

**Georgia's Compliance with the International Covenant on Civil and Political Rights:
Violence Against Women**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and
the **Anti-Violence Network of Georgia (AVNG)**

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

Founded in 2003, **Anti-Violence Network of Georgia (AVNG)** is the first organization in Georgia to provide comprehensive services for victims of domestic violence. It is also the first of its kind to establish shelter services for women and children who have survived domestic violence. The organization strives to promote the establishment of a social, legal and institutional environment in Georgia in which the right of victims of domestic violence, especially of women and children, shall be duly protected. Under this framework, AVNG unites 10 regional committees and 5 sub-committees throughout Georgia

EXECUTIVE SUMMARY

1. Domestic violence and other forms of violence against women remain problems in Georgia. The State has made significant progress through the passage of new legislation to implement the Istanbul Convention. Yet, gaps remain in implementation. Women generally still fear reporting violence and do not trust state emergency services to help them. Attempted femicides are also on the rise. Sexual harassment is also a problem in Georgia, particularly for those in the civil service.
2. Georgia has one of the highest rates of child marriage in Eastern Europe. The high rate of child marriage threatens girls' right to education.

Georgia fails to uphold its obligations under the International Covenant on Civil and Political Rights

I. Gender equality and violence against women and domestic violence (List of Issues paragraphs 6, 7)

3. In its 2021 List of Issues, the Human Rights Committee ("Committee") requested information on efforts to eradicate violence against women, including marital rape, sexual violence and femicide, and violence against women with disabilities.¹ The Committee specifically requested information on steps taken to "(a) address the high level of tolerance and acceptance of intimate partner violence; (b) strengthen due diligence and gender-sensitivity by law enforcement officers when registering and investigating cases of violence against women; and (c) provide appropriate and sufficient psychological, social, legal and rehabilitative services for victims and their families."²
4. In its Replies to the List of Issues, Georgia highlighted that under amendments to the Law on "The Elimination of Domestic violence, Protection and Support of Victims of such Violence," violence against women includes not only violence between family members, but also violence generally, in public or private.³ Georgia also stated it has a "strict criminal policy" against offenders of violence against women.⁴ In 2020, criminal prosecution was initiated for 4,633 cases of "domestic crime," which made up a quarter of total prosecutions.⁵ Further, Georgia emphasized that victims of domestic violence may consult with a witness/victim coordinator under Article 50 of the Criminal Procedure Code.⁶

¹ Human Rights Committee, *List of Issues in relation to the fifth periodic report of Georgia*, (19 January 2021), U.N. Doc. CCPR/C/GEO/Q/5, ¶ 7.

² Human Rights Committee, *List of Issues in relation to the fifth periodic report of Georgia*, (19 January 2021), U.N. Doc. CCPR/C/GEO/Q/5, ¶ 7.

³ Human Rights Committee, *Replies of Georgia to the list of issues in relation to its fifth periodic report*, (2 December 2021), U.N. Doc. CCPR/G/GEO/RQ/5, ¶ 26.

⁴ Human Rights Committee, *Replies of Georgia to the list of issues in relation to its fifth periodic report*, (2 December 2021), U.N. Doc. CCPR/G/GEO/RQ/5, ¶ 29.

⁵ Human Rights Committee, *Replies of Georgia to the list of issues in relation to its fifth periodic report*, (2 December 2021), U.N. Doc. CCPR/G/GEO/RQ/5, ¶ 29.

⁶ Human Rights Committee, *Replies of Georgia to the list of issues in relation to its fifth periodic report*, (2 December 2021), U.N. Doc. CCPR/G/GEO/RQ/5, ¶ 30.

5. In 2017, Georgia ratified the Istanbul Convention.⁷ Since then, Georgia has made several legislative changes to bring its domestic law in line with its obligations under the Istanbul Convention. Georgia changed its domestic violence law, now called “Law on Violence Against women and/or elimination [of] domestic violence, protection and support of victim of violence.”⁸ The new law defines violence against women as any act against a person based on gender, including physical, mental, or sexual abuse as well as economic abuse, coercion, the threat of any of these acts, as well as deprivation of liberty.⁹
6. Georgia also made several amendments to the criminal code, including amendments to criminalize sterilization without consent,¹⁰ female genital mutilation,¹¹ forced marriage,¹² and stalking.¹³ Sterilization without consent is punishable by imprisonment for between two and six years, with aggravating factors if it is committed against minors or persons with disabilities. Female genital mutilation also carries a possible sentence of two to six years, with an increased sentence if it is committed against a vulnerable person, such as a person with disabilities. Stalking is a newly defined crime in the Criminal Code. Georgian law defines it as any "illegal monitoring" of a person, either directly or through a third party, which causes "mental torture" or "makes the person substantially change his/her lifestyle."¹⁴ Stalking carries a sentence of 120 to 180 hours of community service or imprisonment for up to two years.¹⁵
7. In 2019, Parliament adopted a group of laws to address sexual harassment in public spaces as well as in the workplace. Under Article 166¹ of the Administrative Code, sexual harassment is defined as unwanted sexual actions, which have the intention or effect of being abusive, intimidating, hostile, degrading or humiliating.¹⁶ The punishment for sexual harassment under the Administrative Offense Code is 200 to 1,000 GEL, roughly 70 to 350 USD.¹⁷
8. Georgia also made several legislative changes with respect to domestic violence. Since 2016, Georgia simplified the process of getting preventative measures such as protection orders, established a risk assessment, and established mechanisms for enforcement of protection orders as well as electronic surveillance of perpetrators.¹⁸ Under the new law, police ensure implementation of the procedures of emergency preventative orders and temporary emergency preventative orders no longer require approval by the court.¹⁹ These temporary preventative

⁷ *Georgia Ratifies the Istanbul Convention*, UN Women, May 19, 2017, <https://eca.unwomen.org/en/news/stories/2017/05/georgia-ratifies-the-istanbul-convention>.

⁸ Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence And the Protection and Support of Victims of Such Violence. Available online at <https://www.matsne.gov.ge/en/document/view/26422?publication=18>.

⁹ 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. 3¹.

¹⁰ Criminal Code Georgia. Art. 133¹

¹¹ Criminal Code Georgia. Art. 133².

¹² Criminal Code Georgia. Art. 150.

¹³ Criminal Code Georgia. Art. 151

¹⁴ Criminal Code Georgia. Art. 151.

¹⁵ Criminal Code Georgia. Art. 151.

¹⁶ Administrative Code. Art. 166¹.

¹⁷ Administrative Code. Art. 166¹.

¹⁸ Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence And the Protection and Support of Victims of Such Violence. Arts. 10, 10.¹

¹⁹ Law of Georgia on the Elimination of Violence Against Women and/or Domestic Violence And the Protection and Support of Victims of Such Violence. Arts. 10

orders may last for one month while the maximum duration of a protection order issued by the court is nine months.²⁰ Further, Order #81 of the Ministry of Internal Affairs in July 2018 defined the “violence repetition risk assessment,” a system designed to assess the risk of repeated violence as low, medium, or high based on scores given for a set of questions.²¹ Also, Order #100 of the Ministry of Internal Affairs established the enforcement mechanisms for any conditions of preventative orders, including restricting access to weapons.²² In 2020, Georgia also passed new legislation allowing police officers to initiate electronic surveillance as an immediate and temporary precaution for the victim if there is a risk of repeated violence.²³

9. Georgia is also considering new legislation, in line with the Istanbul Convention, that would provide victims of gender-based violence and domestic violence with compensation from the state if the perpetrator does not provide compensation. Enactment of the law was scheduled to take place in January of 2022, yet it has now been postponed until January 2023.²⁴
10. Despite these significant legislative changes, domestic violence and other forms of violence against women remain serious problems. As of 2017, 3.5 percent of women between the ages of 15 and 64 reported experiencing intimate partner violence.²⁵ Another study found that 1 in 7 women in Georgia had reported domestic violence in their lifetime.²⁶ In 2020, the National Statistics Office reported 9,144 cases of domestic violence, the highest number ever recorded in Georgia.²⁷
11. Femicide continues to be a grave problem in Georgia. There were 22 cases of femicide recorded in 2021, compared to 24 in 2020 and 19 in 2019.²⁸ Official statistics show that between 2014 and 2018, killings of women decreased, from 35 to 22, yet attempted femicides increased from 12 to 18.²⁹ The Public Defender also found that 160 women were killed between 2014 and 2020.³⁰ Since the beginning of 2022, there have been several cases of femicide or attempted femicide, some of which took place in public.³¹ In one case, a man stabbed a woman

²⁰ 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. 12; Email communication with Georgian human rights defender (May 26, 2022).

²¹ Email communication with Georgian NGO (May 24, 2022).

²² Email communication with Georgian NGO (May 24, 2022).

²³ 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. 10.¹

²⁴ Email communication with Georgian NGO (May 24, 2022).

²⁵ Country Gender Equality Profile, p.41.

²⁶ *One in Seven Women in Georgia Experiences Domestic Violence, New National Study Finds*, UN Women, Mar. 6, 2018, <https://georgia.unwomen.org/en/news/stories/2018/03/one-in-seven-women-in-georgia-experiences-domestic-violence-new-national-study-finds>.

²⁷ *National Statistics Office: 9,144 Victims of Domestic Violence Identified in 2020 in Georgia*, Agenda, Ge, 10 Feb. 2021, <https://agenda.ge/en/news/2021/363>.

²⁸ *Murder on the Bus – Unchanged Femicide Statistics – What the State Does Not Do*, Radio Liberty, May 23, 2022, <https://www.radiotavisupleba.ge/a/31864148.html>.

²⁹ *Report on Femicide Monitoring 2014-2018*, Public Defender of Georgia and UN Joint Program for Gender Equality, (2020), 7, available at <https://ombudsman.ge/res/docs/2020070314085774956.pdf>.

³⁰ *Husband Kills Wife in Georgia. 160 Women Have Been Killed in the Country in past Six Years*, Jam News, Jul. 6, 2022, <https://jam-news.net/husband-kills-wife-in-georgia-160-women-have-been-killed-in-the-country-in-past-six-years/>.

³¹ *In Tbilisi, a Husband Injured His Wife at a Bus Stop*, Tabula, May 23, 2022, <https://tabula.ge/ge/news/686471-tbilisshi-avtobusis-gacherebase-kmarma-tsoli>; Nino Tarkhnishvili, *Murder on the Bus – Unchanged Femicide*

ten times on a bus, ultimately killing her.³² Though Georgian Law establishes that a crime committed on the basis of gender or against a family member is an aggravating circumstance,³³ systems actors still do not always take these factors into consideration in the courts.³⁴ Further, experts state that Georgia's policy is "not a policy of prevention, but a policy of punishment."³⁵ The state takes action after a femicide occurs, but does little to prevent the crime from happening in the first place.³⁶

12. Sexual harassment also remains a problem in both public spaces and in the workplace. As of 2017, 20 percent of women reported experiencing sexual harassment at some point in their lives.³⁷ 41 percent of women in the civil service responded to a 2021 survey that they had experience some form of sexual harassment during their time working for the government.³⁸ Women were more likely to face multiple forms of sexual harassment in the workplace compared to men; 31 percent of women reported experiencing multiple forms of harassment compared to 15 percent of men.³⁹
13. There are some gaps in the current domestic violence legislation. The law includes perpetrators of violence who are family members, defined as " mother, father, grandmother, grandfather, spouse, child (stepchild), adopted child, adoptive parent, spouse of adoptive parent, foster family (foster mother, foster father), grandchild, sister, brother, parents of a spouse, son-in-law, daughter-in-law, former spouse, persons who are in a non-registered marriage and members of their families, guardians."⁴⁰ Though it covers violence perpetrated by a former spouse, it does not cover violence perpetrated by a former intimate partners.

Statistics – What the State Does Not Do, Radio Liberty, May 23, 2022,

<https://www.radiotavisupleba.ge/a/31864148.html>; *A Woman Was Wounded in Batumi, One Person Has Been Arrested*, Tabula, May 17, 2022, <https://tabula.ge/ge/news/686171-batumshi-kali-dachres-dakavebulia-erti-piri>; *In Borjomi, a Woman's Husband Inflicted Up To 16 Wounds*, Tabula, May 3, 2022, <https://tabula.ge/ge/news/685435-borjomshi-kals-kmarma-16-mde-chriloba-miaqena>.

³² *Murder on the Bus – Unchanged Femicide Statistics – What the State Does Not Do*, Radio Liberty, May 23, 2022, <https://www.radiotavisupleba.ge/a/31864148.html>.

³³ Criminal Code of Georgia. Art. 53.

³⁴ *Murder on the Bus – Unchanged Femicide Statistics – What the State Does Not Do*, Radio Liberty, May 23, 2022, <https://www.radiotavisupleba.ge/a/31864148.html>.

³⁵ *Murder on the Bus – Unchanged Femicide Statistics – What the State Does Not Do*, Radio Liberty, May 23, 2022, <https://www.radiotavisupleba.ge/a/31864148.html>.

³⁶ *Murder on the Bus – Unchanged Femicide Statistics – What the State Does Not Do*, Radio Liberty, May 23, 2022, <https://www.radiotavisupleba.ge/a/31864148.html>.

³⁷ *Country Gender Equality Profile of Georgia*, UN Women Country Office in Georgia (Tbilisi: 2020), 41, available at <https://georgia.unwomen.org/sites/default/files/Field%20Office%20Georgia/Attachments/Publications/2020/Country%20Gender%20Equality%20Profile%20of%20Georgia.pdf>.

³⁸ *Workplace Sexual Harassment in the Civil Service in Georgia*, UN Women (Georgia: July 2021), 21, available at <https://georgia.unwomen.org/sites/default/files/Field%20Office%20Georgia/Attachments/Publications/2021/Workplace%20Sexual%20Harassment%20in%20the%20Civil%20Service%20in%20Georgia%20ENG%20renewed.pdf>.

³⁹ *Workplace Sexual Harassment in the Civil Service in Georgia*, UN Women (Georgia: July 2021), 21, available at <https://georgia.unwomen.org/sites/default/files/Field%20Office%20Georgia/Attachments/Publications/2021/Workplace%20Sexual%20Harassment%20in%20the%20Civil%20Service%20in%20Georgia%20ENG%20renewed.pdf>.

⁴⁰ Law of Georgia No. 3143 On Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence. Article 4(g).

14. Implementation of new legislation is also lacking. Though several monitoring mechanisms were established through the new legislation, there is almost no monitoring or evaluation of the efficacy of the mechanisms.⁴¹ The absence of monitoring and evaluation means that gaps are not identified and the need for new processes is not considered. The action plan to address gender-based violence, which would assess the effectiveness of the new mechanisms, has not been approved since the 2018-2020 action plan was approved.⁴²
15. Though Georgian law requires perpetrators of domestic violence to attend rehabilitation courses to address their behavior, implementation of the rehabilitation system is inadequate. Some rehabilitation programs do exist, but they lack the specific lens of the dynamics of power and coercion necessary for perpetrators of domestic violence.⁴³ The existing programs also lack a mechanism to evaluate the risk of repeated violence.⁴⁴ Individual state entities collaborated with international organizations to develop training courses, yet the government has yet to adopt those courses to establish them as the norm for rehabilitation services.⁴⁵
16. Reporting of domestic violence, particularly sexual violence, is very low. A national survey in 2020 showed that just 44 percent of victims called state emergency services and 71 percent of those who called were not satisfied with their experience.⁴⁶ When women do report, they often report other types of abuse rather than sexual violence, though they did, in fact, experience it.⁴⁷ This low reporting rate is due, in part, to social stigmatization of victims of sexual violence.⁴⁸ Many women do not report out of fear that their honor will be tarnished or the honor of their family will be compromised.⁴⁹ Another barrier comes from the lack of reproductive health services for women who might need to access testing for sexually transmitted diseases, abortion care, or psychological counselling after experiencing sexual violence.⁵⁰ The government does not offer these services, leaving victims of sexual violence without any support when they report an incident.⁵¹

II. Rights of the child (List of Issues paragraph 23)

17. In its 2021 List of Issues, the Committee requested more information on early marriage, especially of children from ethnic minority groups.⁵²
18. In its Replies to the List of Issues, Georgia stated that the Human Rights Protection and Quality Monitoring Department monitors cases in the country that could possibly result in child

⁴¹ Email communication with Georgian NGO (May 24, 2022).

⁴² Email communication with Georgian NGO (May 24, 2022).

⁴³ Email communication with Georgian NGO (May 24, 2022).

⁴⁴ Email communication with Georgian NGO (May 24, 2022).

⁴⁵ Email communication with Georgian NGO (May 24, 2022).

⁴⁶ Press Release, United Nations Georgia, Only Half of Domestic Violence Victims Call Police for Help, Study Says (30 March 2021), <https://georgia.un.org/en/123731-only-half-domestic-violence-victims-call-police-help-study-says>.

⁴⁷ Email communication with Georgian NGO (May 24, 2022).

⁴⁸ Email communication with Georgian NGO (May 24, 2022).

⁴⁹ Email communication with Georgian NGO (May 24, 2022).

⁵⁰ Email communication with Georgian NGO (May 24, 2022).

⁵¹ Email communication with Georgian NGO (May 24, 2022).

⁵² Human Rights Committee, *List of Issues in relation to the fifth periodic report of Georgia*, (19 January 2021), U.N. Doc. CCPR/C/GEO/Q/5, ¶ 23.

marriage. It also emphasized that investigators receive special instruction on the investigation of the crime of child marriage.

19. As mentioned in paragraph six, Georgia recently amended the Criminal Code to criminalize forced marriage.⁵³ The penalty for forced marriage is between 200 and 400 hours of community service or up to two years in prison.⁵⁴
20. Child marriage remains a problem and threatens the right to education for girls in Georgia. 13.9 percent of women age 20-24 who were surveyed in 2018 reported they were married before age 18 and 0.3 percent reported being married before age 15.⁵⁵ Of that 13.9 percent of girls married before age 18, 47 percent obtained primary or secondary education, 25% obtained upper secondary education, and just 3% obtained higher level education.⁵⁶

III. Suggested Recommendations for the government of Georgia

21. The authors of this report offer the following suggested recommendations to the government of Georgia:
 - Amend existing domestic violence legislation to include former intimate partners in the definition of family members, not just former spouses.
 - Implement the monitoring mechanism to evaluate the implementation of existing domestic violence legislation and identify possible gaps in practice.
 - Immediately adopt existing training courses for perpetrator rehabilitation programs developed in collaboration with international entities.
 - Modify perpetrator rehabilitation programs, in consultation with NGOs serving victims of violence and other systems actors, to comply with best practice standards on such programs, which include a reflection of the dynamics of domestic violence and power and control.
 - Impose a criminal penalty in addition to the administrative penalties for sexual harassment by amending the criminal code to include the crime of sexual harassment.
 - Bring legislation providing compensation to victims of domestic violence into force.
 - Conduct awareness-raising campaigns about the prevalence of sexual violence to eradicate harmful narratives about a women's so-called "honor" and combat barriers to reporting for victims.

⁵³ Criminal Code Georgia. Art. 150.

⁵⁴ Criminal Code Georgia. Art. 150.

⁵⁵ *Country Gender Equality Profile of Georgia*, UN Women Country Office in Georgia (Tbilisi: 2020), 77, available at <https://georgia.unwomen.org/sites/default/files/Field%20Office%20Georgia/Attachments/Publications/2020/Country%20Gender%20Equality%20Profile%20of%20Georgia.pdf>.

⁵⁶ *Multiple Indicator Cluster Surveys: Georgia*, UNICEF, 2018, available at https://www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-11/child_marriage_en.pdf.

- Provide training to law enforcement on the proper handling of domestic violence cases and the proper use of the risk assessment to prevent repeated violence.
- Develop mechanisms in Georgian law to establish a process for the identification of sexual violence cases.
- Ensure victims of sexual violence have adequate access to medical care, including psychological services.
- Develop mechanisms to train doctors, social workers, and other medical staff, in consultation with or led by NGOs that serve victims and survivors, on identifying sexual violence and providing adequate assistance to victims.
- Strengthen the response of the medical system to cases of sexual violence and other cases of violence against women.
- Provide access to testing for sexually transmitted diseases, psychological services, medical care, and abortion care for victims of sexual violence.
- Establish a monitoring mechanism to evaluate the implementation of the new law criminalizing forced and early marriage.
- Collect statistics on the number of incidents of early marriage as well as prosecutions of forced marriage under the law.
- Conduct awareness-raising campaigns about the harms of child marriage to combat the prevalence of child and forced marriage.