still very problematic" (ibid., 171).

The UN National Programme Officer indicated that there is no "efficient mechanism for the monitoring of the enforcement of the restrictive and protective orders" in place and that the lack of an official monitoring mechanism "promotes impunity for reoffending" (UN 6 May 2015). Further information about the effectiveness and monitoring of protection orders and restrictive orders could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Tbilisi-based daily news website Civil Georgia, women's rights activists say that issuing warnings instead of restrictive orders in cases of domestic violence is a "widespread practice" by police (Civil Georgia 21 Oct. 2014). The same source quotes the Public Defender as stating that in most of the domestic violence cases examined by his office, the "reaction of law enforcement agencies was limited to just issuing a warning letter" and that "such measure is not even envisaged by the existing legal framework for protection against violence . . . and is completely ineffective" (ibid.). The same article states that the MIA acknowledged the practice of issuing warnings as ineffective and police officers were instructed to "eradicate it completely" (ibid.). However, a statement by the Public Defender of Georgia indicates that their office addressed the MIA in December 2014 on the "ineffectiveness of the practice of signed statements on non-repeat of violence," and cited five examples of domestic violence cases between October and December 2014, in which the police issued warnings and signed statements or took no action, rather than issuing a restrictive order (Georgia 31 Dec. 2014).

Sources report that a lecturer at Ilia State University in Tbilisi was killed by her ex-husband in October 2014 (ibid.; BBC News 29 Nov. 2014; IWPR 30 Oct. 2014). Sources state that she had contacted the police twice to report threats from her husband but that the police only issued warnings (ibid.; Georgia 31 Dec. 2014) and had him sign a statement of non-repeat of violence (ibid.).

5. Support Services

5.1 Shelters

Two sources indicate that there are three state-funded shelters that accommodate victims of domestic violence, which are located in Tbilisi, Gori, and Kutaisi (UN 6 May 2015; Georgia [2013], 270). The Public

Defender's 2013 annual report indicates that the three shelters are run by the State Foundation for Protection and Assistance of the Victims of Human Trafficking (ibid.). The UN National Programme Officer explained that the shelters in Tbilisi and Gori were established in 2010 with financial support from UN Women but that full funding for the shelters was taken over by the state in May 2011 (UN 6 May 2015). The shelter in Kutaisi reportedly opened in 2013 (ibid.). The UN National Programme Officer indicated that state shelters provide the following free services to victims of domestic violence: a secure place of residence, food and clothes, medical assistance, psychological consultations, legal aid and court representation, provision of relevant information, assistance in rehabilitation and reintegration programs (ibid.). The Public Defender's 2013 report indicates that in 2013, 34 adults and 53 minors were accommodated at the shelters, 13 adults and 18 minors used the shelter's medical services, 32 adults used the shelter's psychological services, 25 adults used the shelter's legal services, and 50 adults had individual consultations (Georgia [2013], 270). *Country Reports 2013* states that, according to the inter-governmental agency the State Fund, the shelters accommodated 44 women and 61 minors in 2013 (US 27 Feb. 2014, 46). The UN National Programme Officer indicated that 491 women and children in total have used the state shelters since 2010 (UN 6 May 2015). The same source noted that the Public Defender's Office, with the support of UN Women, monitored the state-run domestic violence shelters in 2014 and found a need to extend the term of a victim's placement in a shelter, as well as a need for child care services for victims with children (ibid.). According to the MIA website, the state provides shelter to victims of domestic violence for up to three months; a victim of domestic violence is granted "victim status" by the permanent council or through restrictive or protective orders (Georgia 27 Apr. 2013). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the UN National Programme Officer, in addition to the state-run shelters, there are "approximately" four shelters for victims of domestic violence that are run by local NGOs, primarily in Tbilisi (UN 6 May 2015). *Country Reports 2013* states that there are two NGO-operated shelters in Georgia (US 27 Feb. 2013). According to the UN Office of Drugs and Crime (UNODC)'s list of NGOs, the NGO Anti-Violence Network of Georgia (AVNG) runs two shelters for domestic violence victims - one in Tbilisi and one in Akhaltsikhe - with a total capacity of 17 victims (UN n.d.). According to Women Against Violence Europe (WAVE), a network promoting human rights of women and children (WAVE n.d.), the length of stay at NGO-run shelters is "usually three months" and all ages of children of victims are accepted (WAVE Mar. 2014, 93). WAVE indicates that a shelter operated by the NGO "Sakhli" Advice Center closed in 2012 due to a lack of funding (ibid.). Further information about NGO-operated shelters for victims of domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.2 Crisis Centres

According to the UN National Programme Officer, there are several crisis centres for victims of domestic violence that are operated by local NGOs with support from the UN and international donors (UN 6 May 2015). The same source noted that Georgia does not provide funding to the crisis centres, although state funding is stipulated in the domestic violence legislation (ibid.). According to the UNODC website, there are 10 crisis centres for victims of domestic violence in "almost all regions of Georgia" under the umbrella of the AVNG (UN n.d.). According to WAVE, there are 5 women's centres in Georgia that provide counselling and support to women victims of domestic violence (WAVE Mar. 2014, 93).

5.3 Hotlines

Sources indicate that there is a toll-free nationwide 24-hour domestic violence hotline run by the state (ibid.; UN 6 May 2015). According to the UN National Programme Officer, the hotline has received 5,131 calls in total since it was established in 2010 (ibid.). The 2013 Public Defender report states that the hotline was used by 776 people in 2013 (Georgia [2013], 270). The UN National Programme Officer indicated that the Public Defender's monitoring of the state-run hotline revealed that operators can only give consultation in the Georgian language (UN 6 May 2015).

WAVE indicates that the Tbilisi Crisis Centre of "Sakhli" Advice Center for Women also runs a free 24/7 helpline in Tbilisi that offers assistance to women survivors of gender-based violence by referring them to social assistance centres and psychological, medical, and legal services that are free of charge (WAVE March 2014, 93). Further information on the Sakhli Advice Center's hotline could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The AVNG indicates on its website that it provides legal protection and psycho-social rehabilitation to domestic violence victims, and conducts training on domestic violence for police officers, service inspectors, prosecutors, lawyers, judges, and human rights activists (AVNG n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as

to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The following were unable to provide information for this Response: Executive Director, Center for Social Sciences (CSS), Georgia.

Attempts to contact the following were unsuccessful within the time constraints of this Response: Anti-Violence Network of Georgia (AVNG); Executive Director, The Human Rights Information and Documentation Center (HRIDC); Georgia – Ministry of Internal Affairs, Public Defender; Georgian Young Lawyers' Association (GYLA); Human Rights House Network; Professor of Psychology, Tbilisi State University; Professor, Institute of Psychology, Ilia State University; Sakhli Advice Center for Women; Union Sapari – Family without Violence; Women's Information Center.

Internet sites, including: *Agenda*; Associated Press; Council of Europe; eoi.net; Fédération internationale des ligues des droits de l'homme; Gender Information Network of South Caucasus; Georgia – Ministry of Justice, National Statistics Office of Georgia; Global Fund For Women; International Crisis Group; Legislationline; PH International; Radio Free Europe/Radio Liberty; Reuters; Stop Violence Against Women; UN – Refworld, ReliefWeb, World Health Organization.

Attachment

Georgia. 2007. On Addendums to the Administrative Procedure Code of Georgia. An unofficial Translation by Stop VAW. <<http://www.google.com/cse?cx=011584950295161606605:nomsvkm1vhy&ie=UTF-8&sa=Search&q=law+of+Georgia+on+addendums+to+the+administrative+procedure+code+of+georgia#gsc.tab=0&gsc.q=law%20of%20Georgia%20on%20addendums%20to%20the%20administrative%20procedure%20code%20of%20georgia&gsc.page=1>> [Accessed 20 May 2015]

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