



GREVIO

Baseline Evaluation Report Georgia

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)

GEORGIA

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

GREVIO/Inf(2022)28

Adopted by GREVIO on 13 October 2022

Published on 22 November 2022

Secretariat of the monitoring mechanism of the Council of Europe Convention
on Preventing and Combating Violence against Women and Domestic Violence
Council of Europe
F-67075 Strasbourg Cedex
France

www.coe.int/conventionviolence

Table of contents

Foreword	4
Executive summary	6
Introduction	9
I. Purposes, definitions, equality and non-discrimination, general obligations	10
A. General principles of the convention.....	10
B. Scope of application of the convention and definitions (Articles 2 and 3).....	10
C. Fundamental rights, equality and non-discrimination (Article 4).....	12
1. Gender equality and non-discrimination.....	12
2. Intersectional discrimination	13
D. State obligations and due diligence (Article 5)	15
E. Gender-sensitive policies (Article 6)	15
II. Integrated policies and data collection	16
A. Comprehensive and co-ordinated policies (Article 7).....	16
B. Financial resources (Article 8)	17
C. Non-governmental organisations and civil society (Article 9)	19
D. Co-ordinating body (Article 10).....	20
E. Data collection and research (Article 11).....	21
1. Administrative data collection.....	21
2. Population-based surveys	23
3. Research	24
III. Prevention	25
A. Awareness raising (Article 13).....	25
B. Education (Article 14)	26
C. Training of professionals (Article 15)	28
D. Preventive intervention and treatment programmes (Article 16)	30
1. Programmes for perpetrators of domestic violence.....	30
2. Programmes for sex offenders.....	32
E. Participation of the private sector and the media (Article 17)	32
IV. Protection and support	34
A. General obligations (Article 18)	34
B. Information (Article 19)	35
C. General support services (Article 20).....	36
1. Social services.....	36
2. Healthcare services	38
D. Specialist support services (Article 22)	38
E. Shelters (Article 23).....	39
F. Telephone helplines (Article 24)	41
G. Support for victims of sexual violence (Article 25).....	42
H. Protection and support for child witnesses (Article 26)	43
I. Reporting by professionals (Article 28)	44
V. Substantive law	45
A. Civil law.....	45
1. Civil remedies against the state – ensuring due diligence (Article 29)	45
2. Compensation (Article 30)	46
3. Custody, visitation rights and safety (Article 31)	47
B. Criminal law.....	48
1. Psychological violence (Article 33).....	48
2. Stalking (Article 34).....	49
3. Physical violence (Article 35)	50
4. Sexual violence, including rape (Article 36).....	50
5. Forced marriage (Article 37).....	52
6. Female genital mutilation (Article 38).....	53

7. Forced abortion and forced sterilisation (Article 39)	54
8. Sexual harassment (Article 40)	54
9. Sanctions and measures (Article 45)	56
10. Aggravating circumstances (Article 46)	57
11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)	58
VI. Investigation, prosecution, procedural law and protective measures	59
A. General obligations, immediate response, prevention and protection (Articles 49 and 50)	59
1. Reporting to, immediate response and investigations by law-enforcement agencies	59
2. Effective investigation and prosecution	61
B. Risk assessment and risk management (Article 51)	63
C. Emergency barring orders (Article 52)	64
D. Restraining or protection orders (Article 53)	66
E. Ex parte and ex officio proceedings (Article 55)	66
1. <i>Ex parte</i> and <i>ex officio</i> proceedings	66
2. Victim support in legal proceedings	68
F. Measures of protection (Article 56)	69
G. Legal aid (Article 57)	70
VII. Migration and asylum	72
A. Residence status (Article 59)	72
B. Gender-based asylum claims (Article 60)	73
1. Gender-sensitive asylum determination procedure	73
2. Accommodation	74
C. Non-refoulement (Article 61)	75
Concluding remarks	77
Appendix I List of proposals and suggestions by GREVIO	78
Appendix II List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations .	89

Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Georgia. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Last, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of the country, GREVIO received written contributions from the Association HERA XXI, the Coalition for Equality and other women’s rights NGOs and the Equality Now NGO and its

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

partners, among which are the Georgian Young Lawyers' Association, the Partnership for Human Rights, Union Sapari, the Women's Initiatives Supporting Group, the Women's Information Centre and the Anti-Violence Network of Georgia.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Georgia. Where available, significant legislative and policy developments up until 24 June 2022 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures of implementation taken by the Georgian authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human right monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the Georgian authorities and additional information submitted by the Coalition for Equality and other NGOs, by Equality Now and partners and the Association HERA-XXI, as well as a 5-day evaluation visit to Georgia. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the Georgian authorities in the area of preventing and combating violence against women and domestic violence and points to the considerable efforts made in recent years to ensure a succession of national action plans and strategies that address the issue on the basis of a firm gender perspective. The National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020, which will be renewed for the period of 2022 to 2024 is a case in point. Likewise, the Law on Violence against Women and Domestic Violence, adapted from the Law on Domestic Violence originally enacted in 2006, is a key building block for Georgia’s compliance with the Istanbul Convention. Its definitions and scope are generally aligned with those of the Istanbul Convention, and the report welcomes many of the law’s elements, for example its provision of special leave for victims of violence for the duration of their stay at a shelter/crisis centre, as well as the formal assignment of victim status to those witnessing domestic violence, notably children.

Most policy measures are designed by the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence and the Gender Equality Council, with the former serving, since 2017, as the national co-ordinating body required by Article 10 of the Istanbul Convention. Since the convention’s entry into force and before, important efforts have been made to align the Georgian Criminal Code with the requirements of the Istanbul Convention. New criminal offences have been introduced, notably on stalking, female genital mutilation and forced marriage. Much effort has also been made in recent years to raise awareness of the different forms of violence against women among the general population and professionals, including local community leaders.

However, despite the above initiatives, the report points to the urgent need to ensure the convention’s implementation with a view to the specific needs and realities of women exposed to or at risk of intersecting forms of discrimination, in particular their information on the services available to them. Access to protection and support must be reinforced in particular for women with disabilities, women belonging to national and/or ethnic minorities, women living in rural areas and LGBTI women, by developing policy orientation and measures which aim to overcome the specific obstacles faced by these groups of women. Equally, the report identifies the need to increase and ensure the sustainability of the financial resources allocated to responses to violence against women, including the budget for the entity in charge of co-ordinating policies in this area as well as to women’s rights NGOs which run specialist support services for women victims of all forms of violence.

While a number of support services exist for women and girls who experience violence against women, there is a shortage of dedicated domestic violence shelters available for the exclusive use of women, and administrative requirements such as obtaining formal victim status place barriers on women’s access to them. In a similar vein, the report points to the urgent need to establish a sufficient number of rape crisis centres and/or sexual violence referral centres accessible to victims of rape and/or sexual violence, which meet all their needs in the short, medium and long term and include immediate medical care, high-quality forensic examinations, psychological and legal support and referral to specialist support organisations. Access to such services should not

depend on the victims' willingness to file a complaint and should be made available as a walk-in service, without the requirement of formal recognition of victim status. Moreover, the report notes that trauma care and long-term psychological counselling does not appear to be currently available to victims of rape, which is an issue that requires urgent attention.

The shortage in comprehensive medical and forensic care for victims of rape and violence as well as the shortage in dedicated domestic violence shelters is exacerbated by a lack of co-ordinated multi-agency co-operation and, consequently, by investigations and prosecution proceedings that lack in promptness, effectiveness and sensitivity. As a result, the report calls for immediate measures to ensure a more prompt and appropriate response by prosecution services in all cases of violence against women, in particular rape and sexual violence. It also suggests that on-the-job training for law-enforcement officials be strengthened and further developed in order to overcome persistent attitudes, beliefs and practices that stand in the way of an effective police response to domestic violence. This would require, among many other things, a thorough understanding of the power differences between the victim and the perpetrator, the gendered nature of domestic violence and the impact and consequences of the violence on women victims who are often economically dependent on their abuser.

More generally, and with due respect for the independence of the judiciary, GREVIO proposes action be taken with urgency in order to ensure that sentencing in cases of violence against women and domestic violence preserve the dissuasive function of the criminal penalties prescribed by the Georgian Criminal Code and that they be commensurate with the gravity of the offence. The report points in particular to the need to swiftly identify and address any/all legislative and procedural factors that contribute to the very high threshold for proving rape in court, while paying due regard to the principle of avoiding re-traumatisation of victims during investigation and judicial processes. In this context it urges the Georgian authorities to amend the provisions of the Criminal Code covering rape and the other sexual violence offences and to fully incorporate the notion of the lack of freely given consent as required by Article 36 of the Istanbul Convention.

While GREVIO welcomes the ratification of the Istanbul Convention by Georgia and the efforts taken in its implementation, it has identified a number of issues that require urgent action by the authorities to comply fully with the convention's provisions. These relate to the need to:

- pursue efforts aimed at improving the co-ordination between national and regional/local authorities in the implementation of policies to prevent and combat violence against women and at providing an independent monitoring of the policy implementation;
- increase the involvement of NGOs in all stages of the preparation, co-ordination and implementation of laws, public policies and programmes to prevent and combat violence against women and to support the expansion of NGO-run specialist services in Georgia;
- address, through research, violence affecting vulnerable groups of women such as national and/or ethnic minority women and girls, migrant women, LGBTI women and women with disabilities;
- develop treatment programmes for sexual offenders, taking due account of best practices developed internationally and guaranteeing a human rights-based approach;
- address persisting gender stereotypes and their peddling by the media, and to encourage the private sector in general to adopt self-regulatory standards in order to prevent and combat violence against women, in particular sexual harassment;
- engage with the education sector in order to increase efforts to promote, adapted to the evolving capacity of learners, the principles of equality between women and men and the non-stereotyped gender roles, among other things;
- take the necessary legislative and other measures to ensure that the relevant civil and criminal courts are required to take into account all incidents of violence against women and domestic violence when deciding on custody or visitation rights;
- to ensure that risk assessment and management is systematically carried out, based on a system of multi-agency co-operation, in relation to all forms of violence against women covered by the Istanbul Convention, including in relation to women and girls at risk of early and forced marriage;

-
- monitor compliance with emergency barring orders and to review the process of issuance of such orders by the police, in order to identify and address reasons for the high proportion of orders annulled by the courts;
 - identify the causes of the high number of violations of restraining and protection orders and to ensure that effective, proportionate and dissuasive sanctions are applied in cases of breaches of such orders;
 - ensure that women victims of violence against who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among other things, to the need to align the Criminal Code of Georgia more closely with the requirements of the Istanbul Convention, for example by criminalising the conduct of stalking and that of luring someone abroad with a view to forcing that person into marriage, but also by ensuring that all aggravating circumstances listed in Article 46 of the Istanbul Convention are enshrined in law. Moreover, they relate to the need to ensure that alternative dispute resolution processes in criminal proceedings are carried out with full respect for the free consent of the victim and to invest in the more systematic and comparable collection of administrative data in relation to violence against women as well as the running of regular population-based surveys to assess the level of victimisation of women and girls in Georgia.

Introduction

Georgia ratified the Istanbul Convention on 19 May 2017. In accordance with Article 78, paragraph 2, of the convention, Georgia reserved the right not to apply the provisions under Article 30, paragraph 2. This reservation is valid for a period of five years from the day of the entry into force of the convention in respect of Georgia and may be renewed.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Georgia by letter and transmission of its questionnaire on 6 February 2020. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Georgian authorities subsequently submitted their state report on 11 December 2020 – the deadline set by GREVIO. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to Georgia, which took place from 8 to 12 November 2021. The delegation was composed of:

- Rachel Eapen Paul, Member of GREVIO
- Maria-Andriani Kostopoulou, Member of GREVIO
- Anca Ciupa, Independent expert, Romania
- Carmela Apostol, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation was welcomed by high-level public figures, including the Chair of the Permanent Parliamentary Council for Gender Equality of the Parliament of Georgia and the Chair of the Parliamentary Committee for the Protection of Human Rights and Civil Integration of the Parliament of Georgia, the deputy ministers of the Ministries of Internal Affairs, of Defence, of Education, Science, Culture and Sport, of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs and of Foreign Affairs. In addition, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Niko Tatulashvili, Adviser to the Prime Minister on Human Rights, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Georgian authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Georgian authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

B. Scope of application of the convention and definitions (Articles 2 and 3)

2. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term “violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression domestic violence is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the 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. The definition of “gender-based violence against women” offered in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

3. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both a cause and consequence of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3*b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

4. Georgia is a state located at the eastern end of the Black Sea with a population of 3.7 million people. It exercises control over 80% of its territory, while the remaining 20%, which consists of the regions of Abkhazia and Tskhinvali region/South Ossetia, is under the effective control of the Russian Federation. For this reason, GREVIO’s baseline evaluation will address Georgia’s implementation of the Istanbul Convention only in respect of the parts of its territory over which it effectively exercises its jurisdiction.

5. In recent years Georgia has made significant efforts to address discrimination and eradicate violence against women and domestic violence. The National Strategy for the Protection of Human Rights in Georgia 2014-2020 promoted a human rights-based approach in all policy development and implementation and considered the needs of women. Out of its 23 objectives, two were specifically dedicated to violence against women and domestic violence and the elimination of

discrimination. A new national strategy for the period 2022-2030 has been approved by the Government and is due to be adopted by parliament by the end of 2022.

6. Three action plans for the period between 2018 and 2020 were adopted based on the National Strategy for the Protection of Human Rights in Georgia 2014-2020. The National Action Plan on Human Rights consisted of 27 chapters, out of which five were specifically dedicated to gender equality issues, the fight against violence against women and domestic violence and the implementation of UN Security Council Resolution on Women, Peace and Security (UNSC-R 1325). In addition, a dedicated National Action Plan on Violence against Women and Domestic Violence was adopted, covering all forms of violence against women.

7. Last, a specific national action plan was introduced in Georgia for the Implementation of the UN Security Council Resolution on Women, Peace and Security, which complements the action plan on human rights, by integrating a gender perspective into the security sector and into decision-making processes, using a gender lens in peace negotiations, protecting the rights of women and girls and promoting their meaningful participation in conflict prevention and resolution. It also aimed at meeting the special needs of internally displaced persons (IDPs),² women affected by conflict and women living across administrative boundary lines. According to the authorities, plans are underway to renew both the National Action Plan on Violence against Women and Domestic Violence and the action plan for the Implementation of the UN Security Council Resolution on Women, Peace and Security for the period of 2022-2024.

8. Beyond national action plans, GREVIO notes with satisfaction that following the ratification of the convention more effort has been directed at passing and amending legislation to bring it in line with the requirements of the convention. A package of relevant amendments to 25 legislative acts was prepared by the Ministry of Justice. New crimes, such as forced marriage, female genital mutilation, stalking and forced sterilisation, were introduced into the Criminal Code and significant changes were made to legislation in terms of prohibiting sexual harassment in 2019.

9. The Law on Domestic Violence, originally enacted in 2006, underwent a series of amendments to strengthen its provisions and recognise the gendered nature of domestic violence. Following the entry into force of the Istanbul Convention, the scope of this law was widened to apply to violence against women in general, and its name changed to the Law of Georgia on Violence against Women and Domestic Violence, which GREVIO notes with satisfaction. The definition of domestic violence is in line with that set out in the Istanbul Convention. It also covers economic violence and extends to non-married partners living together as well as family members who run or have run joint family businesses, however it does not recognise non-married partners who do not share a residence.

10. In addition, domestic violence constitutes a specific offence under Article 126¹ of the Criminal Code.³ It consists of physical violence⁴ and/or systematic psychological violence,⁵ which are committed separately or cumulatively within the family or domestic unit, or between former or current

2. The Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia defines an internally displaced person (IDP) as a citizen of Georgia who was forced to leave his/her permanent place of residence because the occupation of the territory by a foreign country, aggression, an armed conflict, global violence and/ or massive violation of human rights posed a threat to his/her or his/her family members' life, health or freedom, and/or, taking any of the said reasons into consideration, he/she cannot return to his/her permanent place of residence. The same law provides that IDPs are entitled to receive an IDP allowance, social and other type of assistance provided for by law and to use a proper living accommodation on the territory of Georgia until returning to their permanent place of residence, except when he/she has been provided with a long-term living accommodation. According to the authorities, as of March 2019, more than 53 per cent of the officially registered 283,058 IDPs are women.

3. See: www.matsne.gov.ge/en/document/view/16426?publication=235.

4. Physical violence under Article 126¹, paragraph 1, of Criminal Code of Georgia covers any physical act of violence which results in physical pain but does not result in more serious, less serious or light bodily injury (criminalised under Articles 117, 118 or 120).

5. Psychological violence under Article 126¹ of the Criminal Code may consist in systematic insult (verbal assault), blackmail and/or humiliation (which may be caused through verbal or physical mistreatment) which cause "suffering" or moral damage. These three forms of psychological violence may occur separately or cumulatively, and their essential characteristic is their systematic nature.

spouses or partners considered equivalent to spouses when the perpetrator shares or has shared the same residence with the victim.

11. GREVIO encourages the Georgian authorities to pursue the adoption of new national action plans to prevent and combat violence against women and domestic violence in order to develop a comprehensive approach to all forms of violence covered by the scope of the Istanbul Convention, in particular by extending definitions of domestic violence to non-married partners who do not share or have not shared a residence.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

12. The Georgian authorities have made important progress in aligning the domestic legislative framework with international principles on gender equality. These include the adoption in 2010 of the Law of Georgia on Gender Equality followed by the adoption in 2014 of the Law of Georgia on the Elimination of All Forms of Discrimination. The latter includes the prohibition of discrimination based on sex, sexual orientation and gender identity in all spheres of social life and has introduced the concept of multiple discrimination. The principle of gender equality has also been enshrined in the Constitution of Georgia since 2017.

13. The Law of Georgia on Gender Equality (Article 14, paragraph 1) vests the Public Defender with the responsibility to monitor the compliance of government and public institutions with national and international obligations on human rights and gender equality and respond to the violations of gender equality within the framework of its competences. In addition to examining acts of discrimination on his/her own initiative and/or upon submission of an application/complaint by a victim,⁶ the Public Defender collects and analyses statistical data, drafts opinions on relevant legislative amendments to be submitted to the parliament and carries out various initiatives aimed at raising public awareness of discrimination issues.

14. Among the supporting mechanisms to achieve gender equality, Georgia set up a permanent consultation body to the Parliament of Georgia, the Gender Equality Council. The council monitors legislative developments, supports the parliament in shaping gender equality policies, analyses the legislation in Georgia and develops proposals on the elimination of gender inequalities, among other tasks. The council also co-ordinates awareness-raising campaigns, publishes information on violations of women's human rights and other gender equality issues.

15. Gender mainstreaming is ensured in Georgia by the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence ("the Inter-Agency Commission"), whose mandate includes, among other things, supporting the implementation of the international obligations of the Government of Georgia on gender equality. Different ministries have been involved in developing guidelines and recommendations to implement gender equality policies, for example the Ministry of Regional Development and Infrastructure of Georgia and the Ministry of Environmental Protection and Agriculture.

16. The Ministry of Defence of Georgia developed a Gender Equality Strategy and a two-year action plan to integrate a gender perspective into the institutional development and operational capacity building of Georgian Defence Forces. The ministry amended its disciplinary code to introduce provisions on sexual harassment and prescribe sanctions for the perpetrators (Article 501 of the Code) and adopted a set of standardised procedures for filing and addressing complaints concerning bullying, sexual discrimination, sexual harassment and abuse. Such a mechanism is of paramount importance for protecting and promoting gender equality in the security sector and armed forces.

6. In 2018 the Public Defender examined 16 cases of gender-based discrimination.

17. GREVIO welcomes the efforts made by the Georgian authorities to improve the institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality. However, it notes with concern that, according to the Global Gender Inequality Index 2018, Georgia ranks 99 out of 149 countries (with 0.677 points), which is below the average world index.⁷ Firmly rooted stereotypes about gender roles and prevailing views about the characteristics of and roles for women and men and about acceptable behaviour represent a setback to achieving *de facto* gender equality in Georgia and effectively combating gender-based violence. Across Georgia, women's roles are still tightly intertwined with expectations around motherhood and domestic responsibilities. Women and men are socialised into gendered work and behaviours during adolescence, with women taking the primary responsibility for feminine-coded household tasks and men taking responsibility for "masculine-coded" tasks and public roles.⁸

18. GREVIO encourages the Georgian authorities to take the necessary measures to continue their efforts to achieve full implementation of legislation and public policies on gender equality, in particular by taking measures aiming at achieving *de facto* equality.

2. Intersectional discrimination

19. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights and on the list contained in its Protocol No. 12⁹ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.¹⁰

20. According to indications provided by civil society and women's rights groups, several categories of women, including women from national and/or ethnic minorities, women living in rural areas, women with disabilities, women refugees, lesbian, bisexual or transgender women and older women are more exposed to multiple forms of discrimination, making them more vulnerable to specific forms of violence. Neither the National Action Plan on Human Rights 2018-2020 nor the National Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims 2018-2020 address the specific difficulties experienced by these women facing different forms of violence covered by the convention. However, the State Strategy for Civic Equality and Integration for 2021-2030 and the respective Action Plan for 2021-2022 address some of these groups, placing special emphasis on women's empowerment, greater awareness of gender equality, early marriage and domestic violence, among other issues.

21. Women and girls from national and/or ethnic minorities living in rural areas, in particular in remote villages and high mountainous settlements, are among the most vulnerable groups of women. The lack of information, the lack of access to services, opportunities and means of economic empowerment and to employment, as well as their lack of trust in law-enforcement agencies, all constitute barriers for women in rural areas who need help and support for gender-based violence.¹¹

22. Gender stereotypes and gender-specific roles within the family and in society are still prevalent in Georgian society, including among national and/or ethnic minorities. Although police and other emergency services are available to Azerbaijani communities and restraining and protection orders are being issued and translated into the Azerbaijani language, very few Azerbaijani women seek formal support.¹²

7. The Global Gender Gap Report 2018, Georgia, pp. 105-106.

8. NGO submission by the Coalition for Equality and others, p. 15.

9. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

10. See paragraphs 52-54 of the Explanatory Report to the Istanbul Convention.

11. NGO submission by the Coalition for Equality and others, p. 12.

12. *Ibid.*, p. 19.

23. Georgia ratified the UN Convention on the Rights of Persons with Disabilities in December 2013, providing the country with a comprehensive framework for improving the situation of persons with disabilities. Moreover, the national strategy on human rights envisaged the provision of equal opportunities to persons with disabilities and the promotion of their full and active participation in all social spheres. Despite this, the findings of a study conducted in 2017 indicated that violence against women with disabilities is strongly connected to their lack of independence from their family, particularly financial independence.¹³ Social norms and attitudes that stereotype and stigmatise women with disabilities contribute to their social isolation and discrimination. The study also revealed that women with psychological disabilities who live in psychiatric institutions experience more severe forms of violence, such as physical and sexual violence by medical staff and other patients. In addition, in cases of violence, women with psychological disabilities are not transferred to state shelters but, according to the service providers, in most cases the police directly transfer them to psychiatric institutions. Moreover, when a woman with a disability calls the police in response to violence, law-enforcement officers rarely communicate with her directly, because they do not think a woman with a disability can interact with the police independently. Thus, they interact with family members who in most cases are the perpetrators of violence.¹⁴ Reports from women's rights NGOs indicate that in addition to physical and social barriers to protection and support, women with disabilities also experience secondary victimisation by state officials. Some women with disabilities have expressed concern and fear of reporting crime to the police, which has been linked to their negative experiences.¹⁵ According to the authorities, steps are being taken to alleviate such concerns. For example, the 2022 Action Plan for the Protection of the Rights of Persons with Disabilities in the System of the Ministry of Internal Affairs aims to improve access to justice for women with disabilities and the development of the necessary skills of the employees of the ministry system to effectively interact with people with disabilities. Moreover, training for law enforcement officers was initiated in February 2022 in order to increase their knowledge on how to adapt to and communicate with people with disabilities during police investigations. According to the authorities, more than 500 members of the patrol police have been trained.

24. Another group of vulnerable women, women from the LGBTI community, are particularly exposed to violence, discrimination and pressure from the public as well as from specific state institutions, in particular healthcare institutions and their employees. Women's rights NGOs note that victims avoid reporting incidents of violence as they fear secondary victimisation or being forced to come out and disclose personal information, even though the rate of violence against women against them is also high.¹⁶ The discrimination LGBTI women experience increases their risk of violence and is a barrier to service provision. GREVIO notes with concern that LGBTI community needs are not acknowledged at the policy level, and there is a lack of support from service providers.¹⁷

25. **GREVIO urges the Georgian authorities to:**

- a. **take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any grounds listed in Article 4, paragraph 3;**
- b. **take measures to ensure that women exposed to or at risk of intersecting forms of discrimination receive adequate information about their rights and support services available;**
- c. **improve the access to protection and support for certain groups of women victims of violence, in particular women with disabilities, women belonging to national and/or ethnic minorities, women living in rural areas and LGBTI women, by developing policy orientation and measures which aim to overcome the specific obstacles faced by these groups of women;**

13. National Study on Violence against Women in Georgia 2017, carried out by UN Women in partnership with the National Statistics Office, GEOSTAT, p. 91.

14. Ibid., page 92.

15. See NGO submission by the Coalition for Equality and others, p. 34.

16. See the written submission to CEDAW by 29 NGOs, p. 13.

17. National Study on Violence against Women in Georgia 2017, p. 93.

- d. **integrate the perspective of these groups of women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's rights NGOs representing them.**

D. State obligations and due diligence (Article 5)

26. Aspects of the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

E. Gender-sensitive policies (Article 6)

27. Article 6 of the Istanbul Convention calls on the parties to include a gender perspective in the implementation and evaluation of the impact of its provisions and to promote and implement policies aimed at achieving equality between women and men and the empowerment of women. This obligation stems from the realisation that in order to put an end to all forms of violence covered by the scope of the convention, it is necessary to promote *de jure* and *de facto* equality between women and men. It also reflects the principle that violence against women is a consequence as well as a cause of gender inequality.

28. GREVIO welcomes the fact that in recent years the Georgian authorities have made considerable efforts to ensure the integration of a gender perspective into the measures to combat violence against women. National strategies, action plans and legislation in Georgia pay due regard to the gendered nature of violence against women and address the phenomenon in a holistic manner. A gendered perspective is also applied when designing measures for the implementation of the Istanbul Convention, as most measures are designed by the Inter-Agency Commission and Gender Equality Council. Policies are aimed at achieving gender equality between women and men and discrimination is prohibited, as noted previously. Furthermore, the 2018 amendments to the Criminal Code introduced gender discrimination as an aggravating circumstance of a crime. Also, the Civil Service Bureau has taken measures to ensure gender mainstreaming in their initiatives.

29. However, significant steps still need to be taken by the Georgian authorities to achieve the practical implementation of legislation and policies in a manner that pays due regard to the gendered nature of violence against women. Moreover, GREVIO notes that gender impact assessments are not systematically carried out, including on measures taken to prevent and combat violence against women. This is a step that is urgently needed to fully assess to what extent the different laws and policies are serving women and girls exposed to the different forms of violence covered by the Istanbul Convention.

30. Moreover, according to indications provided by civil society, scarce financial resources for combating violence against women and domestic violence and for supporting the victims in many cases are caused not only by limited resources, but also by the lack of gender sensitivity of local authorities and the failure to understand the importance and scale of the problem. It should be noted, however, that in recent years various measures have been taken at the local level, such as the development of gender equality action plans.

31. **GREVIO strongly encourages the Georgian authorities to intensify their efforts to systematically assess the gender-related impact of the measures taken to prevent and combat violence against women and to ensure that all policies and measures implemented in this respect are based on a gendered understanding of violence against women and domestic violence.**

II. Integrated policies and data collection

32. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

33. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

34. The National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020, especially dedicated to violence against women and domestic violence and accompanied by policies on violence against women, constituted a very important step in aligning Georgia's obligations with its commitments under the convention. It covered the issue of violence against women more holistically than the previous action plans and includes, in addition to domestic violence, other forms of violence against women, while also prescribing activities related to prevention, the establishment of a national referral mechanism, the setting up of additional support services for victims of violence against women and domestic violence (namely one crisis centre and the expansion of a hotline), achieving an integrated system for data collection, and bringing national legislation into compliance with the Istanbul Convention. The plan also foresaw the setting up of a platform for co-operation among municipalities. Specifically, the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020 introduced the establishment of a risk-assessment methodology to respond to domestic violence cases, institutionalising an electronic monitoring system for high-risk offenders and launching behaviour correction programmes for perpetrators of domestic violence.

35. According to the authorities, the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020 was adopted following consultations with appropriate institutions tasked with their implementation and 25 gender focal points from line ministries and civil society organisations. The findings and recommendations of civil society organisations and the Public Defender's monitoring report of the previous national action plan were also taken into account in the adoption of the plan. GREVIO welcomes this form of evidence-based policy approach and commends the Georgian authorities on their continuous endeavour to evaluate existing measures in order to address any gaps.

36. GREVIO welcomes the setting up of the Inter-Agency Commission, which ensures a better co-ordination and implementation of the measures set out in the national strategy and national action plans. This agency is composed of deputy ministers of the government and involves the legislative body, through the Gender Equality Council, in the decision-making process.

37. According to the authorities, protocols designed to establish a formal co-operation mechanism and maximise multi-agency co-operation have been developed; however, non-governmental bodies were not included in these mechanisms. The commission involves international and national civil society organisations in different consultation groups. For example, civil society is involved in nine established thematic task forces on gender equality, violence against women and domestic violence.¹⁸

38. As regards co-operation at local level, the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020 tasked the Inter-Agency Commission with developing a mechanism for co-operation with municipalities and

18. The nine thematic task forces focus on: violence against women and domestic violence; women's economic empowerment; early/child marriage and other harmful practices; mainstreaming of gender equality; collection of data on gender-based violence; co-operation and co-ordination between the local and central government; reflection of gender aspects in budgetary programmes; implementation of the mechanisms for accountability and eradication of sexual harassment in the public sector; implementation of the UN Security Council resolutions on Women, Peace and Security.

guidelines on the existing legislation, policies and programmes on violence against women and domestic violence, and presenting them to municipalities, as well as supporting municipalities to mainstream violence against women and domestic violence issues in local policies and programmes. One of the steps taken by the commission in this regard was the setting up of a local-level co-ordination body. Moreover, amendments made to the code on local self-government and the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020 have significantly strengthened the role to be played by self-governing organs regarding the prevention of violence and support of victims. Municipalities are entitled to implement measures to promote gender equality, prevent violence against women and/or domestic violence, and protect and support victims of violence against women and/or domestic violence.¹⁹

39. Despite these developments, at local level the self-government bodies do not have a united approach to combating violence against women and domestic violence. The Inter-Agency Commission has taken no effective measures to co-ordinate with local authorities their efforts in protecting and supporting women victims. Reports from NGOs indicate that the local self-government bodies fail to bring to the attention of central government the needs and challenges of the local population related to violence against women.²⁰

40. GREVIO notes with concern the absence of measures that would identify and address the specific situation of women from minority groups and other groups of vulnerable women facing violence. Factors such as disability, social status or simply belonging to a national and/or ethnic minority may create significant barriers to their access to services or justice. Comprehensive policies would need to reflect this in order to fully serve women of all backgrounds.

41. GREVIO strongly encourages the Georgian authorities to pursue efforts aimed at improving the co-ordination between national and regional/local authorities in the implementation of policies to prevent and combat violence against women and at providing an independent monitoring of the policy implementation.

42. GREVIO further encourages the Georgian authorities to ensure that any methods developed for multi-agency co-operation fully reflect the specific needs of women who are or might be exposed to intersecting forms of discrimination, in particular women belonging to minority groups, women with disabilities, women from rural areas, internally displaced women and LGBTI women.

B. Financial resources (Article 8)

43. GREVIO notes with concern that the last two action plans on violence against women and domestic violence for 2016-2017 and 2018-2020 were approved by the government without determining the budget required for the implementation of the policies, measures and programmes for the prevention and combating of violence against women.²¹ Moreover, scarce information was provided by the authorities about the allocation of appropriate financial and human resources for activities carried out by public authorities, NGOs and civil society organisations, which makes it difficult to assess the exact share of the budget allocated to measures on violence against women. According to the authorities, the future action plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims and the future action plan on the Implementation of the UN Resolution 1325 on Women, Peace and Security, both covering the period 2022-2024, will be adopted with dedicated budgets for each activity as required by ordinance N629 on the Policy Planning, Evaluation and Monitoring.

44. During the evaluation visit, it was also highlighted that the Inter-Agency Commission does not have a separate budget with which to conduct activities on combating violence against women and domestic violence.²²

19. Article 16, paragraph 4, of the Local Self-government Code.

20. Monitoring report prepared by the NGO Fund Sukhumi in 2019.

21. Effectiveness Audit Report on Protection from Domestic Violence and Preventive Mechanisms; February 2019, p. 37.

22. See also the Public Defender's submission to the UN Committee on the Elimination of Discrimination against Women, 5-9 July 2021: www.ecoi.net/en/document/2055548.html.

45. According to the authorities, the Ministry of Justice co-operates with NGOs and issues grants to ensure an increase in public awareness on different topics, including state services and legal assistance for victims of violence. For example, in 2015, the Ministry of Justice allocated around 15 000 Georgian lari (GEL) (approximately €4 000) for disseminating information on services available for victims of violence against women and for publishing and disseminating 5 000 brochures in Georgian, Armenian, Azerbaijani and English. Furthermore, a grant competition for NGOs is announced every year by the Ministry of Justice. During 2015 and 2017, the ministry issued three grants to the amount of GEL 89 000 each (approximately €24 000).

46. Some activities are carried out by the authorities with the support of international donors such as UN Women, the Council of Europe and the US Agency for International Development. For example, the activities concern the development of different research reports on the prevalence of violence against women and domestic violence in Georgia, survey studies and training different professionals to offer better support to victims of violence against women and domestic violence. Another example is the development of a risk-assessment checklist by the Ministry of Internal Affairs, created with the technical and financial support of UN Women and the European Union and in partnership with the US-based organisation Global Rights for Women.

47. GREVIO also notes that several municipalities have programmes in their budgets aimed at providing social protection to victims of violence, which in some cases consists of one-time financial assistance to victims of domestic violence and the provision of housing/rent. Their budgets also cover other measures for supporting victims of violence, such as psychological assistance, employment assistance, legal aid, rehabilitation services for victims of juvenile violence, studies on the needs of women victims of violence, fare concessions on municipal transport, monthly financial support after leaving a shelter, financial assistance for medical examinations and awareness-raising activities, among other things. Two crisis centres, in Telavi and Zugdidi, set up as a result of the co-operation between local NGOs and the municipalities, are financed by the appropriate local municipalities (as of 2021).

48. The Agency for State Care runs five shelters and five crisis centres for victims of violence against women and domestic violence throughout Georgia that are fully funded by the government. State funding for specialist support services offered by the shelters increased by 87% between 2014 and 2017.²³

49. The authorities did not offer any information about the allocation of financial resources to women's rights NGOs offering support services to women victims of violence, but concerns were expressed by NGOs about the instability of funding for crisis centres/shelters run by them.²⁴ Some specialist services run by women's rights NGOs (such as women's shelters) receive funding from the state budget in the form of vouchers for beneficiaries of the shelters. NGOs noted that overall state funding is scarce, and their work heavily relies on foreign donors. Furthermore, the funding climate for NGOs has become even more difficult as some international donors are more inclined to fund state entities to carry out activities related to violence against women and domestic violence rather than NGOs. NGOs offering legal representation and counselling services for victims are not funded by the state. These NGOs rely heavily on limited project-based funding to be able to continue their work.

50. **GREVIO urges the Georgian authorities to:**

- a. **increase and ensure the sustainability of the financial resources allocated to measures and policies for preventing and combating violence against women, including in particular the budget for the entity in charge of co-ordinating policies and measures in this area as well as to women's rights NGOs which run specialist support services for women victims of all forms of violence;**

23. GEL 538 493 in 2014 and GEL 1 008 677 in 2017 (source: Sixth Periodic Report on CEDAW, p. 43, paragraph 1).

24. See the written submission to CEDAW by 29 NGOs, p. 12.

- b. take steps, in particular by planning earmarked funding, to identify more effectively the sums spent on preventing and combating violence against women by all relevant national and local institutions.**

C. Non-governmental organisations and civil society (Article 9)

51. Article 9 of the convention requires parties to recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and civil society active in combating violence against women and to establish effective co-operation with these organisations. In Georgia there is no stable institutional framework that allows NGOs to be involved effectively in the design and implementation of laws and public policies on combating violence against women. NGOs and civil society are involved in the consultation process to shape policies on gender equality and violence against women and domestic violence on an ad hoc basis. Representatives of international NGOs can participate in the work of the Inter-Agency Commission, at the invitation of its chairman. They are involved in the thematic task forces established by the Inter-Agency Commission and included on the Gender Equality Council's consultation body, which has the purpose of advising the council on different equality topics identified as important.

52. Examples of co-operation between the authorities and NGOs include the work with the NGO Anti-Violence Network of Georgia (AVNG), which has included raising awareness and providing training to police officers on domestic violence throughout Georgia and the creation of permanent, "open meetings" with representatives of the Ministry of Internal Affairs, the Prosecutor's Office, the Ministry of Internally Displaced Persons, Labour, Health and Social Affairs and local government. The Georgian authorities highlighted that co-operation with NGOs exists, in particular with women's rights NGOs which provide specialist support services, namely shelters in regions where the state could not provide such services. Some of the first shelters and crisis centres for victims of violence in Georgia were set up by NGOs and then run by the state. Currently, three shelters and two out of the seven crisis centres in the country are run by NGOs.²⁵

53. According to submissions from NGOs, the co-operation between state authorities and the NGO sector is fragmented and selective.²⁶ While at the national level state co-operation with NGOs is on an ad hoc basis, at local level some NGOs report major efforts to establish co-operation with local authorities, highlighting that it is challenging to establish such links especially when there is a change in local government. Some NGOs, for example those active in Gori, enjoy good co-operation with the mayor and the local council.

54. The access of victims of violence to shelters run by NGOs is less formal, and they are accessible not only to victims of violence who have victim status but to all victims who need support. Because of the lack of bureaucratic procedures, this service has a vital importance for those women and children who need first and emergency aid. Moreover, the support services provided by NGOs in shelters are not restricted in time, being more adjusted to the needs of the victim. NGOs also provide legal aid to victims of violence but due to restricted funding resources, they cannot provide legal assistance and representation to all applicants but are forced to select strategic cases or target a specific group in need and direct the rest to the state legal aid service. New approaches must be found to ensure active government support and recognition of women's specialist support services as required by Article 9 of the Istanbul Convention.

55. GREVIO is particularly concerned about the difficult context in which women activists and human rights defenders carry out their work. According to their reports, they often face hostility from society without any support from the Georgian Government. NGOs also report that women activists and human rights defenders have continued to face threats and aggression in recent years in Georgia, being often targeted for the activities they carry out, which includes fighting gender stereotypes in society. Women activists are more likely to become victims of sexual assault, rape

25. More information on shelters run by NGOs is provided in Chapter IV, the section on Article 23 (Shelters).

26. NGO submission by the Coalition for Equality and others, p. 8.

threats, defamation and harassment.²⁷ For example, in a famous domestic abuse case which involved a famous tennis player, the women's rights activists supporting the victim faced numerous threats, insults and pressure on social media.²⁸ Considering such threats, the national authorities have not taken any measures to protect women's rights NGOs' activities. The Public Defender of Georgia has furthermore noted that law-enforcement bodies have failed to properly assess the risk of violence human rights defenders face and to implement appropriate preventive and protection measures.²⁹ In this context, GREVIO stresses that the support for the role of women's rights NGOs in this field must be increased, including at the local level.

56. **GREVIO strongly encourages the Georgian authorities to:**

- a. **increase the involvement of NGOs in all stages of the preparation, co-ordination and implementation of laws, public policies and programmes to prevent and combat violence against women;**
- b. **support by all possible means the expansion of NGO-run specialist services in Georgia, such as women's centres and shelters, in particular by establishing suitable funding opportunities, such as grants based on transparent procurement procedures, and by ensuring stable and sustainable funding levels for all NGOs working to support victims and to prevent violence.**

57. **GREVIO urges the Georgian authorities to reinforce the support for and recognition of independent women's rights organisations, by acknowledging the value and expertise they bring in terms of following a gendered approach to violence against women and fostering victims' trust and promoting their human rights, and to ensure that threats or harassment faced by activists of women's rights NGOs are duly investigated and that measures are undertaken to prevent them.**

D. Co-ordinating body (Article 10)

58. The Inter-Agency Commission was established in June 2017 as part of the executive branch in Georgia, with the purpose of meeting the requirements of Article 10 of the Istanbul Convention. According to the Law on VAW, the Inter-Agency Commission ensures monitoring and assessment of measures to eliminate and prevent all forms of violence (Article 7, paragraph 3).

59. The Chairman of the Commission is the Prime Minister's Adviser on Human Rights and Gender Equality, and the Co-Chair is the Deputy Minister of Justice of Georgia. The members of the Inter-Agency Commission are representatives of various government institutions.

60. The Inter-Agency Commission co-ordinated the drafting of the two action plans, the National Action Plan on the Implementation of the UN Security Council Resolution on Women, Peace and Security and the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020 and is also responsible for co-ordinating their implementation in close co-operation with line ministries and state agencies. It also ensures the monitoring and evaluation of the implementation of the two action plans. Moreover, according to its statute the Inter-Agency Commission is in charge of the co-ordination of data collection and data analysis.

61. GREVIO notes that under Article 10 of the convention, the evaluation function is to be understood as implying an independent and scientific assessment of whether measures taken achieve their aim and/or expose any unintended effects. GREVIO highlights the importance of differentiating between policy making and implementation on the one hand, and the monitoring and

27. Human Rights House Tbilisi, "[The Situation of Human Rights Defenders in Georgia – Barriers and Challenges](#)", 2020, p. 29.

28. See also the NGO submission by the Coalition for Equality and others, p. 8.

29. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2019, p. 194. Available at: www.bit.ly/3grEvH2.

evaluation on the other hand. A set-up in which those who co-ordinate, implement and bear political responsibility for measures while simultaneously being charged with evaluating the efficacy of those very measures might not ensure the necessary objectivity to assess and independently evaluate the policies and measures taken.

62. The mandate of the Inter-Agency Commission also includes promoting gender mainstreaming within the executive body, supporting the collection and analysis of sex-disaggregated data and supporting the implementation of the international obligations of the Government of Georgia on gender equality.

63. Every year, the Inter-Agency Commission prepares a public report detailing the activities carried out for that specific year and the remaining challenges. The annual report, alongside the Report on the Implementation of the Human Rights Action Plan, is public and is presented for revision to the Human Rights Council and Parliament of Georgia. The commission meets twice a year and is supported by the Human Rights Secretariat within the government administration but does not have its own secretariat.

64. A report issued in February 2019 by the State Audit Office of Georgia³⁰ highlighted the need to strengthen the role played by the Inter-Agency Commission in the implementation of the national action plan since some of the activities and measures could not be implemented within the stipulated time frame and had to be postponed. The same audit report identified the lack of sufficient human resources as one of the main causes preventing the Inter-Agency Commission from carrying out its role effectively and recommended the increasing of its institutional and legislative powers on the issues of gender equality, violence against women and domestic violence as a co-ordinating body. In addition to the lack of human resources, there are no budgetary resources allocated to the work of the Inter-Agency Commission. GREVIO notes with concern that these constraints do not allow the commission to fully discharge its role as a co-ordinating body under Article 10 of the Istanbul Convention.

65. GREVIO strongly encourages the Georgian authorities to allocate sufficient human and financial resources to the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence to enable it to adequately fulfil its role as national co-ordinating body established under Article 10 of the Istanbul Convention. In so doing, GREVIO strongly encourages the Georgian authorities to ensure, on the one hand, the co-ordination and implementation of policies and measures and, on the other hand, the independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies.

E. Data collection and research (Article 11)

66. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.³¹

1. Administrative data collection

67. In Georgia, the collection of data and statistical activities are carried out by the National Statistics Office of Georgia (Geostat), which is an independent body and a public law legal entity. Geostat conducts censuses of the population, develops statistics, processes data, publishes the data collected and produces annual reports. One such report is the biannual “Women and Men in Georgia”, which also covers violence against women.

30. Effectiveness Audit Report on Protection from Domestic Violence and Preventive Mechanisms; February 2019, p. 39.

31. While this section discusses the main considerations related to data collection, Chapters V and VI also offer reflections on data related to specific criminal offences.

68. With the support of UN Women, Geostat launched at the end of 2018 an online Gender Statistics Portal that repackages available data using infographics and interactive data visualisations.³² The portal offers statistics on women's equality with men in several areas of life but does not offer specific data on violence against women.

69. Georgia does not have a specific integrated system of data collection on domestic violence and other forms of violence against women. Various authorities, including the police, the prosecution authorities, the judiciary and other authorities, collect data, but these are not collated centrally to provide a comprehensive picture of the phenomenon of violence against women and domestic violence. Moreover, not all relevant authorities collect disaggregated data and data on violence against women are not systematically made available to the public. GREVIO highlights that the lack of co-ordination and comparability of the data makes it impossible to track cases at all stages of the law-enforcement and judicial proceedings and, more specifically, impedes an assessment of conviction, attrition and recidivism rates, as well as the identification of gaps in the response of institutions.

a. Law-enforcement agencies and the justice sector

70. GREVIO welcomes the introduction in 2020 of a new electronic criminal case-management system. Data are collected according to the type of crime, sex, age, ethnicity, job of both the victim and perpetrator, the relationship between the perpetrator and the victim and even if gender discrimination was the motive of the crime. All police departments and investigators have access to this programme, as it contains all the necessary documents and materials for a specific case. In practice, after opening a criminal investigation, information is entered into the system and the electronic programme automatically creates the necessary statistics. Prosecutors also have access to the electronic monitoring of criminal cases and they can access files throughout the investigation process and supervise each of these cases. Such activity is mandatory for all prosecutors in Georgia. According to the authorities, the new programme will ensure that data are collected throughout the entire territory in accordance with the minimum requirements established by the Istanbul Convention.

71. The Human Rights Protection and Investigation Quality Monitoring and the Information Analytical Departments of the MIA have improved the processing of statistical data on restraining orders that are issued, which GREVIO welcomes. A report on violations of restraining orders is regularly drafted.

72. GREVIO further notes with satisfaction that, according to the authorities, the Ministry of Internal Affairs (MIA) started to record data on femicide cases in 2018. However, the absence of a common methodological standard for collecting and processing the administrative data on cases of violence against women and domestic violence, as well as the identification of a gender motive still represents a challenge. According to the authorities, efforts have been made to collect unified statistics of crimes committed for gender-based motives and reports are published annually.

73. The Prosecutor's Office collects data on cases of violence against women and domestic violence disaggregated by sex, age of the victim and offender, relationship between them, type of violence, geographical location and any disability, including for sexual violence, rape and for forced marriage. GREVIO welcomes the efforts made by the Prosecutor's Office in collecting statistical data on crimes under Articles 140 (sexual penetration into the body of a person under the age of sixteen) and 1501 (forced marriage) of the Criminal Code of Georgia. These data are published in reports on violence against women and domestic violence by the Division of Human Rights and Protection of the Prosecutor's Office. The Analytical Unit of the Department of Prosecutorial Activities, Supervision and Strategic development assesses data related to criminal prosecution, investigation processed, victims and persons diverted from criminal liability. These data are shared with Geostat.

74. To ensure compliance with the Istanbul Convention, the Supreme Court of Georgia renewed the data-collection methodology by identifying articles from the Criminal Code on crimes against women under which courts collect data. The courts collect information on the victims and perpetrators, the relationship between them, sex and age, legal classification of the case, data on

32. See: www.geostat.ge/en.

sentencing, and data on the number of convictions for violence against women and domestic violence cases. Currently, because of a lack of human resources, such data are only collected by the first-instance courts. They have furthermore introduced statistical forms, which allow them to collect more information on women victims of violence, including characteristics such as a disability or whether the victim is lesbian, bisexual, transgender or intersex (LBTI).

75. GREVIO strongly encourages the Georgian authorities to take measures to harmonise the collection of data between law-enforcement agencies and the judiciary with the aim, *inter alia*, of assessing attrition rates, and to ensure that anonymised data are systematically made available to the public.

b. Healthcare sector

76. Based on the information provided by the authorities it is not clear if the healthcare sector collects data on women and girls who contact healthcare professionals about experiences of violence against women, including domestic violence. No official data were made available.

77. GREVIO strongly encourages the Georgian authorities to take measures to ensure the collection of harmonised data in relation to healthcare providers' contact with women patients for reasons related to experiences of gender-based violence. Such data should be disaggregated by, at a minimum, sex, age and the relationship of the perpetrator to the victim.

78. In addition, GREVIO encourages the Georgian authorities to increase awareness among health professionals of the relevance of collecting data on all forms of violence against women, including domestic violence, and to enhance their skills and capacity to collect data, including through training to detect cases of violence against women.

c. Social services

79. The Agency for State Care collects data on women who contact social services for help related to experiences of violence against women, including domestic violence. The collected data include information on the beneficiaries of the state services, such as admission to shelters/crisis centres, sex, age, status, date of admittance and leaving the state service.

d. Data on the asylum procedure

80. According to the authorities, no data are collected on the number of asylum claims made on the basis of gender-related persecution and their outcomes.

81. GREVIO strongly encourages the Georgian authorities to introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution, including female genital mutilation and forced marriage.

2. Population-based surveys

82. In 2017, Geostat, in partnership with UN Women and with the support of the European Commission, published the "National Study on Violence against Women in Georgia".³³ The purpose of this survey was to obtain reliable estimates on the prevalence of different forms of violence against women and girls committed by intimate partners as well as other perpetrators in the private and public sphere; to assess the extent to which violence against women is associated with a range of health and other issues; to identify factors that may either protect women or put them at risk of violence; to assess the extent to which women are aware of and use services for survivors of violence; and to examine men's and women's awareness of and attitudes towards violence against

33. See: www.georgia.unwomen.org/en/digital-library/publications/2018/03/national-study-on-violence-against-women-in-georgia-2017.

women. The study points out that violence against women – physical, sexual and psychological – remains a widespread human rights' violation and public health issue in Georgia.³⁴

83. GREVIO encourages the Georgian authorities to carry out regular population-based surveys to assess the prevalence of and trends in all forms of violence against women covered by the scope of the Istanbul Convention.

3. Research

84. Article 11, paragraph 1*b*, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses by the judiciary, support services and law-enforcement agencies to violence against women and domestic violence.³⁵

85. GREVIO welcomes the engagement of the Georgian authorities in supporting different research initiatives and producing different reports, including reports looking into how perceptions and behaviours have changed regarding gender equality;³⁶ reports on femicide monitoring;³⁷ reports on violence against women in Georgia;³⁸ research on women's career development in civil service, and reports on gender equality.³⁹ Such reports have been produced in co-operation with different international organisations, such as the United Nations Development Programme, the United Nations Population Fund, UN Women and NGOs. Such reports reflect the government's efforts to better understand the sociocultural landscape in Georgia, as well as the practical implications and challenges in the realm of gender equality and the protection of women against violence, laying the groundwork for evidence-based policy making within state institutions.

86. GREVIO notes, however, an absence of research into the effects of gender-based violence on children, particularly child witnesses of domestic violence, on the access of women victims to support, protection and justice, and on violence against different vulnerable groups.

87. GREVIO strongly encourages the Georgian authorities to address, through research, violence affecting vulnerable groups of women such as national and/or ethnic minority women and girls, migrant women, LGBTI women and women with disabilities. GREVIO also strongly encourages the Georgian authorities to support research into the effects on children of witnessing domestic violence and the access of women victims to support, protection and justice.

34. The study revealed, among other things, that one woman in seven has suffered a form of domestic violence from her spouse/partner, which represents 14% of the groups surveyed (6 006 women aged 15 to 64 nationwide). The study also showed that only 18% of the women who experienced physical violence from their spouse or partner complained to the police, while 36% of the women did not share to anyone the violence experienced.

35. Explanatory Report to the Istanbul Convention, paragraph 77.

36. Men, Women, and Gender Relations in Georgia: Public Perceptions and Attitudes 2019.

37. Report on Femicide Monitoring 2014-2018 by the Public Defender of Georgia.

38. National Study on Violence against Women in Georgia, Summary Report 2017.

39. Gender Equality in Georgia: Barriers and Recommendations by the Gender Equality Council of the Parliament of Georgia, 2018.

III. Prevention

88. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. Awareness raising (Article 13)

89. In Georgia, much effort has been made in recent years in order to raise awareness of the different forms of violence against women among the general population and professionals, including local community leaders, which GREVIO welcomes. At national level, the Inter-Agency Commission developed a national communication strategy on violence against women and domestic violence for the period 2018 to 2020, specifying detailed awareness-raising activities to be carried out. The documents set out a framework for line ministries and state agencies to engage in the national response to violence against women and to promote zero tolerance of violence against women and domestic violence, and an increased awareness of state services available for victims. The strategy furthermore ensures that the awareness-raising interventions are evidence-based, targeted and that they address the root causes of violence. Two main objectives have been set out for this strategy: increased public awareness of violence against women and domestic violence, and increased awareness of the available state support services. The strategy was based on the findings of the 2017 National Survey on Violence against Women.

90. Based on the national strategy, the Inter-Agency Commission with the support of UN Women and the European Union carried out two campaigns in 2018 and 2019. The campaign in 2018 was focused on combating violence against women, the overall message being that ending violence against women is a national priority and that the Government of Georgia is committed to supporting victims and holding perpetrators accountable. A range of thematic events were organised by governmental agencies promoting zero tolerance of violence against women and laws and services for victims of violence. This campaign was also featured on social media, using hashtags such as #GeorgiaAgainstVAW, #endingVAWisajointresponsibility and #GeorgiaCares. Additionally, 30 local municipalities across the country joined the central government's initiative on social media to spread the same information. The campaign in 2019 focused on sexual harassment, as the new legislation on sexual harassment was adopted the same year. The main message of the campaign was that sexual harassment is a human rights violation and is punishable by law. Twenty-two state institutions implemented activities within the framework of the campaign with the direct participation of more than 3 000 people.

91. GREVIO notes with satisfaction that the Prosecutor's Office joined these two main campaigns and organised 24 information-sharing meetings each year on violence against women and domestic violence with schoolteachers, students and their parents, public officials and local communities. The purpose was to raise awareness of violence against women, discrimination, hate crimes and the measures taken by the state. Moreover, the Prosecutor's Office has been carrying out awareness-raising campaigns in every region of Georgia with the aim of preventing crimes. For example, in 2018, 706 events were held, 241 of which were information meetings on violence against women and domestic violence. In 2019, 64 information meetings were organised on the topic of violence against women and domestic violence.

92. In addition, the Ministry of Internal Affairs has also conducted awareness-raising campaigns all over the country (for example, the campaign "Power to Trust") with the aim of promoting the prevention of domestic violence and raising awareness of existing legal mechanisms, state services and other support available for victims of domestic violence. Information brochures were developed in different languages and placed in police units. These topics were also presented in state schools.

In addition to the above, Georgia carried out campaigns to combat child marriage. For example, in 2019, the Ministry of Internal Affairs, with UNFPA support, launched the information campaign “Do not take childhood away”, aimed at raising public awareness of the issue of child and early marriage and reporting to police. Events involving the local population, local government representatives, schools and other stakeholders were organised. Similar campaigns are continuing in order to eliminate child marriage, raise public awareness on the issue, and ensure timely reporting of cases.

93. Last, and in order to address the increased risk of violence against women and domestic violence throughout the Covid-19 pandemic, the Inter-Agency Commission developed a communication strategy on violence against women and domestic violence to be implemented during the pandemic. The campaign focused on alternative methods of reporting and availability of support services, and the strategy was developed in co-operation with international organisations and NGOs. GREVIO welcomes the use of a countrywide SMS system to provide information to every citizen on alternative ways of reporting; these messages were also sent in other languages such as Armenian and Azerbaijani. Information was disseminated in pharmacies and grocery shops and on TV and social media.

94. Throughout recent years, the Government of Georgia has been conducting campaigns against gender-based violence during the 16-days of activism on gender-based violence in November. A number of events were organised and a variety of information distributed in co-operation with international and non-governmental organisations. As part of this campaign, in 2020 and 2021 the Civil Service Bureau has also held several public servants’ forums on sexual harassment, gendered public service and violence against women and domestic violence. In addition, the Council of Europe Office in Georgia and the Administration of the Government together with the various partner government agencies are regularly conducting the Equality Week in Georgia (November 15-22). The aim of the Equality Week is to increase tolerance in Georgia by raising awareness of the importance of diversity and equality and in so doing, informing victims of discrimination about the available legal mechanisms.

95. Although commendable efforts to raise awareness of violence against women and domestic violence can be noted, access to information for national and/or ethnic minority groups of women living in rural areas and women with disabilities has been identified as one of the most important challenges faced by them, especially when it comes to accessing healthcare and social protection services.⁴⁰ GREVIO points therefore to the importance of tailoring information and awareness-raising campaigns to all audiences, in particular women and girls exposed to or at risk of intersectional discrimination, with more focus on advertising available services for victims of violence, particularly shelters.

96. GREVIO encourages the Georgian authorities to continue their efforts to conduct awareness-raising campaigns on the different forms of violence against women covered by the Istanbul Convention, by addressing all groups of women and girls, notably women belonging to national and/or ethnic minorities and women with disabilities.

B. Education (Article 14)

97. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity, and that informs learners about the different forms of gender-based violence against women.

98. GREVIO welcomes the fact that the Georgian Law on VAW sets forth the obligation for the Ministry of Education to undertake measures to prevent violence against women and/or domestic violence and ensure the identification of and a response to gender-based violence (Article 14, paragraph 1). Moreover, the National Action Plan on Combating Violence against Women and

40. See the written submission to CEDAW by 29 NGOs, p. 6.

Domestic Violence and Protection of Victims 2018-2020 provided for the development of training modules for teachers on domestic violence and violence against women, as well as for integrating gender equality issues and combating gender stereotypes into education. In addition, GREVIO notes diverse initiatives taken to train teachers and school personnel on gender equality and violence against women in recent years.

99. According to the authorities, reforming the education system is a priority for Georgia. In 2017, the Ministry of Education signed a Memorandum of Co-operation with UN agencies (UNDP, UNFPA and UN Women), with the purpose of integrating issues such as human rights, gender equality, healthy lifestyle and reproductive health into the national curriculum. One of its priorities is to create more opportunities for women and girls for education and employment. Apparently, this new curriculum is currently being developed, and is focusing on gender mainstreaming, non-discriminatory statements in textbooks and the role of women in different fields in Georgia. Gender equality principles are included in various school subjects, for example in the subject “Me and Society” designed for Grades 3 and 4. For basic-level education, Grades 7-9, a citizenship educational plan has been created, focusing on gender equality and raising awareness of early marriage and adolescent pregnancy, as well as ensuring sexual education (on subjects such as sexually transmitted infections) and education on aspects of reproductive health.

100. Despite these various initiatives, GREVIO notes that several sources attest to the presence and influence of gender stereotypes at several levels of the school system. A report released in 2020 based on the monitoring of schools to assess teachers’ attitudes towards and the performance of schools in reducing gender stereotypes revealed that despite the apparent progress, gender stereotypes are still firmly rooted in schools. Some of the teachers have rigid stereotypical views of girls and boys and educational material still promotes the recurrence of gender stereotypes.⁴¹

101. GREVIO notes with concern that school dropouts because of early marriage are frequent, but notes with even greater concern the high rate of school dropouts prior to the completion of the basic education stage.⁴² Research indicates that, despite the efforts and measures of the Ministry of Education and Science, there are still teachers in Georgia who are unaware of the referral procedures for cases of violence against children and of the role schools should play in preventing and combating forced marriage and other forms of gender-based violence against women and girls, in particular domestic violence.⁴³

102. Moreover, reports from NGOs indicate that knowledge among young people about violence against women and domestic violence, health and reproductive rights is significantly lacking in Georgia. Information about sexual and reproductive health is rarely provided in schools or discussed in families.⁴⁴ According to representatives of civil society, the attitudes of parents and teachers to the teaching of sexual and reproductive health and rights topics are positive, but teachers lack specific capacity and skills to deliver age-appropriate education in school-based settings, especially outside the capital city area. The lack of political will and conservative attitudes among decision makers are major obstacles to integrating sexual education into the formal education system in Georgia.⁴⁵ According to the authorities, recent initiatives have been taken in order to train biology teachers on sexual and reproductive health and rights, and a pilot-project was introduced to teach sexuality education in an age-appropriate manner in primary school. GREVIO welcomes these very recent initiatives and recalls that the importance of comprehensive sexuality education for girls and boys, including the teaching of notions such as consent and personal boundaries, has been

41. “Gender stereotypes in school textbooks”, published by Fund Sukhumi, shows that in Georgia women are less represented in textbooks, illustrations, historical sources and learning activities. Men are represented in their traditional role – as fighters or lords – while the activities of women are never associated with authority or decision making. Available at www.bit.ly/2V71MDr.

42. Public Defender’s Special Report on Early Marriage: Challenges and Solutions.

43. “Schools against challenges of gender equality, gender stereotypes, and domestic violence” – report prepared by Fund Sukhumi, 2020.

44. See NGO submission by the Coalition for Equality and others, p. 13.

45. See NGO submission by the Association HERA XXI, p. 6.

expressed by different intergovernmental organisations and bodies,⁴⁶ and Council of Europe Recommendation CM/Rec(2019)1 to member states on preventing and combating sexism calls for age-appropriate, evidence-based and scientifically accurate and comprehensive sex and sexuality education to be incorporated into school curriculums.⁴⁷

103. GREVIO strongly encourages the Georgian authorities to increase their efforts to promote, adapted to the evolving capacity of learners, the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity, and to ensure the provision of information on the different forms of gender-based violence against women, in formal curriculums and at all levels of education. GREVIO also strongly encourages the Georgian authorities to closely monitor how teachers make use of the existing teaching materials and how they approach issues related to gender equality and violence against women.

C. Training of professionals (Article 15)

104. The standard set by the Istanbul Convention in Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

105. Georgia has been undertaking considerable efforts to train and raise awareness of professionals to the many causes, manifestations and consequences of all forms of violence covered by the scope of the convention.

106. The fight against domestic violence is one of the key modules of the Police Academy's training programme. In training law enforcement officers, the Ministry of Internal Affairs actively co-operates with local NGOs and international organisations. As a result of such co-operation, a textbook on domestic violence for police officers and a guidebook for trainers were developed. The Ministry of Internal Affairs also carries out a five-day course on domestic violence and 275 investigators attended it between 2018 and 2019. A course on violence against women and domestic violence was also offered to 300 patrol inspectors and district officers.

107. As regards the training of legal professionals, topics concerning gender equality and violence against women and domestic violence are now included in the curriculum of the High School of Justice, in the initial training programme for judicial candidates. Judges undergo in-service training on violence against women and domestic violence, on the prohibition of discrimination and on children's rights, but based on the information available it is not clear if such training is mandatory and systematic. The judiciary is also informed of the most important decisions taken by the European Court of Human Rights in the area of violence against women and domestic violence.

108. Representatives of the Prosecutor's Office and the Ministry of Internal Affairs were trained online in March 2019 on issues of violence against women and domestic violence. The training was supported by the Council of Europe and was organised within the framework of the European Programme for Human Rights Education of Legal Professionals (HELP Programme). As of May 2018, only specialist prosecutors and investigators handle cases of domestic violence in Georgia. They undergo specialist training on domestic violence, which covers the psycho-emotional aspects of working with victims, witnesses and perpetrators of domestic violence and provides an overview of the current domestic and international frameworks on domestic violence. In March 2020, there were 193 specialist prosecutors and prosecution service investigators in Georgia.

46. "Comprehensive sexuality education" is defined notably by UNESCO's "International technical guidance on sexuality education – An evidence-informed approach" (2018) and the World Health Organization's Standards for Sexuality Education in Europe (2010). See also Resolution of the United Nations Human Rights Council, "Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls", adopted on 12 July 2017, A/HRC/ RES/35/10.

47. See Recommendation CM/Rec(2019)1 on preventing and combating sexism, section II.G.6.

109. GREVIO also notes that 14 witness and victim co-ordinators of the Prosecutor's Office underwent a specialisation course on domestic violence, which included 25 hours of training covering both legal (9.5 hours) and psychological (15.5 hours) issues. The training programmes covered issues such as an analysis of different aspects of domestic violence, trends, obtaining and evaluation of evidence, international standards and practice, gender-based discrimination, interviewing and communication with a victim, and psycho-emotional aspects of working with victims and witnesses of domestic violence and offenders.

110. A special training programme on violence against women and domestic violence was also developed by the Georgian Bar Association in co-operation with UN Women for the mandatory continuous legal education of Georgian lawyers. Periodically, the Legal Aid Service also organises training courses. It has conducted training for 39 lawyers on issues of violence against women and/or domestic violence, including gender-based offences. The duration of the training course is three days (a 20-hour module).⁴⁸

111. As regards social workers, there is no specific information on initial and systematic in-service training on any forms of violence within the scope of the convention, which GREVIO notes with some concern. However, project-based initiatives for in-service training of social workers exist on violence against women and girls and vulnerable groups, supported by UNICEF. Furthermore, between 2016 and 2018, a total of 244 social workers received training on domestic violence as part of a project funded by USAID and implemented by the Agency for State Care, as well as the aim of developing professional skills of the school resource officers on domestic violence, violence against women, sexual violence and victim identification as included at the National Action Plan on Combating Violence Against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims (Survivors) for 2022-2024.

112. A total of 6373 teachers were trained between 2016 and 2018 (282 teachers in 2016, 351 teachers in 2017 and 5740 teachers in 2018) on, among other topics, violence against women and domestic violence, stigma and stereotypes that contribute to violence, based on the training module "Bullying prevention and a culture of tolerance development in schools". The training module was developed by the National Center for Teacher Professional Development of the Ministry of Education and Science of Georgia. Moreover, people seeking to become teachers attend civic education training events and one of the topics covered is early/child marriage. From 2017 to 2019, peer educators were also trained on gender equality issues, including domestic violence and early/child marriage, within the framework of the programme "Tolerance, Civic Awareness and Integration Support", a joint initiative between the Office of the State Minister for Reconciliation and Civic Equality, USAID and the UN Association in Georgia. In addition, in 2021, a training module entitled "Gender Mainstreaming in Education: Gender-Based Violence and Domestic Violence" was developed by the Ministry of Education and Science, in co-operation with UN Women and the National Center for Teacher Professional Development. According to the authorities, this training is designed for teachers and covers violence against women and girls, domestic violence, and discrimination in the workplace, among other issues. It is currently being implemented, with 338 teachers trained so far and several hundred more expected to be trained during 2022-2023.

113. As regards healthcare professionals, according to the authorities, some initiatives have been taken in training them to better respond to domestic violence and gender-based violence. For example, from 2016 to 2019 the Agency for State Care, with the support of UNFPA, developed guidelines for identifying the signs of physical, psychological and sexual violence against women, including treatment principles and referral mechanisms, based on which a training module was developed and 300 doctors trained; another example is the e-learning module developed by the State Care Agency, with the support of UNFPA, in 2020 with the aim of improving the response of the health system to violence against women and domestic violence. However, according to the available information there is no training or accessible continuous education for doctors in rural areas, midwives and nurses on modern medical achievements in sexual and reproductive health services and gender-based violence. Lack of training of healthcare professionals represents a significant barrier for women victims of violence to access appropriate services, especially in densely populated regions in Georgia.

48. The training was funded by UN Women.

114. According to information provided during the visit, forensic doctors are trained on preventing secondary victimisation when examining victims of sexual violence. The Levan Samkharauli National Forensic Bureau currently has 33 experts trained in secondary victimisation, among which six are women. Further training for such professionals is needed as indirect discrimination and a gender-insensitive approach when providing support to victims of sexual violence has been noted by the Public Defender⁴⁹ and NGOs. Both have highlighted that women victim of sexual violence often undergo a traumatic experience when forensic examination is performed as they often face insensitive and degrading treatment as well as gender-based stereotypes during examinations, resulting in secondary victimisation and eventually preventing women from reporting such violence.

115. In addition to the above training initiatives, which are mainly carried out in the form of in-service training and through projects carried out with the support of international organisations, and their financial support, GREVIO notes that numerous training courses and meetings on sexual harassment and other relevant gender topics aimed at promoting the recently adopted legislation have been conducted. The training has been provided to government officials and different state agencies such as the Maritime Transport Agency of Georgia and the Innovations and Technology Agency. Furthermore, an e-learning course for preventing sexual harassment in the workplace was launched in 2017 by the Civil Service Bureau of Georgia and the Public Defender's Office, which is primarily designed for civil servants. This course is currently mandatory for employees in the Ministry of Defence.

116. While noting the steps taken by the Georgian authorities to train professionals dealing with victims of violence, GREVIO considers that there is further room to consolidate and expand the capacity of professionals to deliver effective and tailored responses to violence against women through mandatory, systematic initial training, as well as through more sustainable approaches to in-service training by ensuring the allocation of adequate state resources. GREVIO also notes that in pursuing the training of certain professional categories, particular attention should be paid to the elimination of gender stereotypes and to understanding the gendered nature of violence against women, the needs and rights of victims and the imperative of preventing secondary victimisation.

117. GREVIO strongly encourages the Georgian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, equality between women and men, the needs and rights of victims, the multi-agency co-operation and the prevention of secondary victimisation, for all groups of professionals, in particular those in law enforcement and the healthcare sector and social workers. All training must be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow and by appropriate and sustainable funding for the training sessions.

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

118. In Georgia there are several programmes for perpetrators of domestic violence. They are either compulsory or voluntary and focus mainly on achieving behavioural change and helping perpetrators understand the repercussions of domestic violence as well as their responsibility for the violence.

119. The Rehabilitation Programme Division of the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation developed a rehabilitation programme on management of violent behaviour and gender-based violence, which aims to reduce and eliminate gender-based violence, understand the repercussions of violence and promote new skills to manage conflicts. The programme engages perpetrators through group settings or individual sessions over the course of 18 sessions and runs from four to six months, depending on the results. While GREVIO

49. See: www.ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsvelma-samkharaulis-ekspertizis-biuros-filialshi-kali-ekspertis-araseboba-dzaladobis-mskhverpli-kalis-mimart-diskriminatsiad-miichnia.

notes this with interest, it points to persisting problems in ensuring adequate completion of these programmes.⁵⁰

120. In addition, with the support of UN Women, a behavioural change programme for perpetrators has been in place since 2016, run by the Ministry of Justice within the probation services and in two penitentiary establishments. According to the state report, the programme will be rolled out to all penitentiary establishments across Georgia. The programme is based on the Spanish model “Intervention programme for the rehabilitation of gender-based violence perpetrators”. The programme addresses behavioural change for perpetrators of domestic violence and the reduction of repeated violence and provides support for victims of domestic violence and sexual violence. While in 2019 only 10 perpetrators attended, in 2022 the number increased to 66. A semi-structured questionnaire is integrated into the programme to assess the results of the intervention.

121. Behavioural change programmes are also carried out by trained psychologists and social workers within the probation system, either on a voluntary or mandatory basis, for perpetrators convicted for domestic violence. According to the authorities, plans exist to incentivise attendance. Such programmes cover the protection of women’s rights and gender equality, developing empathy for victims and the prevention of relapse, among other things. Facilitators of these programmes assess their efficiency by providing participants with pre-programme and post-programme questionnaires. 51 convicted persons participated in this programme in 2018 and 40 in 2020.

122. GREVIO notes that the above-mentioned programmes are carried out by state agencies (mostly by probation services) without involving women’s specialist support services in their implementation and are implemented with the support of international donors, such as UN Women. It is not clear how these programmes integrate a victim-safety approach and a gendered understanding of domestic violence. However, according to the authorities, some measures are being taken to ensure women victims’ access to support services.

123. As regards the overall attendance of these programmes by perpetrators, the numbers seem to be quite low although there have been efforts to increase the participation of perpetrators, with some success, although a significant number of participants on voluntary programmes do not complete the course.

124. As regards the availability of skilled and trained facilitators to implement these programmes, according to the authorities, a training course on violent attitudes and behaviour change was launched in 2015 in co-operation with UN Women. The course has been expanded to include all psychologists, social workers and probation officers. The main topics covered by the course are the protection of women’s rights and gender equality, statistics on gender-based violence, perpetrators’ rehabilitation processes and the necessity of intervention in behaviour correction programmes for perpetrators. The course is monitored with the help of a pre-programme and post-programme questionnaire, allowing facilitators to determine the effectiveness of the programme and its outcomes. In 2018, around 125 probation officers participated in the programme, and a total of 151 were involved in 2019.

125. Even though steps to implement perpetrator programmes can be acknowledged, there is not enough information about the geographical distribution of these programmes and if adequate resources are available to ensure the availability of such programmes. Furthermore, considering the low number of perpetrators taking part in these programmes, it can be concluded that further steps need to be taken by the authorities to ensure a wider attendance rate. It is also important to open up the programme for co-operation with specialist victim support NGOs. There is a further need to assess how these programmes are implemented in practice and how efficient they are as no data are available on the success rate of such programmes.

126. GREVIO encourages the Georgian authorities to take steps to increase the potential of the programmes for perpetrators of domestic violence as preventive tools, in particular by publicising information about the availability of such programmes more widely and ensuring

50. See also the Public Defender of Georgia, “Femicide Monitoring Report 2019”.

the adequate resourcing of existing programmes. GREVIO also encourages the Georgian authorities to assess existing programmes to determine their short-term and long-term impact and whether they work in close co-ordination with specialist support services for victims.

2. Programmes for sex offenders

127. In Georgia there are no programmes dedicated to perpetrators of sexual violence, but GREVIO notes that efforts are being made by the authorities to set up such programmes. In co-operation with the US State Department's Bureau of International Narcotics and Law Enforcement Affairs, a study visit was organised in 2019 to the state of Wisconsin, where 10 participants from Georgia attended a "Train the trainers" session on ensuring behavioural change of sex offenders.

128. GREVIO strongly encourages the Georgian authorities to take steps to comply with the requirements of Article 16, paragraph 2, of the Istanbul Convention concerning the establishment of treatment programmes for sexual offenders, taking due account of best practices developed internationally and guaranteeing a human rights-based approach.

E. Participation of the private sector and the media (Article 17)

129. Promoting non-discriminatory attitudes and discouraging different forms of violence through the media are enshrined in Georgian legislation. Two laws, the Georgian Law on Broadcasting and the Law of Georgia on Advertising, set forth obligations for different broadcasting or advertising institutions to refrain from inciting racial, ethnic, religious or other forms of behaviour of a hateful or discriminatory nature, or encouraging violence against any group of Georgian citizens (Article 56, paragraph 2). Furthermore, the Georgian Law on Broadcasting also obliges the Georgian Public Broadcasting corporation to reflect ethnic, cultural, linguistic, religious, age and gender diversity in its programmes (Article 16*h*).

130. The Georgian National Communications Commission has furthermore adopted the Conduct for Broadcasters, which obliges broadcasters to abide by certain principles such as accommodating the interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender. When reporting crimes, broadcasters should refrain from inciting the public to hatred or intolerance on the grounds of race, language, gender, etc.

131. The Georgian Charter of Journalists Ethics, a self-regulatory body, adopted guidelines on the coverage of gender issues in 2017, which encourage the use of non-stereotypical, balanced and diverse images of women and girls in the media. Through these guidelines, the charter acknowledges the role that the media plays in dismantling gender stereotypes and gender roles and encourages the media to cover issues such as state policies on gender equality, gender discrimination, violence against women, sexual harassment and use of gender stereotypes by government representatives, among other things. The guidelines for reporting crime and anti-social behaviour require from broadcasters "not to disclose the identity of victims of sexual abuse, unless victims give their consent and disclosure complies with the public interest". Broadcasters must be careful when making a decision to broadcast shocking images or use offensive language; they also must refrain from publishing any material likely "to incite hatred or intolerance on the grounds of race, language, gender, religious convictions, political opinions, ethnic origin, geographic location or social background".

132. GREVIO notes with interest the legal framework and self-regulatory standards that exist in Georgia, but expresses its concern that, according to civil society, media coverage of violence against women cases lacks sensitivity and often results in secondary victimisation and tends to trivialise violence. Victims are in most cases insensitively portrayed, such as when it comes to victims of sexual violence, the focus being in most cases on the victim's behaviour rather than on the acts committed by the perpetrator. Gender stereotypes are furthermore present in the media when portraying violence against women or women's role in society.⁵¹ In this context GREVIO stresses

51. See the NGO submission by the Coalition for Equality and others, p. 18.

the importance of encouraging the national media to apply and monitor the use of self-regulatory standards on the non-stereotypical portrayal of women, including in the context of reporting on violence they have suffered. In particular, such standards should prohibit any violent and degrading content that normalises violence, reinforces the idea of women's submissive role in the family and society and feeds into hate and/or sexist speech against women.⁵²

133. As regards the role of the private sector, GREVIO welcomes the recent amendments to the Labour Code regarding sexual harassment in the workplace. It defines sexual harassment as the "undesirable sexual behaviour towards a person that aims and/or tarnishes his/her dignity or creates an intimidating, hostile, degrading or abusive environment for him/her". Additionally, within the framework of the amendments made to the labour legislation in 2020, employers are obliged to respond to sexual harassment and to take measures to ensure equal treatment of employees, which may include provisions prohibiting discrimination in internal regulations and other documents and ensuring their enforcement. There is no information available on the number of complaints filed by victims of sexual harassment.

134. These amendments significantly expanded the Public Defender's authority for the effective use of anti-discrimination mechanisms and enforcement of decisions. Moreover, the Public Defender's Office is responsible for the examination and enforcement of the complaints of sexual harassment in the workplace.

135. An innovative e-learning course for the prevention of sexual harassment in the workplace was launched in autumn 2017 by the Civil Service Bureau of Georgia and the Public Defender's Office. Although it was primarily designed for civil servants, the private telecommunications company GeoCell also helped launch the course by committing to run the course internally, hopefully inspiring others in the private sector to do the same.

136. Despite these developments, according to NGOs there is low public awareness of the issue of sexual harassment and the actual implementation mechanisms for the new legal provisions are still lacking.⁵³ More must be done to ensure that attitudes and behaviour towards women and girls are rooted in the principle of equality between women and men and in non-sexist attitudes and behaviour.

137. In light of the important role played by the media in shaping and changing attitudes to the status and role of women in society and the level of acceptance of violence against women, GREVIO strongly encourages the Georgian authorities to take further measures to ensure that the media sector refrains from peddling gender stereotypes or disseminating degrading images of women and reports cases of violence in a gender-sensitive way, in particular by organising training programmes for journalists and/or by promoting a wider use of the existing self-regulatory guidelines.

138. GREVIO strongly encourages the Georgian authorities to increase their efforts to engage the employment sector to adopt measures and set self-regulatory standards to prevent and combat gender-based violence against women, in particular sexual harassment, in the workplace and to collect data on the number of complaints made by victims and the outcomes of such complaints.

52. See Council of Europe Gender Equality Strategy (2018-23), paragraph 40.

53. See the NGO submission by the Coalition for Equality and others, p. 27.

IV. Protection and support

139. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

140. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local level is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

141. Recent amendments to the Law of Georgia on Violence against Women and Domestic Violence provide for the obligation of the government to adopt national referral procedures to ensure the “primary identification and determination of victims of violence against women and/or domestic violence, their protection, support, rehabilitation and for these purposes, timely and co-ordinated activities of state authorities and other relevant entities” (Article 7, paragraph 4). In addition, one of the objectives of the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020 was the establishment of a national referral mechanism. However, according to information received during the evaluation visit, although the Government of Georgia has drafted the National Referral Mechanism on Violence against Women and Domestic Violence, it has not been approved yet. As a result, there are currently no systematic case conferences or other multi-agency co-operation mechanisms involving different specialists, guided by agreed protocols, even in cases where the efforts of a single agency to provide support and protection have proved insufficient.⁵⁴ However, according to the authorities, case conferences are held in specific cases.

142. Thus, GREVIO notes with great concern that as a result of insufficient co-ordination and co-operation at the local level, the relevant stakeholders are not aware of the available services for victims of violence against women and therefore cannot provide such information to them nor make adequate referrals.⁵⁵

143. In the absence of institutionalised co-ordination and co-operation among the relevant institutions, the Georgian authorities have made efforts to establish multidisciplinary teams in the shelters and the crisis centres run by the state which ensure a range of protection and support services for the victims of violence against women. These multidisciplinary teams consist of a social worker, a psychologist, a lawyer, a nurse and child minder, who are responsible for managing the cases of the victims by identifying their needs and finding the means and responses to address them.

144. According to the report submitted by Georgia pursuant to Article 68, paragraph 1 of the convention (“state report”), with the exception of prosecutors, no other professionals (law-enforcement officials, social workers or healthcare professionals) have undergone training on multi-agency co-operation. As for the referral of the victims to the relevant services, information about services available in the country is also provided to victims/affected persons by the Victim and Witness Co-ordinator Service of the Prosecutor's Office and the Ministry of Internal Affairs of Georgia. If necessary, the co-ordinators refer victims/affected persons to relevant agencies for inclusion in the services.

54. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2020, p. 156.

55. Effectiveness Audit Report on Protection from Domestic Violence and Preventive Mechanisms, February 2019.

145. As regards child victims of domestic violence, GREVIO notes that a new child protection referral procedure was approved in 2016.⁵⁶ It includes municipalities in the list of agencies involved in child protection referral procedures, which supports the creation of a co-ordinated and effective system for the protection of children from domestic violence and other forms of violence. On the basis of these procedures, a referral card (form) must be filled in in cases of child abuse. Available studies reveal, however, that some teachers are not sufficiently aware of their role and obligations regarding the referral process. The same studies have also pointed out that there are shortcomings in the co-ordination with the police and social services when reports revealing violence are submitted by them.⁵⁷ GREVIO thus points to the overall need to strengthen effective multi-agency co-operation in Georgia in order to ensure holistic responses to the different forms of violence against women as covered by the Istanbul Convention, including domestic violence, including where children are exposed to domestic violence by one parent against the other.

146. GREVIO urges the Georgian authorities to set up institutionalised structures for co-ordination and co-operation among all of the different statutory agencies, non-governmental bodies and specialist service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular rape and sexual violence, forced marriage, stalking and sexual harassment, as well as in cases of domestic violence.

B. Information (Article 19)

147. Different ministries in Georgia, such as the Ministry of Justice and the Ministry of Internal Affairs,⁵⁸ carry out information campaigns to ensure an increase in public awareness of the existing legal mechanisms, state services and other support available regarding domestic violence. The Prosecutor's Office of Georgia has drawn up a recommendation on the implementation of procedural supervision over the investigation of offences of domestic violence, which, among other important aspects, requires the provision of information to victims of domestic violence about support services such as shelters.

148. A new feature of the mobile application for 112 – the Emergency and Operative Response Centre of the Ministry of Internal Affairs – provides exhaustive information about state services available for victims of violence: shelters, crisis centres and a hotline (116 006). Information is available in Georgian, English and Russian.

149. Despite the above, GREVIO is concerned that the number of women benefiting from the services offered by the crisis centres is very low, suggesting that victims of violence in Georgia still lack information about available support services, including shelters and crisis centres, and protection measures.⁵⁹

150. The lack of awareness of the availability of services among victims was also revealed by a national study on violence against women conducted in 2017.⁶⁰ Another study, which surveyed both conflict-affected and non-conflict-affected populations, showed that fewer than 5% of respondents were aware of Georgia's domestic violence shelters, and fewer than 10% were aware of women's support groups. Only one in five women knew that psychological counselling is available in their community. On legal protection, even if women are aware of services, they doubt their efficacy. Another study also confirms that women in settlements for internally displaced people and the conflict-affected population living adjacent to the dividing lines in the Shida Kartli region are not aware of the specific support and protection services for victims of violence and ways to access them.⁶¹ Furthermore, awareness of protection, social, health and psychological support services and other assistance mechanisms is low, in particular, among internally displaced and conflict-affected

56. Order N437 of the Government of Georgia of 12 September 2016 on Approval of the Child Protection Referral Procedures.

57. Monitoring report by Fund Sukhumi, 2020, p. 38.

58. See more on the campaign "Power to Trust" under Article 13.

59. PDO Shelter Monitoring: www.ombudsman.ge/res/docs/2020122316265135625.pdf.

60. National Study on Violence against Women in Georgia 2017, p. 90.

61. See: www.hera-youth.ge/wp-content/uploads/2020/11/Report_HeraXXI-Analytical-report_ANOVA-1-1.pdf.

women and girls.⁶² However, according to the authorities, updated awareness campaigns and meetings have already been planned and efforts are underway to sensitise conflict-affected women living in the villages adjacent to the dividing lines.

151. According to the State Audit Office of Georgia, as a result of interviews conducted with 21 beneficiaries of shelters and crisis centres, it was found that before going to the shelters/crisis centres only 10% of the beneficiaries were informed about the protection services that were available and 52% had no information at all. Some 38% had acquired some information through video clips and other means (NGOs, friends, work). The beneficiaries stated that they would have taken steps to put an end to violence earlier had they been aware of the protection mechanisms available. Therefore, lack of information was the cause of 12 beneficiaries out of 20 taking more than three years to leave their abuser.⁶³

152. GREVIO strongly encourages the Georgian authorities to ensure the wider dissemination of easily accessible and timely information on the support services and legal measures available to women victims of all forms of violence covered by the Istanbul Convention in a language they understand and to ensure that any information made available reaches particularly vulnerable women, such as women with disabilities, women belonging to national and/or ethnic minorities, internally displaced women and women living in rural or remote areas.

C. General support services (Article 20)

1. Social services

153. In Georgia the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs provides social services to victims of violence against women and/or domestic violence, which include, among other things, assistance and support measures and programmes for support and social rehabilitation of victims.⁶⁴

154. GREVIO welcomes the fact that the Law of Georgia on Violence against Women and Domestic Violence (Article 17, paragraph 1g) provides for special leave for victims of violence who are employed during their stay at a shelter/crisis centre but notes that the term of suspension does not exceed 30 calendar days during a year. No information is available as to the number of women who have benefited from this measure in practice.

155. Despite the above measures and efforts that have been made for the social and economic empowerment of shelter/crisis centre users, GREVIO notes that there are a number of challenges that women victims of violence face. Victims of violence cannot benefit from free services, including shelter and psychological assistance, until they are granted victim status. Shelter beneficiaries are cut off from social assistance and excluded from state support programmes, as they cannot officially indicate their addresses and be monitored by social services personnel. The maximum period of stay in a shelter is one year, which women's rights experts in the field consider insufficient.⁶⁵ Upon leaving a shelter, victims very rarely benefit from financial support, such as payment of rent for accommodation or vocational training. Moreover, the lack of sufficient programmes for the proper empowerment of victims of violence after leaving a shelter puts the victims in very difficult situations, as they feel compelled to either return to the abuser or stay on the streets.⁶⁶

62. See: www.ombudsman.ge/res/docs/2021092011074925899.pdf.

63. Effectiveness Audit Report – The Mechanisms of prevention and protection from domestic violence conducted by the State Audit Office of Georgia, pp. 42-43.

64. Article 8 of the Law of Georgia on violence against women and/or elimination of domestic violence, protection and support of victims of violence.

65. See the NGO submission by the Coalition for Equality and others, p. 20.

66. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, p. 154.

156. In this context, the role of municipalities is essential in developing and implementing support programmes and services for victims/ potential victims. Such programmes, however, are offered only by a few municipalities and are mainly limited to the provision of one-time financial assistance and/or covering of an apartment rental fee.⁶⁷

157. As regards educational and employment programmes, these are implemented by the Department of Employment Programmes of the Social Services Agency. The department co-operates with various agencies, as well as with the State Fund for the Protection and Assistance of Victims of Human Trafficking. However, according to available information, the number of educational and employment programmes offered to victims of violence is insufficient.⁶⁸ In addition, the list of professions is limited, and victims do not have the opportunity to choose vocational training courses according to their interests and choices.

158. GREVIO notes with concern the lack of comprehensive and long-term support programmes for victims that would go beyond one-off payments and instead enable women victims to acquire vocational skills and to achieve economic independence in a sustainable manner.

159. According to women's rights NGOs and experts in the field, the Social Services Agency is encountering difficulties in responding to violence against women because of understaffing: social workers are underpaid, confronted with a high case load⁶⁹ and insufficiently qualified to provide counselling and make adequate referrals. In addition to the small number of social workers, another major problem is the lack of psychologists, which prevents women victims of violence and children from receiving quick and necessary psychological assistance.⁷⁰ Victims of domestic violence, particularly outside the capital city area, consistently do not benefit from free psychological assistance, mainly due to the very low number of psychologists.⁷¹

160. According to the official government report on the implementation of the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020, in 2019, the Social Services Agency increased the number of social workers by 30 (to a total of 271) and psychologists by three (to 14) throughout the country. The monthly salary of a social worker increased to GEL 1 200 (approximately €327) in 2020.⁷² On average, each social worker works on 100-150 cases per month.⁷³ These numbers suggest that social workers are not in a position to respond in an adequate manner to cases of violence against women. Their role in the provision of support to victims of domestic violence and violence against women is often limited to assisting in the process of obtaining victim status and helping with inclusion in employment programmes. No social service guidelines have been developed, which is important for managing cases successfully. Particularly in cases of child marriage, social services lack case-management guidelines.⁷⁴ As social workers play a crucial role as gatekeepers for preventive and post-shelter support, there is a need to improve their knowledge and competence through training. It also remains unclear whether social workers are properly trained in dealing with women victims of violence.

161. According to the authorities, a cap on the number of cases per month for social workers has been set at 50 and is planned to come into force in 2025.

162. GREVIO strongly encourages the Georgian authorities to take the necessary legislative and other measures to ensure:

- a. that all women victims of violence covered by the Istanbul Convention have access to services facilitating their recovery and autonomy throughout the**

67. The municipalities of Zugdid, Khobi and Gori, for example.

68. Public Defender's Office, report on the monitoring of shelters 2020: www.ombudsman.ge/res/docs/2020122316265135625.pdf.

69. The workload of social workers is about six times the recommended number of cases per month.

70. Fund Sukhumi report on monitoring the shelters – by way of example, at the end of 2019, the 12 municipalities in the Imereti region had only two psychologists.

71. See the NGO submission by the Association Hera XXI NGO, p. 6.

72. www.myrights.gov.ge/uploads/files/docs/2441VAWreport.pdf.

73. www.wisg.org/Data/docs/publications/report/Coalition_For_Equality_Report_Georgia.pdf.

74. www.ombudsman.ge/res/docs/2021070814020446986.pdf.

country, in particular appropriate financial assistance and housing and employment programmes, especially in areas lacking employment opportunities, such as in rural areas;

- b. the appropriate human and financial resources for social services to support victims of all forms violence against women covered by the Istanbul Convention and respond to their short and long-term needs, including by equipping social workers with the skills and resources to adequately support and assist victims in a gender-sensitive manner.

2. Healthcare services

163. Public healthcare services play an important role in the prevention of violence and in the provision of medical services to victims of the different forms of violence addressed by the Istanbul Convention, including the identification, screening and detection of violence against women.

164. A study conducted in 2017 by UN Women and Geostat⁷⁵ found that in Georgia very few women victims of violence seek assistance from healthcare professionals. One of the key barriers to accessing medical services is the lack of adequate training and specific guidelines which make it difficult for healthcare professionals to identify different types of violence and ensure a proper response to it. According to the same study, the state has no medical care system specialising in women with disabilities. Some of the medical centres are physically accessible (adapted), but their services are not adjusted to the specific needs of women with disabilities.⁷⁶

165. The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs was tasked with implementing a pilot programme aimed at increasing the capacity of the healthcare system to respond to incidents of violence against women and domestic violence, which GREVIO welcomes. To fulfil this task, between 2016 and 2019, the Agency for State Care developed guidelines (SOPs) for healthcare professionals covering the identification of victims, screening, diagnosis, treatment and referral. Special medical forms were developed and approved by the minister for inpatient and outpatient medical services in order to register, reveal, assess and refer cases of domestic violence and sexual violence. Thus far, the SOPs have been piloted in only a few regions and hospitals and there is no available information on the implementation and realisation of this treatment and referral mechanism. In addition, a training module has been developed that has been taken by more than 300 doctors so far.

166. Internally displaced women and conflict-affected women do not receive tailored support services but are entitled to general health and other social services available to all victims of violence in Georgia. However, their needs are frequently more complex, often requiring psychological and other psychosocial support as well as reproductive health services.

167. GREVIO strongly encourages the Georgian authorities to pursue their efforts to increase the capacity of the healthcare system to respond, in a sensitive manner, to the medical and forensic needs of women and girl victims of all forms of violence covered by the scope of the Istanbul Convention, in particular by effectively implementing the recently adopted protocols and guidelines and by equipping all healthcare professionals with the skills and resources to identify and respond to victims of violence, including those exposed to or at risk of multiple forms of discrimination such as women with disabilities, internally displaced women and conflict-affected women.

D. Specialist support services (Article 22)

168. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women.

75. National Study on Violence against Women in Georgia 2017, page 90.

76. Ibid., page 92.

It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

169. In Georgia, most of the non-residential specialist support services are provided by five crisis centres⁷⁷ run by the Agency for State Care. Only the Tbilisi Crisis Centre for Victims of Violence offers both walk-in services and temporary accommodation until victim status is granted.⁷⁸ Crisis centres offer psychosocial recovery, legal aid and first aid/emergency medical assistance during working days and, if necessary, interpretation services. Each crisis centre has a team of specialists, which includes a lawyer, a social worker, a nurse, a psychologist and a child minder for the victims' children.

170. Similar non-residential specialist support services, which include short and long-term counselling, safety planning, legal assistance and advocacy, among other things, are provided to victims of all forms of violence against women by two crisis centres run by NGOs.

171. Access to specialist services provided by the crisis centres is not dependent on victim status. Confidentiality of the beneficiaries' personal data/personal information is protected in the crisis centres. The crisis centres meet the minimum standards set at the national level⁷⁹ and are regularly monitored by the Agency for State Care and the Public Defender.

172. There are no support services available for victims of violence in the Kareli municipality in the Shida Kartli region, which hosts both large IDP settlements and conflict-affected population living adjacent to the dividing lines.⁸⁰

173. In 2019, two crisis centres were set up in two cities, Gori and Zugdidi, close to the Abkha lines, providing one-stop-shop support services to all victims of violence against women. Moreover, GREVIO notes that most specialist services offer support for experiences of domestic and sexual violence, with few to no services dedicated to forms of violence such as sexual harassment, stalking, forced marriage or female genital mutilation. None of the existing support services seem to be providing any counselling and support to women who experience digital forms of violence, be it intimate partner violence, stalking or sexual harassment online or through technology.

174. Recalling the importance of women-to-women specialist support and counselling for any experiences of violence covered by the Istanbul Convention, GREVIO urges the Georgian authorities to provide or arrange for adequate specialist women's support services with a gendered approach throughout the country and for all forms of violence covered by the Istanbul Convention, including their digital manifestations.

175. In so doing, GREVIO urges the Georgian authorities to ensure that all women victims of violence and their children have access to such specialist support services, in particular women exposed to or at risk of intersecting forms of discrimination such as women in rural and remote areas and internally displaced women.

E. Shelters (Article 23)

176. Shelters and crisis centres in Georgia are run by both state and non-governmental organisations and provide temporary accommodation and specialist services first and foremost to victims of domestic violence but also to victims of all other forms of violence covered by the scope of the convention.

77. The five crisis centres are located in the following cities: Tbilisi, Kutaisi, Gori, Marneuli and Ozurgeti.

78. "Mapping of Data on Support Services for Victims of Violence against Women in Georgia in Compliance with the Standards of the Istanbul Convention", prepared by the Council of Europe expert Nino Chikhladze, December 2019.

79. On 10 November 2017, the Minister of Labour, Health and Social Affairs adopted the Ministerial Order N01-64N on minimum standard requirements for crisis centre establishment and functioning.

80. Boundary-line communities are villages located on the dividing line with Tskhinvali region/South Ossetia.

177. There are five state-run shelters,⁸¹ set up under the Agency for State Care, accessible to both women and men, offering a total of 85 beds. An additional three shelters offering a total of 20 beds are run by NGOs. The capacity of shelters in Georgia thus falls short of the recommendation of one family place per 10 000 head of population.⁸²

178. The state-run shelters operate on a gender-neutral approach and accommodate both women and men in the same facility. This raises safety concerns for women as well as questions concerning the empowerment of the women victims of violence who have different needs than men. To ensure recognition of the gendered nature of violence against women, women-only shelters should be provided, and male victims should be accommodated in separate facilities.

179. The shortage of shelters creates significant barriers for women in Georgia to seek safety and support, requiring many to go to another city to be admitted to a shelter there. In some cases, it may be impossible for victims to change their place of residence, even temporarily, due to work or the schooling of their children.⁸³

180. Moreover, GREVIO notes that strict access requirements apply for state shelters and that self-referrals are only possible in one of the three NGO-run shelters which have very limited capacity. While state shelters are available to all women, including asylum-seeking women, they may only admit victims who have formally obtained victim status for which one of the following is required: (i) a restraining order issued by law-enforcement agencies; (ii) a protective order issued by a court; (iii) the initiation of an investigation into the incident of violence or the Victim Identification Group has granted a request for victim status. In cases of sexual violence outside of a family context, at least an investigation must be launched into the facts so that the victim of sexual violence is granted victim status. In all cases, a relevant legal document is issued. According to the information received during the evaluation visit, about three to four people apply to the group every month. The Victim Identification Group only looks into cases that have happened in the past 12 months. Victim status is available for a period of 18 months. After this period has passed, victims can apply for a new status and previous acts of violence are taken into account when deciding on the new status.

181. GREVIO notes with concern that the obligation to obtain victim status requires women victims to report the violence or inform state agencies such as the Victim Identification Group, which runs counter to the requirements of the Istanbul Convention as set out in Article 18, paragraph 4. The status as victim is also associated with stigma. Women often avoid and are afraid of being called victims officially, which creates additional barriers to the reporting of violence and help seeking. However, according to the authorities, the Parliament of Georgia is initiating a process to remove the obligation to obtain victim status in order to access support services.

182. Urgent action is needed to increase the number of available shelter spaces in an adequate geographical distribution across the country and to enable women's access irrespective of their reporting the act of violence to the authorities, including the Victim Identification Group.

183. As regards the principles upon which state-run shelters and crisis centres operate, GREVIO notes that they provide victims of violence with free-of-charge services, such as accommodation, psychosocial assistance, legal aid and interpretation services, if needed. Each shelter is staffed by five professionals.⁸⁴ While their main focus is on providing support to victims of domestic violence, men and women alike, they also offer support to victims of other forms of violence. As a result, the degree of specialisation in responding to victims of forms of violence beyond domestic violence varies. For example, in shelters and crisis centres, except for the Tbilisi Crisis Centre, the same specialists work with victims of all types of violence, including sexual violence. Moreover, there are

81. Shelters are available in the following cities: Tbilisi (the capital), Signaghi (Kakheti region), Gori (Shida Kartli), Kutaisi (Imereti) and Batumi (Adjara).

82. Explanatory Report to the Istanbul Convention, paragraph 135.

83. "Mapping of Data on Support Services for Victims of Violence against Women in Georgia in Compliance with the Standards of the Istanbul Convention", prepared by the Council of Europe expert Nino Chikhladze, December 2019.

84. Each of the five shelters employ a psychologist, a social worker, a lawyer, a child minder and a nurse. In other words, a total of five child minders, five psychologists, five social workers, five lawyers and five nurses are employed in all five shelters. The shelter is run by the head of a shelter (one per each shelter). In total, all five shelters employ 45 specialists, including the heads of shelters (excluding technical staff, such as accountants, guards, caretakers, drivers).

no apparent measures taken to ensure that responses to women victims of domestic violence are based on specific knowledge of the gendered dynamics of intimate partner violence and its roots in inequality.

184. Regional coverage is also a problem for the state-run shelters and crisis centres, as they only exist in five cities.

185. The three shelters operated by non-governmental organisations in Tbilisi, Akhaltsikhe and Zugdidi⁸⁵ offer accommodation and specialist support services to victims of all forms of violence irrespective of their official status as a victim.

186. GREVIO urges the Georgian authorities to expand the number and/or the capacity of shelters to reach the minimum standard of one family place per 10 000 head of population throughout the country and to ensure equitable access to such shelters for all women victims of all forms of violence covered by the Istanbul Convention, also by removing any additional requirements and bureaucratic obstacles, such as the requirement of obtaining victim status.

187. With the aim of guaranteeing the adequate access of women victims of violence and their children to dedicated, safe and supportive shelter facilities, as required under Article 23 of the Istanbul Convention, GREVIO urges the Georgian authorities to take measures to ensure that women victims of gender-based violence are accommodated in same-sex shelters.

F. Telephone helplines (Article 24)

188. In Georgia, a nationwide hotline for victims of violence against women and domestic violence – 116 006 – is available in Georgian and seven additional languages: Arabic, Armenian, Azerbaijani, English, Farsi, Russian and Turkish, which GREVIO welcomes. The anonymity of the callers and confidentiality of information is ensured; information is disclosed only if requested by the caller.

189. The hotline service is state-run and available to victims of violence throughout the territory of Georgia around the clock.

190. The Agency for State Care provides training to hotline operators on a needs basis at least once a year.⁸⁶

191. GREVIO notes, however, that despite information campaigns, there is little awareness about the hotline service among victims of violence, in particular among women from remote regions. This could explain the low number of calls made. Moreover, more worrying is that the number of calls has decreased in the recent years. While in 2017 the helpline received a total number of 1 793 calls, this number decreased to 1 487 in 2018 and to 1 098 in 2019. The overwhelming majority of callers were victims of domestic violence, with only five calls made in relation to sexual violence in 2018 and 13 calls in 2019. The reasons for this steady drop in calls to the helpline are unknown. GREVIO stresses in this context that the national helpline should offer advice and referral in relation to all forms of violence covered by the Istanbul Convention, including sexual violence, sexual harassment, forced marriage, and stalking, and emphasises that staff should possess specialist knowledge and expertise on all these forms of violence.

192. In addition to the above, a hotline service where victims, both women and men, can receive advice is run by several non-governmental organisations.⁸⁷ However, it is not available on a 24/7 basis and it operates only on weekdays and during standard working hours.

85. The Anti-Violence Network of Georgia and the Association Mercury.

86. GEO Mapping of support services.

87. The Anti-Violence Network of Georgia, the Association Mercury and the Women Initiatives Support Group.

193. Another hotline (1481), free of charge for victims of violence against women and domestic violence, is run by the Gender Department of the Public Defender's Office of Georgia on a 24/7 basis, including non-working days. Victims of violence against women and domestic violence also have the opportunity to report violence to the Public Defender's Office through the hotline and request investigation into any cases.

194. GREVIO strongly encourages the Georgian authorities to increase their efforts to promote the national helpline to make it better known among the general public throughout the country and to ensure that assistance by trained staff is provided to victims of all forms of violence covered by the Istanbul Convention, in particular sexual violence.

G. Support for victims of sexual violence (Article 25)

195. In Georgia, the only available specialist support services for victims of sexual violence are integrated into shelters and crisis centres run by the Agency for State Care. There are no separate crisis centres for victims of rape and/or referral centres for victims of sexual assault in the country.

196. GREVIO recalls that according to the Explanatory Report to the Istanbul Convention, one such centre per 200 000 of population must be available in the country,⁸⁸ which is not currently the case in Georgia. Access to shelters and their services is possible only for the victims of sexual violence who have been granted victim status.

197. In the absence of referral centres for victims of sexual violence that provide emergency medical care, high-quality forensic examinations and crisis intervention, victims of sexual violence undergo forensic examinations at the Levan Samkharauli National Forensics Bureau. Currently, there are 39 medical experts employed by the Forensics Bureau, out of which 20 medical experts are employed in Tbilisi, and 19 in the regions of Georgia (Kutaisi, Batumi, Akhaltsikhe, Gori, Rustavi, Gurjaani). Consequently, their services do not fully cover the regions outside the capital city, which constitutes an obstacle to victims of sexual violence in terms of access to forensic services. GREVIO notes with concern that victims of sexual violence receive medical care and forensic examination only if they report the violence to the law enforcement agencies.

198. Moreover, GREVIO notes with concern that women victims of sexual violence who are referred to domestic violence shelters do not necessarily have access to immediate medical examinations but experience significant delays.⁸⁹ GREVIO notes that expanding the mandate of specialist services (such as shelters) that were originally developed for victims of domestic violence does not allow for addressing the specific needs of sexual violence victims. From the foregoing, it is clear that services available for victims of sexual violence are not offered in a one-stop-shop format, that victims are required to present themselves before multiple services and that rape crisis centres and sexual assault referral centres are acutely lacking. Moreover, GREVIO notes that trauma care and long-term psychological counselling does not appear to be offered to victims of rape by any party involved in the process, which is an issue that requires urgent attention.

199. As an example of a positive development, GREVIO notes that a standard Protocol for Clinical Management of Rape Victims in Crisis/Emergency Situations was approved in July 2020 by the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia. According to the protocol, the state covers all major expenses for rape victims including emergency contraception, medical treatment, sexually transmitted disease testing and, if necessary, safe abortion. However, there is no available information on its implementation, including any capacity building for providers of support services to victims of sexual violence.

200. GREVIO urges the Georgian authorities to establish a sufficient number of rape crisis centres and/or sexual violence referral centres accessible to victims of rape and/or sexual violence, which meet all their needs in the short, medium and long term and include

88. Explanatory Report to the Istanbul Convention, paragraph 142.

89. Monitoring report of the Public Defender on service centres (shelters) for victims of violence against women, domestic violence and trafficking, 2020, p. 5.

immediate medical care, high-quality forensic examinations, psychological and legal support and referral to specialist support organisations, while ensuring that victims' access to these services should not depend on their willingness to file a complaint and/or to be granted the status of the victim.

H. Protection and support for child witnesses (Article 26)

201. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children exposed to such violence. While this is most relevant to domestic violence cases, it is important to bear in mind that children may be also exposed to other forms of violence

202. Research has shown that children who witness one of the parents assaulting the other in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.⁹⁰ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

203. In Georgia, children who witness violence between their parents are considered indirect victims according to the law. According to indications provided by women's rights NGOs and experts in the field, however, children often remain invisible to the system and do not receive appropriate and sufficient access to specialist and age-appropriate services.⁹¹

204. A victim of violence against women and/or domestic violence can be placed in existing shelters together with dependent persons, such as a girl under the age of 18 or a boy under the age of 10. All five shelters employ child minders (one in each shelter). Moreover, all specialists working in a shelter (psychologists, social workers, lawyers, nurses) work with children according to their needs. However, due to the fact that the resources of non-governmental organisations are quite limited, the same specialist works with women and men, regardless of age.

205. According to the Public Defender's 2020 Annual Report, child victims of domestic violence do not have access to long-term, therapeutic rehabilitation services.

206. Currently, across the country, there is only one psychologist in each region within the State Care Agency which is responsible for the provision of psychological support for children as well as for adults. The acute shortage of psychologists referred to previously in this report also means there are significant barriers to the provision of psychological counselling for children who experience violence directly or who are exposed to violence between their parents.⁹² Moreover, the lack of social workers employed by the Agency for State Care is also a crucial issue, which prevents them from taking timely and effective measures in support of children at risk of or exposed to violence. Despite this situation, promising government initiatives have been identified such as a pilot project establishing a Psycho-Social Service Centre for juvenile victims of sexual violence.

207. GREVIO urges the Georgian authorities to ensure that the legal recognition of the harmful effects of witnessing violence by one parent against the other or any other form of violence covered by the Istanbul Convention translates into the provision of adequate and age-appropriate counselling and support for such children across all regions of the country, including longer-term psychological counseling as appropriate.

90. "Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, VAW Net, available at: www.vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

91. Significant Issues concerning Domestic Violence and Violence against Women, report by Georgian Young Lawyers' Association, 2019.

92. See Article 20, General support services.

I. Reporting by professionals (Article 28)

208. An amendment in 2017 to the Law of Georgia on Violence against Women and Domestic Violence extended the group of professionals authorised to report cases of violence to encourage reporting of violence against women and domestic violence. Accordingly, professionals with statutory confidentiality obligations, such as doctors, teachers and lawyers, are authorised to disclose information in the event of the risk of repeated violence.

209. In Georgia, in general, there is no obligation for professionals to report incidents of violence committed against adult women.

210. As regards children exposed to violence, the Code of Administrative Offences of Georgia sets forth an obligation for police and educational and medical service providers to report violence against children. Failure to comply with this obligation may result in a fine and administrative liability.⁹³ However, schools seem reluctant to report violence against children; the number of cases of early marriages reported by schools is low compared to the number of cases reported by social services.⁹⁴ Moreover, according to a study,⁹⁵ even in the case of disclosed cases of other forms of violence against children, schools are reluctant to refer their cases to the law-enforcement agencies. Traditional social norms and lack of awareness of the Child Protection Referral Procedures prevent them from reporting, among other reasons.

93. Pursuant to Article 1726 of the Administrative Offences Code of Georgia, in cases where there is a failure to report any form of child abuse to the relevant state authority, the individual shall be fined up to GEL 100 and the institution up to GEL 200.

94. NGO submission by the Coalition for Equality and others, p. 28.

95. "Schools against challenges of gender equality, gender stereotypes and domestic violence", Monitoring report prepared by Fund Sukhumi, 2020, pp. 35-38.

V. Substantive law

211. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

212. A core aim of the Istanbul Convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the convention).

213. The General Inspection Department of the Ministry of Internal Affairs (MIA) is responsible for investigating offences committed by law-enforcement officers and carrying out disciplinary action (Article 57, paragraph 1, of the Police Law). It investigates and responds to allegations concerning violations of ethics, disciplinary norms and improper fulfilment of service duties and can reprimand, demote or dismiss an officer who is found to be in breach of the law. The General Inspection of the MIA operates a hotline (126) where a citizen or member of civil society may report a violation or the improper performance of service duties and illegal acts by a member of the ministry, including a police officer.

214. In 2019, the General Inspection of the MIA received 104 complaints in relation to domestic violence, out of which 42 concerned allegations of domestic violence committed by police officers and 62 concerned the inadequate response to domestic violence by police officers. The General Inspection of the MIA imposed disciplinary sanctions on 42 employees for domestic violence and on 21 employees for their failure to respond adequately to incidents of domestic violence. GREVIO notes that the General Inspection of the MIA does not maintain statistics on the type of disciplinary sanction imposed or on the complaints lodged against individual officers for failure to respond to forms of violence other than domestic violence.

215. While GREVIO welcomes the possibility to report inadequate responses to domestic violence to the MIA, and that action is being taken in such cases, it notes that some women seem to be experiencing difficulties in pursuing the procedure by attending an in-person interview. Women belonging to national and/or ethnic minorities lack interpretation services at the General Inspection of the MIA, while women living in remote areas have difficulty travelling to Tbilisi. Others seem to lack confidence in the manner in which their complaint will be handled.⁹⁶

216. The Human Rights Department of the Prosecutor General's Office has a mandate to monitor allegations of abuse and discrimination by public officials and provide training for prosecutors on proper standards for prosecuting cases of alleged mistreatment by public officials.⁹⁷

217. In addition to the above, criminal liability for state officials who neglect their official duties is set out in Article 342 of the Criminal Code. According to information provided by the authorities, two police officers were charged in 2018 with official negligence under this provision due to improper performance of their official duties in relation to an attempted murder of a woman.

96. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2019, p. 154.

97. 2020 Report on Human Rights in Georgia: US Embassy in Georgia.

218. As far as judges are concerned, the Law on Disciplinary Liability and Disciplinary Proceedings of Judges of Common Courts of Georgia sets out the procedure and the grounds for the disciplinary liability of Georgian common court judges. Disciplinary proceedings against a judge can be initiated based on information disseminated by the mass media, as well as information contained in a report and/or proposal from the Public Defender of Georgia about a judge having committed an act that may be considered as disciplinary misconduct. Disciplinary proceedings against a judge are conducted by an independent inspector of the High Council of Justice of Georgia, who submits his/her opinions and views to the High Council of Justice of Georgia (Article 49, paragraph 1g, of the Organic Law on Common Courts of 4 December 2009, as amended in 2018). According to the authorities, between 2017 and 2022, a total of 19 disciplinary proceedings were instituted against judges for failing to discharge their professional obligations in relation to cases of violence against women.

219. GREVIO notes with serious concern that several judgments recently rendered by the European Court of Human Rights⁹⁸ and a CEDAW decision⁹⁹ noted the failure of state officials to effectively investigate the inaction of law enforcement to properly respond to incidents of gender-based violence and take measures to protect the victims. However, according to the authorities, Georgia has been carrying out a strict criminal policy on violence against women since 2014 and has developed guidelines entitled “Effective enforcement of decisions rendered on cases of gender-based and domestic violence against women” that are considered to have improved the quality of prosecutorial work.

220. Since 2016, the Administrative Procedure Code of Georgia has made it possible for victims of violence to obtain compensation from the state based on the decisions of UN Human Rights treaty bodies (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),¹⁰⁰ which GREVIO welcomes.

221. GREVIO strongly encourages the Georgian authorities to ensure through all available means that women victims of any of the forms of violence against women covered by the Istanbul Convention are aware of and given the practical means to challenge and address any failure on the part of state officials to discharge their professional obligations. In addition, national authorities should step up their efforts to use the existing remedies to hold different state officials accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention.

2. Compensation (Article 30)

222. The Civil Procedure Code of Georgia provides for the general possibility of compensation of moral and material damages for any harm suffered. Cases in which moral damages can be claimed are, however, limited. No information was provided by the authorities on the use of such compensation by victims of the different forms of violence against women covered by the Istanbul Convention. It appears that data on the number of compensation claims filed by victims and awarded by the courts are not collected in Georgia, making it difficult to assess the efficacy of the existing legal framework.

223. As regards secondary state compensation for victims of crime, Georgia reserved the right not to apply Article 30, paragraph 2.

224. In this context, GREVIO notes that an amendment to the Law of Georgia on Violence against Women and Domestic Violence will provide that, victims of violence against women and/or domestic violence have the right to receive compensation from the state if the damages incurred as a result of violence are not covered from other sources (Article 17, paragraph 1 d). This provision will enter

98. See, for instance, the cases *Tkheldidze v. Georgia* (Application No. 33056/2017) (2021) and *A. and B. v. Georgia* (Application No. 73975/2016) (2022).

99. See the case *X and Y v. Georgia*, Merits, Communication No. 24/2009, UN Doc CEDAW/C/61/D/24/2009, IHRL 4101 (CEDAW 2015).

100. Administrative Procedure Code of Georgia, Chapter VII14.

into force on 1 January 2023, introducing a state compensation scheme for victims of violence against women and domestic violence, which GREVIO welcomes.

225. In view of the introduction of a state compensation scheme for victims of violence against women and domestic violence taking effect in 2023, GREVIO invites the Georgian authorities to lift their reservation to Article 30, paragraph 2, of the Istanbul Convention.

226. GREVIO also invites the Georgian authorities to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victims.

3. Custody, visitation rights and safety (Article 31)

227. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

228. Under Georgian law, a child who witnesses domestic violence is considered a victim of violence (Article 4*f* of the Law of Georgia on Violence against Women and Domestic Violence) and can be granted victim status even when the perpetrator's acts are not specifically directed against the child, which GREVIO welcomes.

229. Moreover, where the rights and safety of children are under threat due to violence directed against them, protection orders covering the situation of children may be adopted and the courts may order the suspension of parental authority and custody and visiting rights (Article 14, paragraphs 3 and 4 of the Law of Georgia on Violence against Women and Domestic Violence). The Civil Code also contains provisions which allow for the revocation or limitation of parental responsibility to abusive parents for the duration of the restraining order issued against them, or for the duration provided in the decision to separate the child from an abusive parent taken by a social worker (Article 1205¹, paragraph 6).

230. GREVIO notes with concern that in Georgia there is no express obligation under applicable laws for courts to ensure that, in the determination of custody and visitation rights, incidents of violence covered by the scope of the convention are taken into account, as required by Article 31, paragraph 1, of the convention. Experts in the field have drawn GREVIO's attention to the fact that in most cases of domestic violence, unless serious violence against children is proven, judges rarely take incidents of violence against mothers into account in the determination of custody and visitation rights. Women's rights NGOs also pointed out that courts often encourage parties to conclude a settlement (even if serious violence has occurred between the parties), which leads to the case being processed quickly and without administration of evidence. Moreover, in their opinion, the legal provisions which stipulate that the best interests of the child must prevail when deciding over custody and visitation rights (Article 1201 of the Civil Code) are sometimes overlooked in practice.¹⁰¹

231. In this context, GREVIO underlines that the safety of the non-violent parent and children must be a central factor when deciding the best interests of the child in relation to custody and visitation arrangements. As regards the latter, paragraph 2 of Article 31 of the convention requires that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children. This obligation stems from the realisation that for many victims and their children, complying with contact orders can present a serious safety risk because it often means meeting the perpetrator face to face¹⁰² and it can act as a contributing factor to serious instances of violence, including the killing of the woman and/or children. Proper risk assessments must therefore be an integral part of these processes, including where they are based on an agreement between the parents, so as to ensure that the agreed arrangements are in the best interests of the child and in particular that the safety of the parent and the child are protected. While GREVIO fully supports the right of the child to

101. NGO submissions by Equality Now and partners.

102. Explanatory Report to the Istanbul Convention, paragraph 176.

maintain its ties with both parents as enshrined in Article 9, paragraph 3, of the UN Convention on the Rights of the Child, exposure to domestic violence – as a victim or witness – requires exceptions to be made in the best interests of the child.¹⁰³

232. GREVIO strongly encourages the Georgian authorities to:

- a. take the necessary legislative and other measures to ensure that the relevant civil and criminal courts are required to take into account all incidents of violence against women and domestic violence when deciding on custody or visitation rights;**
- b. incorporate risk-assessment procedures into the determination of custody and visitation rights in order to determine the child’s best interests in situations of violence;**
- c. ensure the development and adoption of guidelines for judges and other relevant professionals, with the aim of supporting their proactive role in identifying and documenting the impact of exposure of children to violence.**

B. Criminal law

1. Psychological violence (Article 33)

233. GREVIO welcomes the inclusion of psychological violence in the domestic violence offence set out in Article 126¹ of the Criminal Code of Georgia, which is defined as “violence, regular insult, blackmail, humiliation by one family member against another family member which has resulted in physical pain or mental anguish, and which has not entailed intentional infliction of severely grave, grave injury or less grave injury”. Harsher sentences are provided if the victims of the offence are children, helpless persons, persons with disabilities or pregnant women or if the offence is committed in the presence of children.

234. Acts of coercion and threats outside the domestic context, irrespective of the relationship between victims and perpetrators, are, however, criminalised as coercion and threats under Articles 150 and 151 of the Criminal Code. The Criminal Code also criminalises violence that causes psychological suffering (Article 126) as well as incitement to suicide by means of threats or cruel treatment or systematic debasement of his/her honour or dignity (Article 115).

235. The National Study on Violence against Women in Georgia, conducted in 2017, showed that one in every four women in Georgia has experienced gender-based violence in her lifetime. Among those women, 73% have experienced psychological violence.

236. According to information provided by the General Prosecutor’s Office, cases of systematic psychological violence prescribed under Article 126¹, threats and other criminal offences involving psychological violence are often prosecuted in Georgia. Prosecutors pay special attention to the questioning of the victims in individual criminal cases, asking relevant questions to reveal the facts of current or past psychological violence, which GREVIO notes with appreciation. According to the data provided, out of the 501 prosecutions launched in respect of crimes committed against women motivated by gender-based intolerance in the first nine months of 2021, 98 cases concerned psychological violence, 206 concerned psychological and physical violence and six cases concerned psychological, physical and sexual violence. However, even if statistics on perpetrators prosecuted for violence against women are available, specific statistics on conviction rates for psychological violence, notably under Article 126 and in the context of intimate partner violence are not, which makes it difficult to ascertain whether psychological violence in all its forms gives rise to effective proceedings and penalties, as required by the convention.

103. The UN Committee on the Rights of the Child emphasises in paragraph 61 of its General Comment No. 13 that the “interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence”.

237. Moreover, it is not clear to what extent the existing criminal offences, including Article 157 on the disclosure of information on private life or of personal data, are being applied systematically to violence perpetrated online or through technology, such as the unauthorised taking of pictures of private bodily parts or the sharing of images online. GREVIO draws attention to the fact that psychological violence perpetrated via ICT can have a tremendous impact on victims and is becoming more and more prevalent. It considers that violence against women online and through technology constitutes a continuation of violence perpetrated against women offline and has recently issued guidance on ensuring compliance with the Istanbul Convention in this regard in its General Recommendation No.1 on the digital dimension of violence against women.¹⁰⁴

238. According to information provided by the Supreme Court, a total of 132 protection orders were issued in 2018 in which psychological violence was among the reasons identified, while 106 such orders were issued in 2019 and 102 in 2020.

239. GREVIO encourages the Georgian authorities to assess the extent to which the criminal provisions concerning psychological violence against women are actually applied, including in cases of psychological violence perpetrated online or through technology. It further encourages the Georgian authorities to improve the collection of data on psychological violence, particularly on the number of cases that proceed to trial and final convictions.

2. Stalking (Article 34)

240. GREVIO notes with satisfaction that stalking is criminalised under Article 151¹ of the Criminal Code. It covers a wide range of behaviour, which includes illegal monitoring, personally or through a third person, of a person, his/her family member or a close relative, or engaging in unwanted communication by telephone, electronic or other means, or any other intentional action which must be conducted regularly and result in the mental torture of another person, and/or a reasonable fear of using coercion against a person and/or his/her family member or a close relative, and/or of destroying property, which makes the person significantly change his/her lifestyle or creates a real need for changing it. It is punished by a fine or community service for a term of 120 to 180 hours, or by imprisonment for a term of up to two years, with or without restriction of the rights regarding weapons.

241. While welcoming the addition of a specific offence in the Criminal Code, GREVIO notes with concern that the wording of the offence is more restrictive than that of the convention requiring a significant alteration of the victim's lifestyle or a real need for an alteration of her daily routine because of stalking, instead of focusing on the perpetrator's behaviour. As GREVIO has had occasion to note, this may result in the effective reversal of the burden of proof by asking victims to provide evidence of the significant change in lifestyle caused by the stalking.¹⁰⁵ Moreover, the term "significantly" is not defined and therefore leaves room for different interpretations in judicial practice. Moreover, the requirement that the perpetrator's behaviour causes "mental torture to the victim" appears to set a very high threshold for holding the perpetrator liable for this offence.

242. Stalking committed against a child, a person in a helpless condition or with a disability, or a pregnant woman or stalking committed by a group of persons or by perpetrators abusing their official positions qualifies as an aggravating circumstance.

243. The National Study on Violence against Women conducted in 2017 revealed that 4% of women reported that they had experienced at least one form of stalking in their lifetime, and 3% had experienced it in the preceding 12 months. The most common forms of stalking that respondents reported were offensive or threatening text messages or e-mails (2%), loitering or being followed (1%) and offensive, threatening or silent phone calls (1%).

104. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, available at: www.rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147.

105. See the GREVIO baseline evaluation report on Spain, paragraph 215.

244. Available data indicate that in 2020 criminal investigations were launched into 95 cases of stalking.¹⁰⁶ According to the authorities, specific statistics are collected on the number of prosecutions for stalking. However, GREVIO pays particular attention to stalking carried out online and is not aware of whether efforts have been made to investigate such instances.

245. A study released in January 2017 showed that 75% of women murdered in Georgia were stalked by the murderer for 12 months prior to their death.¹⁰⁷

246. GREVIO strongly encourages the Georgian authorities to take the necessary legislative measures in order to align the criminal offence of stalking with the requirements of Article 34 of the Istanbul Convention, notably by removing the requirement of a change in daily routine and the high threshold for holding the perpetrator liable for committing the offence. Furthermore, GREVIO strongly encourages the Georgian authorities to take measures to improve the collection of data on the number of cases of stalking, including its online dimension, and on the number of cases that proceed to trial and lead to final convictions, with a view to building the capacity of all legal professionals to handle this offence.

3. Physical violence (Article 35)

247. Physical violence is part of the offence of domestic violence under Article 126¹ of the Criminal Code which criminalises physical violence by one family member against another family member that has resulted in physical pain or anguish and that has not entailed the consequences provided for in Articles 117, 118 and 120 of the code.

248. Moreover, several articles of the Criminal Code criminalise different forms of physical violence, such as premeditated murder (Articles 108-109), intentional infliction of serious bodily injury (Article 117), bodily harm (Article 118), minor bodily injury (Article 120) and beatings or other violence (Article 126). Such acts committed against a family member qualify as an aggravating circumstance.

249. GREVIO welcomes the fact that the Public Defender of Georgia undertook the task of monitoring gender-related killings of women in Georgia. As part of the monitoring process, the Public Defender's Office collects information on investigations and criminal prosecutions of gender-related killings of women or suicides and examines relevant court decisions to identify the shortcomings in the victim-protection mechanisms in order to improve and further develop them. The report released by the Public Defender in 2020 indicates that 24 murders of women were detected, of which 15 cases were committed by family members. Of the 27 attempted murders perpetrated against women, 17 cases involved family members.¹⁰⁸

250. According to information provided by the General Prosecutor's Office of Georgia for the period 2018-2021, murder, attempted murder, incitement to suicide and incitement to attempted suicide with a gender-based intolerance motive was committed against 28 women.

251. GREVIO strongly encourages the Georgian authorities to retrospectively examine cases of domestic violence that led to the death of the victim, with the aim of identifying possible gaps in the institutional/judicial response to the violence and closing such gaps in the future.

4. Sexual violence, including rape (Article 36)

252. Despite the amendments to the Criminal Code and relevant legislative changes after the ratification of the Istanbul Convention, the definitions of rape and other sexual violence offences are not based on the lack of free and voluntary consent of the victim but continue to require the use of force, threat of violence or the victim's helplessness, thus falling short of the standards of the

106. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, p. 156.

107. Study conducted by the NGO Union Sapari – available at: www.dfwatch.net/.

108. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, p. 157.

Istanbul Convention. However, according to the authorities, efforts are underway at the level of Parliament in order to amend the definition of rape and other sexual violence offences.

253. Article 137 of the Criminal Code defines rape as any form of sexual penetration of the body of another person with any body part or object, committed by the use of violence, threat of violence or by abusing the victim's helplessness, which is punishable by imprisonment of six to eight years.

254. Article 138 of the Criminal Code defines an assault of a sexual nature that falls short of penetration committed under violence, the threat of violence or by abusing the victim's helplessness, punishable by imprisonment of four to six years.

255. In addition, Article 139 criminalises using coercion to engage in intercourse or any other act of a sexual nature. It involves three separate crimes: 1) coercion resulting in penetration; 2) coercion to engage in any other act of a sexual nature resulting in physical contact of a sexual nature; 3) sexual coercion (taken alone) falling short of penetration or any other physical contact of a sexual nature. The difference between Article 139 and Articles 137 (rape) and 138 (physical contact of sexual nature) is that the former does not require the threat of violence but threats of a more general nature, such as the threat of damaging property or of disclosing defamatory information or information on the victim's private life. Article 139 is also aimed at perpetrators who rape or commit any other non-penetrative act of sexual violence by abusing the victim's material, official or other kind of dependence on them. The act is punishable by a fine or up to five years' imprisonment (the penalty used to be up to three years until 17 March 2020).

256. GREVIO notes with concern that the Georgian legislation currently incriminates two different types of acts of rape, one of which is termed rape (Article 137) and provides for more serious penalties, and one that is termed coercion to intercourse (Article 139) and is defined as a less serious crime, mainly because it does not require the use of force or threat of immediate force. Instead of ensuring through the conceptualisation of the offences of rape and sexual violence that any sexual act performed on another person without his or her freely given consent is a form of criminal behaviour as required by Article 36 of the Istanbul Convention, the applicable definitions and differences in their sentencing ranges reinforces the myth that rape always involves physical force or threat thereof. However, according to the authorities, context-based investigations have been conducted in recent years with a special focus on the circumstances that may minimise the victim's free will.

257. Moreover, they reinforce the notion of a hierarchy of rape victims, where one set of circumstances such as threats of damaging property or disclosing defamatory or personal information or the exploitation of a dependency on the perpetrator, may result in much lower sentences, or merely a fine, than another set of circumstances, for example that of threats of physical harm. GREVIO points to the fact that in both sets of circumstances, the victim does not consent to the act, which is what criminal liability should hinge upon. Where the circumstances of the act are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act – and in accordance with the requirements of Article 46 of the Istanbul Convention. It is therefore of crucial importance to move towards a consent-based definition of rape.

258. Sexual intercourse or any other act of a sexual nature involving an adult with a person who has not attained the age of 16, even with their consent, is criminalised under Article 140 of the Criminal Code.

259. One intentional form of conduct not currently covered by Georgian legislation in the area of sexual violence is that of causing another person to engage in non-consensual acts of a sexual nature with a third person (Article 36, paragraph 1c). This paragraph covers scenarios in which the perpetrator is not the person who performs the sexual act but who causes the victim to engage in sexual activity with a third person, for example as part of the control and abuse in intimate partner violence. The scope of criminal intent is wider than that under the crime of aiding and abetting. It would not only cover the intent to help the commission of an offence, for example a rape, and the intent of the rape as such, but would also extend to the intent of causing both. In other words, the intentional conduct covered by Article 36, paragraph 1c, aims at capturing more than the instigation

or facilitating of a crime but the malevolent behaviour of abrogating a woman's sexual self-determination.

260. According to the National Study on Violence against Women in Georgia (2017), 26% of women have experienced sexual harassment or sexual violence in their lifetime. Additionally, 2.3% of women reported being victims of sexual violence committed by their intimate partner, 2.7% by a non-partner and 9% reported sexual abuse as a child.

261. GREVIO urges the Georgian authorities to amend the provisions of the Criminal Code covering rape and the other sexual violence offences under Articles 138 and 139 of the Criminal Code and to fully incorporate the notion of the lack of freely given consent as required by Article 36 of the Istanbul Convention and to ensure that such provisions are effectively applied in practice by law enforcement, prosecutors and the judiciary, including where the circumstances of the case preclude valid consent. To this end, GREVIO strongly encourages the Georgian authorities to introduce guidelines and training programmes for all relevant professionals in the criminal justice system, which would reflect the understanding of rape as defined above.

262. GREVIO encourages the Georgian authorities to introduce criminal legislation that would cover the intentional conduct set out in Article 36, paragraph 1c, of the Istanbul Convention.

5. Forced marriage (Article 37)

263. Forced marriage¹⁰⁹ has been criminalised in Georgia since 2014 (Article 150¹, paragraph 1, of the Criminal Code), whereas coercion of a minor into marriage is an aggravating circumstance (Article 150¹, paragraph 2a).¹¹⁰ However, no article of the Criminal Code covers the conduct of luring a person abroad for the purposes of forcing him or her into marriage as required by the Istanbul Convention under Article 37, paragraph 2.

264. Since 2017, the legal age of marriage has been set at 18 years (Article 1108 of the Civil Code), which means that marriage prior to that age is null and prohibited. Despite the legislation in place, child¹¹¹ and forced marriage remains prevalent in Georgia, as bride kidnappings¹¹² and unregistered marriages of girls between the ages of 15 and 17, and even of girls between 13 and 15 persist in some communities. For example, one report indicates that 715 underage mothers and 23 underage fathers were registered in 2018, which provides an indication of how prevalent child marriage is in Georgia.¹¹³ In addition, the findings of nationwide qualitative research on child marriage, commissioned by the National Centre for Disease Control, indicated that early/child marriage was common and frequent across the country, including in the capital, Tbilisi.¹¹⁴ In some regions of Georgia, in certain ethnic communities, early marriage and bride kidnappings are considered to be part of tradition and custom. Concerns were also expressed about the fact that numerous early and forced marriages are not officially registered and that the government's lack of specific data on the number of such marriages constitutes an obstacle to the effective implementation of existing legislation.¹¹⁵

265. While acknowledging the differences between underage and forced marriages, GREVIO points out that the young age of brides means that they are at a higher risk of not being able to express their full and free consent to a marital union, or to resist a forced marriage. The damaging consequences of both forced marriage and child marriage have been amply illustrated by

109. Forced marriage is punishable by community service for between 200 and 400 hours or by imprisonment for up to two years, with or without restriction of the rights regarding weapons.

110. Forced marriage of a minor is punishable by imprisonment for a term of between two and four years, with or without restriction of the rights regarding weapons.

111. See: www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-11/child_marriage_en.pdf.

112 See: Exploring Harmful Practices of Early/Child Marriage and FGM/C in Georgia, Final Report, UNFPA, 2017.

113. See: 2018 Public Defender report 2018.

114. Exploring Early/Child Marriage in Georgia: Preliminary Results from a Qualitative Research, Sponsored by UNFPA.

115. See: Concluding Observations of the Committee on the Rights of the Child on Georgia, CRC/C/OPSC/GEO/CO/1, adopted on 30 October 2019, paragraph 9.

international human rights bodies.¹¹⁶ Child and forced marriages are widely acknowledged as a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations. Such harmful practice has a disproportionately negative impact on women and girls and constitutes a serious threat to multiple aspects of their physical and psychological health, as well as their education.

266. GREVIO notes that in recent years there has been an increase in the number of cases of forced marriage reported to law-enforcement agencies. In 2019 investigations were initiated in 149 cases of forced marriage, out of which 105 were child marriages. In 2020, investigations were launched into 132 cases of child marriages.

267. GREVIO highlights that the use of the criminal justice system for combating child marriage and bride kidnapping should be supplemented by comprehensive and multisectoral prevention and support programmes, which include measures for economic empowerment. In this context, it commends the efforts made by the Inter-Agency Commission to set up a task force on the issue of early marriage whose mandate is to refine policy recommendations, identify the necessary interventions and activities for the implementation of such policy recommendations and to improve the implementation of the child referral procedures. The task force has stressed the need to strengthen the policies aimed at the prevention and eradication of harmful practices, strengthen interagency co-ordination and raise public awareness on harmful practices.

268. GREVIO encourages the Georgian authorities to criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage as required by Article 37, paragraph 2, of the Istanbul Convention. GREVIO strongly encourages the Georgian authorities to step up their efforts to ensure the prevention and identification of this form of violence and to provide support for women and girls exposed to early and forced marriage.

6. Female genital mutilation (Article 38)

269. GREVIO welcomes the express criminalisation in Georgia of female genital mutilation since May 2017. Article 133² of the Criminal Code prohibits female genital mutilation on any grounds, including both forceful acts and mutilation conducted with the woman's or girl's consent. Female circumcision, full or partial infibulation or coercion of a woman to undergo female genital mutilation as part of religious, ethnic, national or other traditions, or for other reasons, is punishable by imprisonment for a term of two to six years. The article provides for the criminal responsibility of the person performing the mutilation as well as any person persuading or coercing a woman or girl to undergo female genital mutilation, including family members.

270. A similar act committed against a pregnant, disabled or underage woman will be considered an aggravating circumstance and is punishable by imprisonment for a term of three to seven years (Article 133², paragraph 2). The same act that causes death or serious harm shall be punished by imprisonment for a term of 7 to 11 years (Article 133², paragraph 3).

271. Reports about female genital mutilation practices among the Avar community in the Kakhети region of Georgia were brought to the attention of the Georgian authorities in 2016.¹¹⁷ They were confirmed by the Public Defender and the Prosecutor's Office of Georgia.¹¹⁸ According to the authorities, such reports of female genital mutilation accelerated the adoption of legislation to criminalise this form of violence against women. However, investigations carried out by the authorities have not confirmed female genital mutilation practices in the country. Moreover, there are no data recorded about investigations into female genital mutilation under Article 133² of the Criminal Code.

116. See Resolution 175 of the United Nations General Assembly and Joint General Recommendation No. 31 of the CEDAW Committee and the Committee on the Rights of the Child, and General Comment No. 18 of the Committee on the Rights of the Child concerning harmful practices.

117. Institution for War and Peace, FGM uncovered in Georgia, 2016 available at www.iwpr.net/global-voices/fgm-uncovered-georgia.

118. Letter from the Prosecutors Office of Georgia, No. 08-2/504, as cited in PDO, *Report on Sexual and Reproductive Health*, 2017, p. 117.

272. GREVIO notes with interest the initiative of the Inter-Agency Commission to add the prevention of the harmful practice of female genital mutilation to one of its priority areas for the fulfilment of obligations assumed under the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020, the area that concerns the elimination of early marriage and other harmful practices. Accordingly, the working group on the prevention of early marriage, set up in March 2019, broadened its mandate to include the prevention of the harmful practices of female genital mutilation.

273. GREVIO encourages the Georgian authorities to increase its efforts to raise awareness and knowledge among the professionals concerned and society at large about the specific form of violence against women that is female genital mutilation, to ensure its identification and investigation.

7. Forced abortion and forced sterilisation (Article 39)

274. The Criminal Code of Georgia and the Law of Georgia on Healthcare contain provisions concerning abortion. The procedures for pre-abortion counselling by/preliminary interview with a physician are prescribed by an order of the Minister of Labour, Health and Social Affairs of Georgia.

275. Article 133 of the Criminal Code of Georgia criminalises illegal abortion¹¹⁹ but not forced abortion or coercion to abortion. The same act committed by a person convicted of illegal abortion, or the act that results in a permanent loss of ability to procreate or other grave consequences, shall be punished by imprisonment for a term of two to five years, with the deprivation of the right to hold an office or to carry out activities for a term of up to three years. Illegal abortion that results in death shall be punished by imprisonment for a term of four to six years, with the deprivation of the right to hold an office or to carry out activities for a term of up to three years.

276. Although making a decision on abortion shall be the prerogative of the woman, a report prepared by the Public Defender in 2019¹²⁰ revealed that women in ethnic Azerbaijani and Armenian communities are extremely limited in the ability to make independent decisions on reproductive issues. Issues related to abortion and other female reproduction matters are generally decided by husbands, mothers-in-law or other senior members of the husband's family.

277. Forced sterilisation is criminalised under Article 133¹ the Criminal Code. It consists of performing an operation or manipulation on a person with the purpose of destroying his/her ability to reproduce and is punishable by imprisonment for a term of two to six years. The same act committed by a group of persons, committed knowingly by an offender against a minor, a helpless person, a person with disability or a pregnant woman, or committed repeatedly is punishable by imprisonment for a term of three to seven years. The same act that causes death or other serious consequences shall be punished by imprisonment for a term of 7 to 11 years. It is not known whether there have been any prosecutions based on this article.

278. According to the statistical data collected by the authorities, between 2018 and 2021 there were no prosecutions or investigations for illegal abortion and forced sterilisation and no victim status granted in connection with such cases.

279. GREVIO encourages the Georgian authorities to introduce into their criminal legislation an offence specifically targeting forced abortion as defined in Article 39 of the Istanbul Convention and ensure its effective prosecution.

8. Sexual harassment (Article 40)

280. In Georgia provisions on sexual harassment are contained in several laws. According to the Law on the Elimination of All Forms of Discrimination, sexual harassment covers any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or the effect

119. Under Article 133, illegal abortion is punishable by community service from 120 to 300 hours or house arrest for a term of six months to two years, or imprisonment for a term of one to two years.

120. "Sexual and Reproductive Health and Human Rights National Assessment", report by the Public Defender.

of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. It is considered as a form of discrimination and accordingly prohibited in any sphere of life regulated by law.

281. Since 2019 sexual harassment has been defined by the Administrative Offences Code (Article 166¹) as an administrative offence in the public sphere and covers any unwanted behaviour of a sexual nature that has the purpose and/or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. For the purposes of the Administrative Offences Code, behaviour of a sexual nature includes verbal conduct of a sexual nature, exposing one's genitals and/or engaging in any other non-verbal physical conduct of a sexual nature. GREVIO notes the conduct described in the Administrative Offences Code is more limited in scope than the definition foreseen by Article 40 of the convention (the physical conduct is limited to exposing one's genitals).¹²¹ Sexual harassment is punishable by a fine (GEL 300 or GEL 500) if repeated or by up to one month of community service. Deliberate sexual harassment of a minor, a pregnant woman or someone in a critical condition or in the presence of a minor is considered as an aggravating circumstance and is punishable by a fine of between GEL 500 and GEL 800 or, if repeated, by a fine of between GEL 800 and GEL 1 000 (€220 to €276) or 10 days' imprisonment.

282. GREVIO notes with satisfaction that the introduction of the administrative offence of sexual harassment was followed by awareness-raising and information campaigns carried out by the state authorities. One of the nine thematic task forces established within the Inter-Agency Commission concerns implementation of the mechanisms for accountability and eradication of sexual harassment in the public sector. According to the authorities, significant efforts were also made to ensure the implementation of the law, which consisted of the introduction of sexual harassment response mechanisms in public agencies, followed by an information campaign to promote the mechanism, among other things. An initiative that is worth mentioning in this respect is the training on how to investigate sexual harassment cases using a victim/survivor-centred approach, conducted in 2020 and addressed to a mixed group of public and private organisations interested in the implementation of internal mechanisms for dealing with sexual harassment complaints.

283. Despite these efforts, women's rights NGOs alerted GREVIO to the fact that there is still low public awareness of sexual harassment and the mechanisms of redress available to victims. Moreover, the actual implementation of these laws appears insufficient as law-enforcement agencies and the judiciary lack a sensitive approach when dealing with cases of sexual harassment.¹²² Furthermore, the majority of sexual harassment cases are not recorded in national statistics, and in most cases perpetrators of sexual harassment are given a warning.¹²³ Reporting of sexual harassment is low and victims that come forward face public condemnation and legal action against them for "defamation".¹²⁴ According to the annual report of the Public Defender, the low level of reporting by victims is mainly caused by the attitude among some of the general population who believe that sexual harassment is socially acceptable behaviour and that victims themselves often provoke it. This attitude adversely affects women as they blame themselves and avoid making incidents public.¹²⁵

284. GREVIO strongly encourages the Georgian authorities to align the definition of sexual harassment in the Administrative Offences Code with that set out in Article 40 of the Istanbul Convention by widening its scope, and to ensure its implementation by raising awareness among all relevant professionals and the general public.

121. According to paragraph 208 of the Explanatory Report to the Istanbul Convention, physical conduct refers to any sexual behaviour by the perpetrator and may include situations involving contact with the body of the victim.

122. See the NGO submission by Association Hera XXI, p. 5.

123. See the NGO submission by the Coalition for Equality and others, p. 27.

124. See the NGO submission by Equality Now and partners, p.9.

125. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, p. 99.

9. Sanctions and measures (Article 45)

285. From the information obtained on the range of sentences applied by the judiciary in Georgia, GREVIO notes with concern the tendency of the judges to often resort to suspended and conditional sentences or to apply lenient sentences in cases of violence against women, in particular domestic and sexual violence.

286. An analysis of judgments delivered by the judiciary in 2017 and 2018,¹²⁶ conducted by an association of lawyers,¹²⁷ showed that non-custodial measures were applied in 157 guilty verdicts out of 222 (71%). By way of example, for 100 defendants found guilty in 2017, the court applied a suspended sentence for 41 defendants, a suspended sentence along with community service in 19 cases and a sentence of deprivation of liberty in only 13 cases. The community service was served upon nine defendants, and only 18 defendants were sentenced to fixed-term imprisonment (to serve the entire sentence in a penitentiary facility) without a suspended sentence or any additional punishments.

287. Despite the seriousness of the offence of rape and other non-penetrative acts of sexual violence under coercion, Article 139 of the Criminal Code envisages disproportionately low punishments (the minimum punishment is a fine and the maximum sentence is five years in prison). In some cases, a conditional sentence is imposed on the perpetrators of sexual violence who admit committing a “less serious crime” and/or who collaborate with the investigative authorities,¹²⁸ while imprisonment is rarely applied.¹²⁹

288. GREVIO also notes that Article 55 of the Criminal Code allows for the imposition of more lenient sentences than the minimum sentence foreseen by the law for any offence in the Criminal Code if a plea bargain is concluded between the parties. Thus, indications from women’s rights organisations suggest that plea bargains are even used in relation to cases of rape and sexual violence, in particular those against minors with the purpose of marriage (Article 140 of the Criminal Code), frequently leading to fines instead of prison terms.¹³⁰ Rape committed as a result of bride kidnapping is often not treated as rape if the victim did not physically resist, as when there is no material evidence of physical resistance.¹³¹ Such lenient sentences do not act as a deterrent and appear neither proportionate nor dissuasive. GREVIO recalls that for all forms of rape and sexual violence, criminal liability arises from the lack of consent to the act, whether or not it was carried out with evidence of physical force and should give rise to dissuasive sanctions.

289. Of similarly grave concern is the fact that general mitigating circumstances defined under the law (Article 53, paragraph 3, of the Criminal Code) are taken into account by judges in applying sentences even in cases of very serious offences of violence against women. Thus, available information indicates that in Georgia factors such as the perpetrator's character, his prior history of positive behaviour and being a “first-time” offender, his intention to compensate for the harm or his reconciliation with the victim, by apology or by marrying the victim, are often considered to be mitigating factors, leading to lighter sentences and less accountability for perpetrators of violence.¹³²

126. The analysis of 131 judgments passed by Georgian courts in 2018 revealed that acquittal verdicts were rendered in seven cases while guilty verdicts were passed in 124 cases. Out of the 124 judgments with guilty verdicts, the following sentences were imposed on the defendants: 64 received a suspended sentence only; nine defendants were given a suspended sentence and community service as an additional punishment; in seven cases, deprivation of liberty was the sentence; in 17 cases, community service was served; and fixed-term imprisonment without a suspended sentence or any other additional punishments was imposed on 27 defendants.

127. The report entitled “Significant issues of domestic violence and violence against women” was prepared by the Georgian Young Lawyers’ Association and released in 2019.

128. According to Article 63, paragraph 3, of the Criminal Code, “if the convicted person has committed a less serious crime or a crime of negligence and he/she admits it and/or collaborates with investigative authorities, the court may rule that the sentence imposed be considered as a conditional sentence, unless the convicted person had [a] previous conviction for particularly serious or intentional serious crime in the past”.

129. See the NGO submission by the Coalition for Equality and others, pp. 15-16.

130. Ibid.

131. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, p. 159.

132. See Tamar Dekanosidze, “The administration of justice on sexual violence crimes against women in Georgia”, Public Defender of Georgia, 2020, pp. 30-32.

290. Moreover, it was noted that in practice judges in their sentencing do not easily resort to the full range of punishments that are available. A study of the judgments delivered by different courts in Georgia in 2018, conducted by lawyers,¹³³ showed that only a small number of judges (36%) imposed on perpetrators, along with custodial measures, additional obligations such as prohibiting their contacting the victim, restricting communication, or monitoring or supervising the convicted persons.

291. While respecting the principle of the independence of the judiciary, GREVIO urges the Georgian authorities to ensure that sentencing in cases of violence against women and domestic violence is commensurate with the gravity of the offence and preserves the dissuasive function of penalties and that members of the judiciary resort to the full range of punishments that are prescribed by the Georgian Criminal Code.

10. Aggravating circumstances (Article 46)

292. GREVIO notes with satisfaction that almost all aggravating circumstances under Article 46 of the Istanbul Convention are envisaged by Georgian legislation.

293. Most of the aggravating circumstances form part of the elements of the crimes, thus qualifying them as more serious offences punishable by harsher sentences. Repeated offences, offences committed by two or more people acting together, offences preceded or accompanied by extreme levels of violence, offences committed with the use or threat of a weapon, offences resulting in severe physical or psychological harm for the victim, or conviction of the perpetrator for offences of a similar nature are all considered aggravating circumstances in various articles of the Criminal Code.¹³⁴

294. Following the ratification of the Istanbul Convention, Georgia made amendments to the Criminal Code and added a special provision, Article 53¹, requiring courts to increase the sentence of a person convicted of a crime committed on the ground of discrimination (paragraph 1).¹³⁵ One of the grounds of discrimination is gender, which makes it possible to take into account the gendered aspect of various manifestations of violence against women. The commission of the crime by one family member against another family member, a helpless person, a minor or in his/her presence, with particular cruelty, with the use of a weapon or under the threat of using a weapon, or by abusing an official position are also envisaged by the amended Article 53¹, paragraph 2.

295. Research into cases of sexual violence committed between 2017 and 2019 revealed that judges do not or rarely apply Article 53¹ of the Criminal Code of Georgia as an aggravating circumstance.¹³⁶ For instance, the motives of gender bias or committing a crime against family members have not been either invoked or resorted to as aggravating circumstances in the sentencing (even though in five cases the perpetrator was a former spouse or a partner and in two cases the crime was committed for “starting a family”). However, GREVIO notes with satisfaction a lot of progress in identifying gender-based discriminatory motives by prosecutors in recent years. Thus, in 2021, 732 perpetrators were prosecuted for violence based on a gender discrimination motive, while in 2020 the number was 208.¹³⁷

296. Moreover, the full range of aggravating circumstances is not frequently resorted to, and sentences are often mitigated. GREVIO recalls the urgent need to ensure the necessary training of

133. “Significant issues of domestic violence and violence against women”, 2019, report by Georgian Young Lawyers’ Association.

134. For example, the articles concerning sexual violence crimes (Articles 137-139) include as aggravating circumstances: severe physical harm or other grave consequences; committing the crime repeatedly; the perpetrator had previously committed any of the offences provided in Articles 138-141 of the Criminal Code; the offence was committed by two or more people acting together; the offence was committed with particular cruelty to the victim or other persons.

135. Commission of a crime on the basis of race, skin colour, language, sex, sexual orientation, gender, gender identity, age, religion, political or other views, disability, citizenship, national, ethnical or social affiliation, origin, property or birth status, place of residence or other grounds, and for reasons of intolerance shall constitute an aggravating factor for liability for all respective crimes.

136. A study conducted in 2020 by the Public Defender of Georgia and the Council of Europe examined cases of sexual violence during the period 2017-2019.

137. See the annual report of the Prosecutors’ Office for 2021, p. 6: <https://pog.gov.ge/uploads/2ab01e8b-saqarTvelos-prokuraturis-2021-wlis-saqminaobis-angarishi.pdf>.

the judiciary and full application of the provisions of the Istanbul Convention, without which the application of aggravating circumstances will remain flawed.

297. GREVIO encourages the Georgian authorities to take appropriate measures to ensure that all aggravating circumstances listed in Article 46 of the Istanbul Convention are, in practice, effectively applied by the judiciary.

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

298. Georgian legislation does not provide for mandatory mediation in family disputes concerning parental rights or adoption. Moreover, under the Law on Mediation, any decisions made abroad on family disputes adopted through mediation are not recognised and enforced in Georgia (Article 13²).

299. As regards the criminal proceedings, alternative dispute resolution mechanisms are not compulsory but are quite often used by the judiciary.¹³⁸ The use of plea agreements and diversion in cases of violence against women and domestic violence is very common in Georgia irrespective of the seriousness of the offence.¹³⁹ An analysis of several court judgments delivered in relation to early marriages has shown that plea agreements were signed in most of the cases examined concerning sexual intercourse by an adult with a person who has not attained the age of 16 (Article 140 of the Criminal Code).¹⁴⁰ The same report indicates that in 2018 the rate of plea agreements in domestic violence cases decreased compared to 2017. Thus, while in 2017 plea agreements were signed with defendants in 36 (37%) cases out of 98 guilty verdicts, in 2018 plea agreements were signed in only 17 (14%) cases out of 124. Such a trend is an indication of the tightening of the state policy in relation to domestic violence.¹⁴¹ Moreover, in order to ensure a uniform criminal law policy in the prosecution service, the Georgian authorities have developed guidelines that set out the criteria to be considered for diversion and plea agreements.

300. GREVIO strongly encourages the Georgian authorities to take measures to ensure that in cases of offences of violence against a woman, plea agreements do not apply where the victim has not or is not able to freely consent to the procedure, having regard to the imbalance in power relations between the victim and the perpetrator, and to ensure that all women victims of violence covered by the scope of the Istanbul Convention are informed about the non-mandatory nature of alternative dispute resolution in criminal proceedings.

138. According to Articles 209-218 of the Code of the Criminal Procedure, the prosecution makes the plea agreement with the defendant and the judge confirms it.

139. While in the Gurjaani District Court, out of 23 court cases only three were examined on the merits hearing, and in the remaining 20 cases, plea agreements were signed.

140. Eight judgments were rendered regarding the offence in 2017 and with all eight defendants plea agreements were signed; in four cases considered in 2018, plea agreements were signed with all four defendants. It is significant that imprisonment was not applied in any of the cases.

141. "Significant issues of domestic violence and violence against women", 2019, report by the Georgian Young Lawyers' Association.

VI. Investigation, prosecution, procedural law and protective measures

301. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

302. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of the types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

303. To strengthen the response to violence against women and domestic violence at institutional level, in January 2018, the Ministry of Internal Affairs set up a Human Rights Protection Department, now renamed as the Human Rights Protection and Quality Monitoring Department. It is in charge of the monitoring of investigations, its main objective being to ensure timely responses and effective investigations into domestic violence as well as the different forms of violence against women, including sexual violence, crimes committed on the grounds of discrimination and hate crimes, by identifying gaps in the system and implementing proposals to eradicate them. According to the authorities, due to the daily monitoring work carried out by the department, the number of cases in which investigations were initiated into offences committed on discrimination grounds, for example, rose substantially in 2018 and 2019.

304. In the same vein, significant efforts were made by the Georgian authorities to standardise police and prosecution procedures related to domestic and sexual violence cases, which GREVIO welcomes. The Human Rights Protection and Quality Monitoring Department developed guidelines for the investigation of gender-based violence as well as recommendations which concern, among other things, the questioning of victims and protection measures for victims during an investigation and after a perpetrator is released from prison, including the mandatory issuance of protection orders in certain cases. The Chief Prosecutor's Office published and disseminated guidelines on domestic violence and sexual violence for prosecutors. GREVIO considers of particular interest the guidelines for prosecutors and investigators on the effective procedural supervision of crimes committed with a gender-based intolerance motive, which provide guidance on how to identify gender-based discrimination motives, how to investigate and prosecute sexual crimes, and how to apply the aggravating circumstances.

305. Moreover, according to the authorities, since May 2018 domestic violence cases have been dealt with by prosecutors and investigators specially trained in domestic violence.¹⁴² The setting up of some special units to handle domestic violence cases, together with initial and ongoing quality training, ensure that law-enforcement officials treat domestic violence as seriously as any other violent offence. Furthermore, since April 2021, cases of sexual violence have been investigated and prosecuted only by prosecutors and investigators from the General Prosecutor's Office who have completed a special training course on sexual violence.¹⁴³ Investigators and prosecutors specialised in sexual violence do not only deal with cases of sexual violence but with all other criminal cases

142. A total of 182 prosecutors and 22 investigators from the Prosecutor's Office specialise in dealing with domestic violence cases. Among them, there are 80 female prosecutors and six female investigators.

143. In 2021, 80 investigators and prosecutors from the Prosecutor's Office and 250 investigators from the Ministry of Internal Affairs received specialist training in sexual violence. In November 2021, there were 96 employees specialised in crimes against sexual freedom and inviolability, including 22 managers, 64 prosecutors and 10 investigators from the Prosecutor's Office. Among these professionals, there are 38 female prosecutors and two female investigators.

allocated to them. According to the authorities, this is due to the fact that the number of sexual crimes in Georgia do not warrant the introduction of specialised prosecution services. Concerns were expressed, however, by representatives of civil society that this situation is the result of a lack of sufficient human resources, which causes a high workload that reduces the effectiveness of the criminal justice response to sexual violence.

306. Despite these positive developments and the efforts of the authorities, which have led to an increase in the rate of reporting, incidents of domestic and sexual violence remain highly under-reported.¹⁴⁴ Reports from the Public Defender and women's organisations indicate the insensitive attitude of a number of investigators and police officers towards victims and the secondary victimisation of victims during the interrogation process.¹⁴⁵ A woman assaulted might have to tell her story at least three times before her statement is recorded. Also, the infrastructure of police premises does not allow for anonymous or confidential interviews.¹⁴⁶ The questioning of a victim is often conducted in a common/shared space at the police station where other investigators, victims and even people not connected to criminal proceedings are also present, and the victim's story can be easily overheard by them. However, according to the authorities, reforms have been made to separate investigative, district and operational functions, ensuring that the community officer responds directly to incidents of domestic violence.

307. GREVIO recalls that Article 50 of the convention requires, inter alia, the provision of female law-enforcement officers in adequate numbers, including at high levels of responsibility. While the number of women at the level of investigator and prosecutor seems to have been rising in Georgia, GREVIO notes that it is still insufficient to allow victims to interact with officers of the same sex when reporting or during investigations. According to an audit performance report released in 2019, the number of female patrol inspectors/senior patrol inspectors amounts to 3% on average, and district inspectors/senior district inspectors' number on average 13%. The same report revealed that in 44 out of 58 patrol territorial units, there were no female patrol inspectors/senior patrol inspectors, which equates to 76% of the patrol territorial units being without female police officers; the absence of female police officers was revealed in 255 of 418 criminal police units (61%). Moreover, it appears that even in territorial units where female police officers are employed, no special priority is given to sending a gender-balanced crew to respond to domestic violence cases.¹⁴⁷

308. **GREVIO strongly encourages the Georgian authorities to:**

- a. **step up efforts to ensure prompt and appropriate responses from law-enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention by providing them with the necessary resources, knowledge and means;**
- b. **take measures to encourage reporting and reduce re-traumatisation of women who report any forms of violence against women, including intimate partner violence, sexual violence and rape, which should include the improvement of law-enforcement premises by equipping them with the necessary human and technical resources to properly handle cases of violence against women and domestic violence;**
- c. **pursue their efforts to attain a gender-balanced workforce within law-enforcement agencies by considerably increasing the number of female officers, with a view to guaranteeing that victims are assisted and interviewed by female officers.**

144. Information obtained during the evaluation visit.

145. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, p. 157.

146. *Ibid.*, p 115.

147. Audit performance report 2019, p. 30.

2. Effective investigation and prosecution

309. GREVIO notes with great concern that stereotypical and discriminatory attitudes by investigators¹⁴⁸ and others in the criminal justice system are prevalent in Georgia and frequently constitute a significant barrier to justice for victims of gender-based violence. These include victim blaming and a lack of gender-sensitive questioning during investigations and court proceedings. These aspects have been revealed, among other things, by a study that examined 24 cases of sexual violence.¹⁴⁹ It showed that investigators and defence lawyers ask irrelevant and insensitive questions to victims, which serve the purpose of discrediting and humiliating the victim, harming her reputation and credibility and contributing to their secondary victimisation; victims are asked to recount the same details of their traumatic experience several times.¹⁵⁰ The same concerns were expressed by experts from civil society.¹⁵¹ According to the authorities, the training efforts made in recent years have resulted in an improvement of attitudes of police officers.

310. As regards the investigation of sexual violence, GREVIO notes that law-enforcement and judicial bodies are using strict requirements and corroboration rules for evidence to establish sexual violence.¹⁵² Although according to Georgian legislation evidence has no predetermined value (Article 82, paragraph 2, of the Code of Criminal Procedure) and should be evaluated in terms of its relevance, admissibility and credibility for each criminal case (Article 82, paragraph 1), and given that no legal provisions provide for any mandatory evidence in relation to cases of sexual violence, prosecutors and the judiciary interpret the legislation in a sense that requires two pieces of direct evidence on which to base an indictment or a conviction for sexual violence. In view of indications made by civil society regarding a strict application of this rule in practice, GREVIO is concerned that this may result in high evidentiary requirements for rape, as this rule is not only applied for a conviction but also for an indictment.¹⁵³ Although certain exceptions may apply, GREVIO is concerned that the strict application of this rule of two pieces of evidence may result in low levels of indictments and, subsequently, convictions.

311. Despite the prevalence of sexual violence, reporting rates are low, and perpetrators are brought to justice in only a small number of reported cases. For example, according to available information, between 2017 and 2018 investigations were launched into 123 cases involving sexual violence or attempts of sexual violence against adult women (under Articles 137-139 of the Criminal Code of Georgia) while only 20 cases resulted in convictions in this period; perpetrators were sentenced to imprisonment in just 15 cases and investigation was terminated in 17 cases, while investigation into other cases remained pending.

312. Moreover, in practice, findings of a forensic examination play a decisive role in the prosecution of sexual violence. Although the authorities investigate context-based facts and evidence, most prosecutions and convictions relate to cases where physical injuries and biological materials associated with a sexual act are found. Such practice is also one of the main causes of the high attrition rate of sexual violence crimes and the reason why a vast number of cases never reach the prosecution stage.

313. Forensic medical examination of the bodies of the victims, is conducted by the Levan Samkharauli National Forensic Bureau, the only public body authorised to conduct forensic examination. For victims, such forensic examinations are particularly traumatising since the majority of the experts are male. In addition, victims have reported long waiting periods (particularly if it is a weekend) and unethical and humiliating attitudes of the experts.¹⁵⁴

148. Report of the Public Defender of Georgia – Femicide Monitoring Report, analysis of criminal cases committed in 2017.

149. See: www.ombudsman.ge/res/docs/2020121613551130891.pdf. Similar information obtained during the evaluation visit.

150. Ibid.

151. NGO submission by the Coalition for Equality and others, p.19.

152. See: "The administration of justice on sexual violence crimes against women in Georgia" by Tamar Dekanosidze and the Public Defender of Georgia, 2020, pp. 30-32. ^[152]

153. NGO submission by Equality Now and partners, p.17 and 18.

154. Information obtained during the evaluation visit. See also Chapter IV, section on Article 25.

314. Stereotypes and drawing negative inferences from the condition of the victim's hymen also prove to be a problem. Lack of injuries on the hymen often leads to the conclusion that penetration or rape did not occur. In some cases, forensic psychological examinations are ordered by prosecutors or judges to check whether or not the victim is "prone to lying". In this context, victims are often met with bias and disbelief and are subjected to victim blaming, unethical and sometimes humiliating questions and comments, which GREVIO notes with concern.

315. Moreover, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary, as required by the convention. Despite the instructions contained in the guidelines entitled "On investigation and procedural supervision of crimes against sexual freedom and inviolability", according to which the victim's outfit and her previous sexual experience, among other things, should not influence the assessment of the incident, the victim's prior sexual history is often discussed by defence lawyers. For example, witnesses are asked questions about the victim's moral character, including whether the victim was taking boys home. Also, questions are asked about how the victim was dressed – such questions only serve the purpose of examining the victim's moral character, which is not relevant for the case and humiliating for the victims. An analysis of decisions on the termination of investigations, provided by the Office of the General Prosecutor of Georgia, has revealed that in two cases victims' prior sexual relationships with other persons were focused on even though this was not necessary or relevant to the crime under investigation or to the person whose possible actions were being examined.

316. As regards cases of forced marriage, according to the authorities, an investigation is initiated in all cases in which the law-enforcement agencies become aware of the potential for this offence, despite the fact that quite often the victim and her family members deny any kind of coercion, or the victim refuses to testify against a close relative. The investigation is mainly initiated on the basis of a notification submitted to law-enforcement agencies by the Public Defender's Office or an NGO. No complaint has ever been filed by a victim herself. However, according to the authorities, there have been cases in which citizens, relatives of the victim or the victim herself have contacted the police. The investigation does not depend solely on the testimonies of the alleged victim and the perpetrator but is conducted in a full and exhaustive manner.

317. In 2019, with the aim of improving the quality of investigation, the Human Rights Protection and Investigation Quality Monitoring Department developed special instructions for investigators dealing with child marriages and is monitoring their application in practice.¹⁵⁵

318. In the majority of cases, law enforcement become aware of the offence of forced marriage after the birth of a baby, when the medical certificate (with an indication of the parents' date of birth) is sent from the maternity home to the Civil Registry Agency for the purpose of registration. Consequently, the investigation of the case starts only after the couple have already cohabitated for a certain period of time as a family and have one or more children. Usually in the course of the investigation, the "victim" stresses that the intercourse was consensual, and usually victims try to avoid causing additional financial burden to the family, opposing the start of a criminal investigation. Because of the above-mentioned reasons, initiation of criminal proceedings against a person who enters into sexual intercourse with a person under 16 for the purpose of creating a family, or cohabitation, is infrequent.¹⁵⁶

One of the main challenges concerning the investigations into and prosecutions of cases of domestic violence is that they do not always cover the full history of violence within a case (for example, where a victim has reported domestic violence several times to police or a case file only contains information on one or two incidents).¹⁵⁷ The same applies to cases that are already open; further incidents of violence are not examined together with the initial recorded incident, but are dealt with as separate cases.¹⁵⁸ However, according to the authorities, new tools have been made available to improve this situation, such as a violence risk-assessment tool and detailed rules for monitoring restraining orders.

155. Report of the Government of Georgia, p. 72.

156. NGO submission by the Coalition for Equality and others.

157. Report on femicide of the Public Defender in relation to cases in 2017.

158. Prosecution guidelines, p. 23.

319. **GREVIO urges the Georgian authorities to ensure on-the-job training for law-enforcement officials to overcome persistent attitudes, beliefs and practices that stand in the way of a police response to domestic violence that is based on an understanding of power differences between the victim and the perpetrator, the gendered nature and the impact and consequences of the violence.**

320. **GREVIO strongly encourages the Georgian authorities to take immediate measures to ensure a prompt and appropriate response by prosecution services in all cases of violence against women, in particular rape and sexual violence.**

321. **GREVIO urges the Georgian authorities to swiftly identify and address any/all legislative and procedural factors that contribute to the very high threshold for proving rape in court, while paying due regard to the principle of avoiding re-traumatisation of victims during investigation and judicial processes.**

B. Risk assessment and risk management (Article 51)

322. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

323. Following the ratification of the Istanbul Convention, the Ministry of Internal Affairs made significant improvements in responding to domestic violence cases by establishing a new mechanism for assessing the risk of violence. GREVIO welcomes the fact that a risk-assessment checklist for police officers arriving at a crime scene has become an integral part of the management of domestic violence cases in Georgia since September 2018.

324. According to the authorities, the aim has been to enable law enforcement to evaluate the risks for lethality and recidivism, thus ensuring safety planning for the victims and improved management of the perpetrators. The tool also informs the police, prosecution and courts during the investigation and pretrial stage to take the appropriate restrictive measures against the perpetrators and protective measures for the victims as well as for setting the conditions for the sentencing, supervision and treatment of offenders. Based on the information available, it appears, however, that not all relevant authorities are involved in assessing the safety risks to the victims, including the risk of repeated and lethal violence and, if necessary, providing co-ordinated support. Moreover, no information is available on whether individual protection and support plans for victims of domestic violence are developed, and whether counselling services and domestic violence shelters run by NGOs are included in the process. GREVIO therefore recalls that risk assessment is not a goal in and of itself, but a first step to ensuring co-ordinated safety measures and support to victims. According to the convention, the safety of the victims must be at the centre of all measures, including multi-agency initiatives. It also stresses the importance of procedures for risk assessment and management being repeated at all the relevant stages of proceedings.

325. According to the Georgian authorities,¹⁵⁹ a Spousal Perpetrator Assault Risk Assessment instrument was finalised and its guidelines developed for penitentiary and probation systems within the framework of the Strategy and 2019-2020 Action Plan on the Development of Penitentiary and Crime Prevention Systems. It is unclear, however, whether the implementation has started.

326. Moreover, GREVIO notes that concerns have been raised about the implementation of the risk-assessment tool.¹⁶⁰ In particular, it was brought to GREVIO's attention that police officers do not accurately/fully record the information provided by victims, including facts that could reveal aggravating circumstances or that are crucial to identifying the discriminatory gender motive, which

159. State report, p. 42.

160. NGO submission by the Coalition for Equality and others, pp. 32-33.

results in the crime being qualified as less grave.¹⁶¹ It is also reported that police officers do not ask all of the relevant questions included in the risk-assessment checklist and fill out some parts of the assessment by themselves. This may result in the failure to effectively identify risks and provide the necessary protection to victims.

327. The available information also reveals that some patrol inspectors and district inspectors encounter difficulties in accessing information related to the history of violence.¹⁶² Often the only information they appear to have access to for a particular violent incident is from the victim. Limited access to information about previous incidences and the history of the violence increases the risk that a police officer will consider the violent incident as a separate event and inadequately respond to it. Overall, this affects the effectiveness of the risk assessment. However, according to the authorities, the purpose of a violence risk-assessment tool is to ensure that police have access to information related to the history of violence and to other necessary information.

328. The enforcement of the risk-assessment tool was followed by the introduction of GPS electronic monitoring bracelets for perpetrators against whom restraining orders had been issued as a temporary protection measure for the victims in high-risk cases. Indicators for high-risk cases are the perpetrator's history of violence, violations of restraining or protection orders in the past and the use of weapons. The competent court must approve the request for electronic monitoring orders within 24 hours of issuance. The consent of the victim or his/her representative is necessary because it requires the victim to take certain actions, including carrying special technical equipment. GREVIO notes that the number of cases where electronic monitoring has been applied is low.¹⁶³

329. Based on the available information, the risk-assessment instruments are only applied in cases of domestic violence. GREVIO recalls that the obligation to ensure risk assessment extends to all forms of violence against women, including cases of stalking and forced marriage.

330. GREVIO strongly encourages the Georgian authorities to ensure that risk assessment and management is systematically carried out in relation to all forms of violence against women covered by the Istanbul Convention, including in relation to women and girls at risk of early and forced marriage. Moreover, GREVIO strongly encourages the Georgian authorities to ensure that effective multi-agency work is carried out systematically in all regions, based on the human rights and safety of the individual victim, in order to enable all relevant risk factors to be identified and responded to in an adequate manner with a view to ensuring their safety and reducing the number of deaths of women and children.

C. Emergency barring orders (Article 52)

331. The Law of Georgia on Violence against Women and Domestic Violence contains provisions concerning emergency barring orders for victims of domestic violence as well as other forms of gender-based violence.

332. An emergency barring order is issued by a police officer and determines temporary measures for protecting a victim of violence against women and/or domestic violence in a situation of immediate danger, such as the removal of the perpetrator from the shared residence or a ban on contact, separation of an abuser from a child or a restriction on the right to use a weapon (Article 10 of the Law of Georgia on Violence against Women and Domestic Violence).

333. Emergency barring orders are issued for a maximum duration of one month and can be issued independently from criminal proceedings or as part of or in the of course criminal proceedings to ensure the safety of the victim. They enter into force immediately after their issuance and must be

161. See also the Effectiveness Audit Report of Protection from Domestic Violence and Preventive Mechanisms issued in February 2019 by the State Audit office of Georgia, p. 5.

162. Audit of the Ministry of Internal Affairs, p. 28.

163. From September 2020 to August 2021, electronic surveillance was imposed in 15 cases of domestic violence and one case of another form of violence against women. See the Thematic Survey Report on the Reflection of the Obligations of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and the Effectiveness of Their Execution, Parliament of Georgia, 2022, p. 42.

served to the victim and the perpetrator within 24 hours, who may lodge an appeal against the order within three days.

334. GREVIO notes with satisfaction that at the beginning of an investigation into certain violent offences,¹⁶⁴ such as rape, killing, threats and bodily injury, it is compulsory to issue an emergency barring order to ensure the protection of victims by imposing some restrictions on the perpetrators (Article 10, paragraph 1¹, of the Law of Georgia on Violence against Women and Domestic Violence).

335. According to the Ministry of Internal Affairs, in 2017 almost 3 000 investigations into domestic violence and family crimes were launched, and 5 000 emergency barring orders were issued. In 2021, these numbers rose to over 5 000 investigations and 10 000 emergency barring orders.

336. Despite the progress, a number of challenges remain in relation to the application of emergency barring orders. According to reports from NGOs,¹⁶⁵ police officers fail to comprehensively examine the violent act or fully and accurately record the evidence in the protocol while issuing the emergency barring order. As a result, such orders are annulled by the court,¹⁶⁶ leaving the victims without protection.

337. The Human Rights Protection and Investigation Quality Monitoring Department has developed a monitoring mechanism for emergency barring orders, which became effective on 1 September 2018. The mechanism enables the police to monitor compliance with the orders, by maintaining robust communication and conducting visits to the victim and the offender according to the level of risk set by the protocol of the emergency barring order.

338. High-risk perpetrators are made to wear electronic monitoring bracelets upon the issuance of an emergency barring order and all time during its period of (Article 10, paragraph 3 of the Law on VAW). A protocol on the electronic surveillance is issued, which must be approved by a court within 24 hours of its issuance. According to NGOs, law-enforcement officers are reluctant to issue the electronic monitoring bracelets and often convince the victim that it will be inconvenient for her.¹⁶⁷

339. Furthermore, according to indications from women's rights NGOs, law-enforcement agencies do not implement active measures to monitor the implementation of emergency barring orders and place the onus for alerting them to breaches of such orders on the victims. The Ministry of Internal Affairs does not process statistical data on cases of recurring violence after the expiration of the restraining order. Despite the monitoring mechanism and the measures taken by the authorities, more effort must be made to monitor and follow up on violations of emergency measures to increase respect for these measures.

340. GREVIO strongly encourages the Georgian authorities to monitor more rigorously compliance with emergency barring orders and to review the process of issuance of such orders by the police, in order to identify and address reasons for the high proportion of issued orders being canceled/annulled by the courts.

164. Emergency barring orders are issued for the following offences under the Criminal Code of Georgia: Article 108 – Intentional killing; Article 109 – Intentional killing under aggravating circumstances; Article 115 – Incitement to suicide; Article 117 – Intentional infliction of grave injury; Article 118 – Intentional less grave bodily injury; Article 120 – Intentional less grave bodily injury; Article 126 – Violence; Article 137 – Rape; Article 138 – Another action of a sexual nature; Article 143(3)(e) – Illegal restriction of freedom committed using violence or threat of violence dangerous for life or health; Article 1443 – Humiliation or inhuman treatment; Article 151 – Threat; Article 160(2)(a) – Violation of inviolability of domicile or of any other property committed using violence or threat of violence; Article 3811 – Failure to perform the requirements and/or obligations provided for by a protective or restraining order. Failure to observe a social worker's decision on separation of a minor.

165. NGO submission by the Coalition for Equality and others, p. 33.

166. During the period 2018-2021, on average, around 60% of -emergency barring orders that were subject to an appeal were cancelled by the court. The numbers are as follows: 2018 – 58.8%; 2019 – 58%; 2020 – 60.6%; in the first nine months of 2021 – 61%. These figures are included in the "Thematic Survey Report on the Reflection of the Obligations on of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and the Effectiveness of Their Execution", Parliament of Georgia, 2022, p. 40.

167. See NGO submission by the Coalition for Equality and others, pp. 33-34.

D. Restraining or protection orders (Article 53)

341. Protection orders are issued by judges of first-instance courts in administrative proceedings for a period of up to nine months and can be extended for an additional term not exceeding three months, if the victim and other family members of the victim are at risk.

342. According to information provided by the Supreme Court, the number of protection orders issued by the courts is decreasing year on year. While in 2018, 130 protection orders (128 in relation to domestic violence) were issued, in 2021 only 92 protection orders were issued.¹⁶⁸ Overall, GREVIO is concerned by the low number of protection orders issued by the Georgian authorities.

343. A protection order may instruct the abuser to complete mandatory training courses that are focused on changing his/her violent attitude and behaviour, but no information was provided by the authorities on how this is implemented in practice.

344. Violation of the requirements under a restraining or a protection order has been a criminal offence since 2018. Under Article 381¹ of the Criminal Code the failure to perform the requirements and/or obligations under a restraining or protection order and the failure to observe a social worker's decision on the perpetrator's separation from a minor is punishable by a fine, by community service for a term of 180 to 240 hours or by imprisonment for a term of up to one year, with or without restriction of the right to own weapons. The same act committed repeatedly shall be punished by imprisonment for a term of one to three years, with or without restriction of the right to own weapons.

345. According to statistical data collected by the Information Analytical Department of the MIA, while in 2018 the number of investigations initiated for violations of restraining orders was 60, in 2019 the number was 516. No information is provided regarding the sanctions imposed as a result of violations, which GREVIO notes with great concern.

346. GREVIO strongly encourages the Georgian authorities to identify the causes of the high number of violations of restraining and protection orders and to ensure that effective, proportionate and dissuasive sanctions are applied in cases of breaches of such orders.

E. Ex parte and ex officio proceedings (Article 55)

1. Ex parte and ex officio proceedings

347. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

348. In Georgia the initiation of criminal legal proceedings against perpetrators of the different forms of violence against women, including sexual violence, is not wholly dependent upon a report or complaint filed by the victim. Under Article 100 of the Code of Criminal Procedure (CCP), law-enforcement agencies have an obligation to initiate an investigation upon receipt of information about the commission of a crime from any source. Information about a crime is that provided to an investigator or a prosecutor, identified during criminal proceedings or published by the media and in "written, verbal or any other form" (Article 101 of the CCP). Moreover, prosecutors or the court have an obligation to continue criminal proceedings in the public interest even if the victim withdraws her complaint or changes her statement. This obligation extends to the provision of sufficient protection for victims during the proceedings whether or not she gives evidence (Article 105 of the CCP).

168. In 2019, a total of 106 protection orders were issued (98 in relation to domestic violence), and in 2020 104 protection orders were issued.

349. GREVIO notes, however, that according to Article 16 of the CCP, “when making a decision to initiate or terminate criminal prosecution, a prosecutor exercises discretionary powers and takes into consideration the public interest”. When deciding to institute prosecution, based on the criminal policy guidelines,¹⁶⁹ the prosecutor relies on the evidentiary test and the public interest test. The evidentiary test is met if the evidence available in the case creates a sufficient basis for a real prospect of conviction in court and the public interest test is met if the launch of criminal proceedings has been prompted by public interest. Whether there is a public interest to prosecute is determined, among other things, by the criminal policy priorities of the state, the gravity of the crime, the possible effects of the crime and prior convictions of the person and their personal characteristics.

350. GREVIO also notes with concern that the criminal policy guidelines do not specifically define gender-based crimes, including sexual violence and domestic violence crimes, as crimes that should be investigated and prosecuted based on public interest. However, the Prosecution Service of Georgia has already developed an updated document on guidelines on the criminal law policy, which, according to the authorities, refers to gender-based crimes by name to spell out more clearly the policy on violence against women and sexual crimes.

351. There are cases when a victim of domestic violence refuses to testify against a spouse or a close relative in court, relying on Article 49, paragraph 1 *d*, of the CCP, which stipulates that no one is obliged to give incriminating testimony against himself/herself or a close relative.¹⁷⁰

352. In such cases, according to recent amendments to the CCP which entered into force in January 2020, the prosecutor/judge must offer a consultation with the witness and victim co-ordinator along with a reflection period of three days to a victim who is the spouse or a close relative of a defendant in a domestic violence case (under Article 126¹ of the Criminal Code of Georgia) or who is a victim of a domestic crime (under Article 11¹ of the same code) and who has personally suffered emotional or physical harm or property damage as a result of the crime (Article 50, paragraph 5). Such provisions could be seen as safeguards for the prosecution/judge to be able to avoid a victim’s refusal to testify against a close relative and to avoid a repeated risk of violence and threat of violence that can be the result of an acquittal.

353. Despite Georgian legislation providing for a proactive role by state authorities and mandatory *ex officio* prosecution of offences of sexual violence, and the traumatising nature of these offences, in practice, as seen many times above, the onus for initiating criminal proceedings and securing convictions is often on the victim rather than on the state.¹⁷¹ Victims of sexual violence very seldom come forward and report rape and quite often withdraw their complaints as a result of pressure exerted by their families, perpetrators or the community, or they are discouraged by the insensitive handling of the case by those in the criminal justice sector or lengthy proceedings. In such cases, although the authorities must act *ex officio*, insufficient evidence collection by law-enforcement authorities and the subsequent failure to meet the “two pieces” evidence threshold referred to above and an overreliance on the victim’s testimony prompt many victims to withdraw their statements or to refuse to testify, causing cases to be dropped.¹⁷² However, according to the authorities, the victim’s refusal to testify or altering the testimony does not constitute grounds for the termination of the investigation.

169. Order N181 of the Minister of Justice of Georgia (8 October 2010) on the approval of the general part of the criminal policy guidelines, 8 October 2020, Tbilisi.

170. Article 3, paragraph 2, of the Code of Criminal Procedure defines a close relative as “a parent, an adoptive parent, a child, a foster child, a grandfather, a grandmother, a grandchild, a sister, a brother, a spouse (including a divorced spouse)”.

171. Public Defender of Georgia and Council of Europe, Administration of Justice on Sexual Violence Crimes against Women in Georgia (December 2020), chapter F, available at: www.rm.coe.int/sexual-violence-research- eng/1680a17b78.

172. “Thematic Survey Report on the Reflection of the Obligations of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and the Effectiveness of Their Execution”, Parliament of Georgia, 2022, p. 25, available at: www.info.parliament.ge/file/1/BillReviewContent/296148; NGO submission by Equality Now and partners, pp. 17, 18 and 21.

354. In this context, GREVIO stresses the importance of proactively and comprehensively collecting all relevant evidence in addition to the victim's statement, also with a view to ensuring effective *ex officio* prosecution of crimes of violence against women, as required by Article 55 of the convention.

355. GREVIO strongly encourages the Georgian authorities to continue its efforts to train relevant professionals on the adherence to standard investigative procedures in order to lessen reliance on the victim's testimony with a view to ensuring effective *ex officio* prosecution of crimes of violence against women, in particular of offences of sexual violence.

2. Victim support in legal proceedings

356. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 of the Istanbul Convention requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services, may assist and support victims during investigations and judicial proceedings.

357. GREVIO notes with satisfaction that a Witness and Victim Co-ordinator Service was set up within the Prosecutor's Office of Georgia in 2011 with the specific aim of providing assistance to victims of violence against women and domestic violence, victims of offences committed on the grounds of discrimination and juvenile victims of sexual violence and helping them cope with the stress caused by the offence. It was conceived to empower witnesses and victims of crime to participate in criminal proceedings by providing them with psychological and emotional support, to minimise the effects of primary victimisation, to prevent secondary victimisation and to provide relevant information on the progress of cases. A similar service was set up in the Ministry of Internal Affairs in February 2019 to ensure assistance and support to witnesses/victims from the start of the investigation stage.

358. Since 2018, witness and victim co-ordinators have served as participants in criminal proceedings, who, after a preliminary consultation with a prosecutor, inform witnesses/victims about progress in the investigation, the applicable legal procedures and their rights and duties during the trial, in a language they understand and, if necessary, by using interpreters. They also provide emotional support to the witnesses/victims during the investigation and the court hearing, and in particular while testifying, and offer information about available legal aid, psychological, medical and/or other services and, when needed, assist them in contacting support services.

359. The co-ordinators and specialist support service co-operate closely, facilitated by multisectoral meetings between prosecutors, co-ordinators and service providers. Their work is based on guidelines for setting priorities and detailing the need to assist witnesses/victims to fully understand the consequences of their decision to testify against a spouse or close relative, as well as the risks and dangers she and/or her children may face in case of acquittal. In addition, the co-ordinator needs to identify if any ill-treatment is exercised against the victim or if the victim's refusal to testify is caused by other subjective and/or objective circumstances (threat, coercion, request, difficult economic situation, need for housing, etc.).

360. The number of beneficiaries of services provided by victim and witness co-ordinator offices has remained high over the last few years. While in 2016 a total of 8 573 individuals benefited from their services, in 2017 the number of beneficiaries (witnesses, victims) increased to 9 913, in 2018 to 9 292, 8 348 in 2019, 3 006 in 2020 and 5 280 in 2021. However, it is not clear how many among the beneficiaries were victims of violence against women. According to information provided by the authorities in 2020, 843 victims of domestic violence used the services of witness and victim co-ordinators.¹⁷³

173. Information provided by the Prosecutor's Office.

F. Measures of protection (Article 56)

361. GREVIO welcomes the provision in the Criminal Procedure Code of Georgia of procedural rights for victims (Article 57), which include the right to be informed about the criminal proceedings at any stage of the administration of justice, to request special protection measures in case of threat and intimidation and the right to request to hold the hearing in camera. Furthermore, when testifying in court, the victim enjoys the status of witness with all the rights and obligations granted under Article 47, paragraph 1, and Article 56 of the CCP. This includes the right to be informed about the case, the right to refuse to testify against herself/himself or his/her close relatives, and the right to access the services of interpreters/translators, among other things. However, GREVIO notes with concern that in practice victims are not informed about their rights and obligations in a comprehensive manner.

362. In addition, the infrastructure of the Georgian courts fails to ensure that contact between women victims and perpetrators on court premises is avoided. In particular, the courts do not have separate entrances and waiting areas for witnesses. Existing alternative entrances (such as entrances for court staff or judges) are not often used in practice. Accordingly, the risk of secondary victimisation of victims of domestic violence in court buildings, as well as confrontation with alleged perpetrators and their family members, is increased.

363. The Criminal Procedure Code of Georgia provides for the remote questioning of witnesses using technical means from the same or from a different court or any other place, of which the parties shall be notified in advance (Article 243, paragraph 3, of the CCP). In some cases, technical deficiencies were revealed during the hearings conducted remotely. Measures for questioning victims remotely or for avoiding their secondary victimisation are not systematically applied.¹⁷⁴

364. Upon the motion of a party to the proceedings or on its own motion, the court may decide to hold the meeting in camera, albeit in exceptional cases only (for example, if the public nature of the hearing substantially harms the privacy of the participant in the proceedings, reveals their identity or considerably endangers his/her or his/her close relative's life, health or property), including for the protection of the interests of the victim of a domestic crime (Article 182, paragraph 3d, of the CCP). In practice, however, victims are not informed of this and the above-described protective measures.¹⁷⁵

365. GREVIO welcomes a recent amendment to the Imprisonment Code of Georgia aimed at increasing the safety of women victims of violence, which sets forth the obligation of the prison administration to inform the Ministry of Internal Affairs before the accused/convicted person is released from prison (Article 45¹). The penitentiary institution informs the corresponding division of the Ministry of Internal Affairs where the crime occurred and/or the victim lives. Moreover, the Ministry of Internal Affairs contacts the victim, evaluates the information received from the victim and assesses the risk.

366. The Juvenile Justice Code provides special protection measures for children, such as free legal aid. However, GREVIO notes with concern the fact that in certain cases it is possible to interrogate/interview child witnesses without the participation of a lawyer and no audio/video recordings are made.¹⁷⁶ GREVIO is thus alerted to the need to engage lawyers in cases from the moment the juvenile comes into contact with the investigative bodies.¹⁷⁷

367. In sum, GREVIO welcomes the range of protective measures provided under the law to ensure that victims' rights and interests are protected during investigations and criminal proceedings. These include, among other things, the holding of hearings in camera and the notification of the victims of a perpetrator's release from prison. However, GREVIO notes with concern that according to available information they are not systematically implemented by the Georgian authorities.

174. See the NGO submission by Equality Now and partners, pp. 19-20.

175. See footnote 176.

176. The right to non-discrimination in practice for various groups in Georgia, report by Open Society Georgia Foundation, 2020.

177. Alternative Report on Georgia's Compliance with the International Covenant on Civil and Political Rights, Tbilisi, 2020, pp. 9-10. Available at: www.bit.ly/3e05A3c.

GREVIO stresses that ensuring victims' rights in criminal proceedings will prevent the abandonment of cases and is thus in the interests of the judiciary and prosecution services.

368. GREVIO strongly encourages the Georgian authorities to ensure the systematic use of all available protection measures for victims of violence against women and domestic violence, including child victims and witnesses, as envisaged by Georgian legislation, in particular during investigations and judicial proceedings, and to ensure the possibility to hold hearings through audio-visual means and the use of separate entry and waiting areas for victims and alleged perpetrators in order to avoid confrontation.

G. Legal aid (Article 57)

369. In Georgia legal assistance to victims of violence against women is mainly provided by the state-funded Legal Aid Service. In 2022, the mandate of the Legal Aid Service was reviewed in order to make it more accessible. Moreover, recent legislative changes adopted in June 2022 grant the right to free legal aid to insolvent people affected by family crime under Article 111 and domestic violence under Article 126¹ of the Criminal Code of Georgia.

370. GREVIO notes with satisfaction that legal aid is not limited to victims of domestic violence and that victims of all forms of violence appear to be entitled to legal advice, legal representation in the court and/or administrative bodies, including in relation to the issuance of protection orders, and compilation of legal documents provided by the state-funded Legal Aid Service, irrespective of any means testing. For incidents of domestic violence, the Law of Georgia on Legal Aid (Article 5, paragraph 2), provides for free legal aid in civil and administrative proceedings without this being subject to merit testing.

371. GREVIO also notes that internally displaced women as well as asylum seekers and women seeking international protection whose claims are challenged in court are entitled to legal assistance from the Legal Aid Service. However, it is not clear whether there are any eligibility criteria and what the procedure is for accessing it. According to information provided during the evaluation visit, asylum-seeking women are entitled to legal consultation, preparation of legal documents and representation in the administrative court regardless of their credit-worthiness.

372. According to the statistics provided by the authorities, between 2020 and the second quarter of 2022, the state-funded Legal Aid Service provided court representation in proceedings concerning violence against women and domestic violence to 416 women victims. In addition, 350 women victims received legal consultations on restraining and protection orders during the same period.

373. State-run shelters and crisis centres also provide legal assistance to victims of violence, which implies free legal advice and court representation. However, they are few in number with most regions hosting only one or two such shelters located in the main cities (see more under Chapter IV above). Ministerial Order No. 01-64N¹⁷⁸ sets forth compulsory minimum standards for all service providers – regardless of their organisational or legal status – in relation to the services provided, including legal aid for victims of domestic violence and their dependents. Victims who are not willing to or do not need to be placed in a crisis centre or shelter can, however, benefit from legal aid provided by the centre.

374. In 2017 the Network of Legal Aid Providers was established with the aim of ensuring accessible and effective legal aid in Georgia and creating a sustainable referral system for legal aid.¹⁷⁹ It included among its founders the Legal Aid Service and several NGOs. Specific criteria were established for the accession of NGOs to the network aimed at ensuring the quality of legal services. Moreover, the Agency for State Care signed a memorandum of co-operation with numerous legal entities including the state-funded Legal Aid Service, the Informational Medical Psychological Centre "Tanadgoma" and several NGOs (such as the Georgian Young Lawyers' Association, the

178. The ministerial order concerns "The Minimum Standard Requirements for Crisis Centre Establishment and Functioning" and was issued on 10 November 2017 by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs.

179. See the state report, p. 87.

Anti-Violence Network of Georgia, the Women's Information Centre and the NGOs Sakhli and Amagdari). One of its goals is to keep representatives of local self-government informed about the available legal aid services and the referral of the victims in need of legal assistance. These appear to be steps aimed at improving co-ordination between the legal assistance provided by NGOs specialising in violence against women and the state-funded legal aid system, which GREVIO welcomes.

375. A Free Legal Aid Portal¹⁸⁰ has been set up for victims seeking free legal aid. The portal includes information about the Network of Legal Aid Providers and other NGOs which provide free legal aid and advice throughout the country.¹⁸¹

376. According to available information, lawyers from the Legal Aid Service representing victims of violence against women undergo annual training. Moreover, due to the sensitive nature of cases of gender-based violence and protection of victims of domestic violence, the service, on its own initiative, decided to ensure that lawyers specialise in these types of cases.¹⁸² They undergo a three-day vocational course covering the provision of information on issues concerning the protection of victims of gender-based or/and domestic violence and the study of psychological aspects.

377. Training has also been provided to lawyers from the State Legal Aid Service, with the support of international organisations and foreign donors.

180. See: <https://free.mylaw.ge>.

181. The search engine allows users to look for legal services by organisation, case category, city, type of service and type of consultation. The portal and website were produced by the Professional Association of Court Personnel with the assistance of the European Union and UNDP.

182. Report on Legal Aid Service activity, 2018, p. 30.

VII. Migration and asylum

378. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or who are subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

A. Residence status (Article 59)

379. In Georgia the granting of temporary residence permits to foreigners is stipulated by the Law on the Legal Status of Aliens and Stateless Persons. According to Article 61, paragraph 1 *b*¹, an alien who is a victim of violence against women and/or domestic violence may not be removed from Georgia until the relevant proceedings are ended and/or for the duration of her being placed in a shelter. Article 15*i* of the same law stipulates that a temporary residence permit shall be issued to a migrant woman who has been assigned the status of a victim under the Law of Georgia on Violence against Women and/or Elimination of Domestic Violence¹⁸³ and if a recommendation is given by the victim's service provider or the authority in charge of the proceedings (Article 17, paragraph 4). Temporary residence permits are generally issued for a period of one year and can be extended for up to five years, but the duration can vary according to the request made.

380. Although GREVIO welcomes the establishment of these measures, it expresses some concern about the ability of victims to access this protection and calls for an interpretation of the conditions that take into account the difficulties that migrant women may experience in seeking help from the authorities or other service providers for reasons of their isolation by and dependency on their abuser. In view of the overall difficulties in obtaining victim status described previously in this report and owing to language and other barriers which migrant women victims of violence may face, GREVIO is concerned that the threshold for obtaining an autonomous residence permit may be too high for many migrant women who derive their residence status from their abuser or who have been forced into a marriage on which they depend for the residence status. The low number of women victims of violence who obtained a temporary residence permit on this basis – indicated as four for the period of 2020-2021 – seems to support this concern and is very low compared to the likely number of migrant women believed to be experiencing domestic violence in Georgia.

381. The Agency for State Care is authorised to apply to the Public Service Development Agency of the Ministry of Justice of Georgia with a request to issue temporary residence permits for migrant women who need protection. A total of 5 temporary residence permits were issued in the period from 2017 to July 2022.

382. **GREVIO strongly encourages the Georgian authorities to ensure that the practical implementation of Article 15 of the Law on the Legal Status of Aliens and Stateless Persons allows migrant women who are victims of domestic violence and who depend on their abuser for their right to remain in Georgia to enable them, in practice and on the basis of standards of proof that they are able to meet, to obtain an independent (temporary) residence permit.**

183. For more information on how victim status is granted, see Chapter IV.

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

383. The number of asylum seekers in Georgia has been increasing since 2016. As of December 2020, there were 1 188 persons under international protection (holding refugee and humanitarian status).¹⁸⁴ The main countries of origin are Iraq, Ukraine, Russia, Syria, Yemen, Egypt and Iran. According to the available information, in 2018 women constituted 44% of refugees and persons holding humanitarian status.¹⁸⁵

384. In recent years, Georgia has implemented important legal and institutional changes aimed at improving the system of international protection. The conditions and procedures for obtaining asylum and temporary protection are set out in the Law on International Protection, in force since 1 February 2017. GREVIO welcomes the explicit recognition by law of gender-based violence against women as a form of persecution and that this can lead to the granting of refugee status (Article 32).¹⁸⁶ Moreover, Article 3w lists the following as persons with specific needs: pregnant women, single parents, victims of trafficking, people with a serious mental and/or physical illness and people with post-traumatic stress disorders, and victims of torture, rape or psychological, physical or sexual violence. Their applications for international protection are reviewed as prioritised cases.

385. According to the authorities, the UNCHR Guidelines on gender-based violence are regularly taken into account in the asylum determination procedure. However, based on the available information, it is difficult to assess how these provisions on asylum are applied in practice by the Georgian authorities. While data appear to be collected on the number of claims granted and on the number of those who obtained status on the basis of gender-based persecution and disaggregated by sex, their accessibility was limited to GREVIO at the time of publication.

386. Regulations on asylum procedure and personal data collection (including the taking of fingerprints) for asylum seekers, international protection holders, humanitarian status holders and temporary protection holders, as well as rules for the accommodation of asylum seekers and the provision of identity cards and other travel documents, have also been adopted.¹⁸⁷ The new regulations shorten the time limit for each court instance to deliver a judgment to two months, while the deadline for appealing against a negative decision has been extended from 10 days to one month. At the same time, the overall time frame for the first-instance administrative authority to issue a decision is six months, with the possibility of extension up to 21 months (under specified circumstances).

387. According to the information provided by the authorities, within the scope of the recent legislative and institutional amendments, gender-sensitive reception procedures for asylum seekers have been introduced alongside procedural standards for assessing gender-based claims. Accordingly, during the asylum procedure, asylum seekers and international protection holders are entitled to the services of an interpreter free of charge and to be interviewed by an authorised official and use the services of an interpreter of the same sex.¹⁸⁸

388. Information on international protection is available via a hotline, as well as through an *in situ* consultation at the Migration Department of the Ministry of Internal Affairs of Georgia. Consultations are provided by competent officials acquainted with the methodology of interviewing persons with specific needs and who hold relevant information regarding essential medical, psychological, social

184. Ombudsman 2020 annual parliamentary report <https://ombudsman.ge/res/docs/2021070814020446986.pdf>.

185. See: www.migration.commission.ge/files/mp19_eng_web3.pdf.

186. Article 32 of the Law on International Protection: "Persecution may take different forms, including physical or psychological violence; sexual violence; discriminatory legal, administrative and/or judicial acts and measures; disproportionate or discriminatory criminal persecution or punishment; or an act that, by its nature, is related to gender identity, sex or a juvenile (paragraph 2). Serious harm is considered to be the death penalty or the threat of punishment by death; torture, degrading or inhuman treatment or punishment; and serious threat to the life of a person due to violence, international or internal armed conflict, or mass violation of human rights (paragraph 3)".

187. UN UPR Mid-Term Report – Georgia (2019), pp. 30-31.

188. Decree No. 33 of the Minister of Internal Affairs of Georgia on Asylum Procedure.

and legal assistance available for such applicants. Accordingly, an authorised official immediately advises a woman who is a victim of sexual or domestic violence, a pregnant woman or a single parent on their rights and responsibilities under the Law of Georgia on International Protection and the asylum procedure.

389. As of January 2016, asylum seekers are entitled to free legal aid provided by the Legal Aid Service. The Legal Aid Service offers free legal consultations, assistance and court representation to asylum seekers. However, according to information received during the evaluation visit, free legal assistance during the administrative stage of the asylum procedure is not available.

390. GREVIO notes that the rate of negative decisions on applications for refugee and humanitarian status is high. In 2018, 537 applications were refused and 90 approved, in 2019, 407 applications were rejected and 77 approved, and in 2020, 351 rejected and 26 approved. In 2020, 73% of applications for a residence permit were approved, 10% rejected on state security grounds and 17% remain pending. Watchdog organisations are concerned however that the practice of refusing residence permits to citizens of African and Asian states (Nigeria, Cameroon, Egypt, India, Bangladesh and Pakistan) may be discriminatory and arbitrary.¹⁸⁹ GREVIO is concerned that the high rate of negative decisions for international protection may affect women and girls disproportionately.¹⁹⁰

391. **GREVIO encourages the Georgian authorities to:**

- a. **take measures to ensure that legal representation and assistance is provided not only before the competent courts but also during the administrative stage of the asylum procedure;**
- b. **collect and publish data on the annual numbers of asylum applications based on gender-related persecution, and the numbers of such applications granted and rejected.**

2. Accommodation

392. Asylum seekers are guaranteed the right to accommodation at the Asylum Seekers' Reception Centre (a centre located near Tbilisi). While one building is designated for women asylum seekers and families, the other building is designated for male asylum seekers arriving on their own. The reception centre can accommodate 132 people. Upon admission at the reception area, each asylum seeker undergoes a vulnerability screening, which is carried out by a same-sex security officer.¹⁹¹ According to the authorities, asylum staff have adequate qualifications and competence for identifying women who have been victims of gender-based violence.¹⁹²

393. At the time of the evaluation visit and according to the authorities, there were 84 asylum seekers being accommodated, but none of them was a victim of gender-based or sexual violence.

394. The Public Defender's Office, the Office of the United Nations High Commissioner for Refugees (UNHCR) and its partner NGOs, such as Rights Georgia and World Vision, have unrestricted access to the Asylum Seekers' Reception Centre. They carry out periodic visits to the centre, sometimes unannounced, and meet with asylum seekers.

395. Prior to placement in the reception centre, asylum seekers receive information on their rights and responsibilities in a language they understand. This information is provided orally or in the form of a written information card.

396. Victims of violence against women can seek medical and psychological assistance in crisis centres run by the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking.

189. See www.tdi.ge/sites/default/files/tdi_report_on_racial_discrimination_and_rights_of_foreigners.pdf.

190. The data currently collected by the Georgian authorities unfortunately remained inaccessible to GREVIO.

191. *Ibid.*, Article 6, paragraph 7.

192. *Ibid.*, Articles 11, 15 and 26.

397. Women holding refugee status, asylum seekers and humanitarian status holders are entitled to employment, education (including preschool and secondary education, professional and higher education) and medical assistance through state healthcare programmes available for citizens of Georgia, as well as the right to be provided with social, economic and day-to-day living conditions (for humanitarian status holders and refugee status) or accommodation at the reception centre (for asylum seekers).

C. Non-refoulement (Article 61)

398. Article 8 of the Law on International Protection guarantees the principle of *non-refoulement* for asylum seekers and international protection holders. In particular, an asylum seeker or an international protection holder may not be returned to the border of a country where his/her life or freedom is endangered on the grounds of his/her race, religion, nationality, membership of a particular social group or political views.

399. However, the *non-refoulement* principle does not apply to an asylum seeker or internationally protected person for whom there are sufficient grounds to believe that he/she poses a threat to the state security of Georgia, nor to those who have been convicted of committing a grave crime in Georgia on the basis of a court ruling having entered into legal force, nor to those who pose a threat to the public. Thus, according to Articles 17 and 20 of the Law of Georgia on International Protection, one of the grounds for refusal to grant refugee or humanitarian status, if there are sufficient grounds for such an assumption, is that the person poses a threat to the state security, territorial integrity or public order of Georgia. The information that is processed for the purposes of the law and attached to the case is a state secret. In the process of administrative proceedings, only the Office of the Public Defender of Georgia or an authorised official has the opportunity to get acquainted with the information, and in case of a court hearing, the judge. As a result, the process of fully exercising the guarantee of the right to protection, stated in the third paragraph of Article 31 of the Constitution of Georgia, is hindered.

400. In this regard, concerns were expressed that applications from citizens of Afghanistan, Eritrea, Iran, Iraq, Syria and Yemen were being rejected automatically on national security grounds, without a thorough examination on a case-by-case basis of the threat posed by the individual applicants. The conclusions on which the decisions were based were classified and not made available to the applicant at any stage.¹⁹³ According to the Public Defender, in 2020, there were 11 applicants from Syria and all of them were rejected on state security grounds. However, according to the authorities, there are no predefined presumptions on the basis of country-of-origin information and all applications on international protection are considered individually on a case-by-case basis.

401. Reports also indicate that since the end of 2019 the government has not issued or extended identification cards for newly registered asylum seekers or asylum seekers already within the process and has not extended residence documents for recognised refugees and humanitarian status holders, for reasons not provided to them, as required by law.¹⁹⁴ The lack of valid identification has hindered the access of asylum seekers to the rights provided by law, leaving them vulnerable to deportation or *refoulement*. This forced many of them to give up international protection and leave Georgia.

402. In 2020 the Ministry of Internal Affairs adopted an order which clearly defines the rights and responsibilities of the patrol and border police on receiving and redirecting an asylum seeker at the

193. 2020 Report on Human Rights Practices: Georgia, US Embassy in Georgia.

194. Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 37th Session: www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=6077613b4&skip=0&query=Submission%20by%20the%20United%20Nations%20High%20Commissioner%20for%20Refugees%20For%20the%20Office%20of%20the%20High%20Commissioner%20for%20Human%20Rights%E2%80%99%20Compilation%20Report%20Universal%20Periodic%20Review:%203rd%20Cycle,%2037th%20Session.

border. The Public Defender assessed positively the training provided to border police officers on the implementation of this order.¹⁹⁵

403. GREVIO notes that statistical data concerning the citizenship of individuals and legal grounds for refusal to enter country are not processed.

404. GREVIO strongly encourages the Georgian authorities to ensure that women victims of violence who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

195. See the Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2020, p. 378.

Concluding remarks

405. GREVIO welcomes the many steps taken by the Georgian authorities to align its laws, policies and institutional framework with the standards of the Istanbul Convention in the area of promoting gender equality and combating violence against women. The adoption of the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020, especially dedicated to violence against women and domestic violence, accompanied by policies on violence against women, constituted a very important step in aligning Georgia's obligations with its commitments under the convention.

406. These steps have been complemented in recent years by measures that align Georgian legislation more closely with the requirements of the Istanbul Convention. The Law on Domestic Violence has been amended to address all forms of violence and most of the criminal conduct in the Istanbul Convention has been turned into a criminal offence. The offence of domestic violence as well as new crimes such as forced marriage, female genital mutilation, stalking and forced sterilisation have been introduced into the Criminal Code. Significant changes were made to legislation in 2019 in terms of prohibiting sexual harassment. Despite these efforts, the definition of rape and the other offences of sexual violence in the Georgian Criminal Code still need to be amended so as to be in line with the standards of the Istanbul Convention. Moreover, the evaluation has shown that the criminal justice mechanisms for combating sexual violence face serious shortcomings and victims have no access to fully established rape crisis and/or sexual violence referral centres in an adequate geographical distribution.

407. The evaluation also revealed the need to upscale the provision of specialist services to victims of all other forms of violence against women. By way of example, women and girls at risk of or subjected to forced marriage find it harder to get help as very few services exist for these forms of violence. Moreover, children who witness violence often remain invisible to the system and do not receive appropriate and sufficient access to specialist and age-appropriate services.

408. Besides bureaucratic obstacles, such as the requirement of obtaining victim status, additional factors such as ethnicity, poverty, social origin and disability still limit women's access to existing services, including domestic violence shelters. One other possible area of improvement that has been identified by GREVIO is improving the access to support services and protection mechanisms to women exposed to the risk of intersectional discrimination, such as women from national and/or ethnic minorities, women in rural areas, women with disabilities, women refugees, lesbian, bisexual or transgender women and older women.

409. Last, GREVIO points to the special attention that needs to be paid to the elimination of gender stereotypes and to understanding the gendered nature of violence against women, as firmly rooted stereotypes about gender roles or prevailing views about the characteristics of and roles for women and men and about acceptable behaviour are still prevalent in Georgian society. Against the high prevalence of patriarchal attitudes, efforts to increase women's equal status in society, public discourse, the media and all other relevant areas must be urgently undertaken.

410. With the present report, GREVIO wishes to support the Georgian authorities in their endeavour to deepen the level of implementation of the Istanbul Convention and invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the Georgian authorities.

411. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Scope of application of the convention and definitions (Articles 2 and 3)

1. GREVIO encourages the Georgian authorities to pursue the adoption of new national action plans to prevent and combat violence against women and domestic violence in order to develop a comprehensive approach to all forms of violence covered by the scope of the Istanbul Convention, in particular by extending definitions of domestic violence to non-married partners who do not share or have not shared a residence. (paragraph 11)

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

2. GREVIO encourages the Georgian authorities to take the necessary measures to continue their efforts to achieve full implementation of legislation and public policies on gender equality, in particular by taking measures aiming at achieving de facto equality. (paragraph 18)

2. Intersectional discrimination

3. GREVIO urges the Georgian authorities to (paragraph 25):

- a. take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any grounds listed in Article 4, paragraph 3;
- b. take measures to ensure that women exposed to or at risk of intersecting forms of discrimination receive adequate information about their rights and support services available;
- c. improve the access to protection and support for certain groups of women victims of violence, in particular women with disabilities, women belonging to national and/or ethnic minorities, women living in rural areas and LGBTI women, by developing policy orientation and measures which aim to overcome the specific obstacles faced by these groups of women;
- d. integrate the perspective of these groups of women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's rights NGOs representing them.

E. Gender-sensitive policies (Article 6)

4. GREVIO strongly encourages the Georgian authorities to intensify their efforts to systematically assess the gender-related impact of the measures taken to prevent and combat violence against women and to ensure that all policies and measures implemented in this respect are based on a gendered understanding of violence against women and domestic violence. (paragraph 31)

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

5. GREVIO strongly encourages the Georgian authorities to pursue efforts aimed at improving the co-ordination between national and regional/local authorities in the implementation of policies to prevent and combat violence against women and at providing an independent monitoring of the policy implementation. (paragraph 41)

6. GREVIO further encourages the Georgian authorities to ensure that any methods developed for multi-agency co-operation fully reflect the specific needs of women who are or might be exposed to intersecting forms of discrimination, in particular women belonging to minority groups, women with disabilities, women from rural areas, internally displaced women and LGBTI women. (paragraph 42)

B. Financial resources (Article 8)

7. GREVIO urges the Georgian authorities to (paragraph 50):

- a. increase and ensure the sustainability of the financial resources allocated to measures and policies for preventing and combating violence against women, including in particular the budget for the entity in charge of co-ordinating policies and measures in this area as well as to women's rights NGOs which run specialist support services for women victims of all forms of violence;
- b. take steps, in particular by planning earmarked funding, to identify more effectively the sums spent on preventing and combating violence against women by all relevant national and local institutions.

C. Non-governmental organisations and civil society (Article 9)

8. GREVIO strongly encourages the Georgian authorities to (paragraph 56):

- a. increase the involvement of NGOs in all stages of the preparation, co-ordination and implementation of laws, public policies and programmes to prevent and combat violence against women;
- b. support by all possible means the expansion of NGO-run specialist services in Georgia, such as women's centres and shelters, in particular by establishing suitable funding opportunities, such as grants based on transparent procurement procedures, and by ensuring stable and sustainable funding levels for all NGOs working to support victims and to prevent violence.

9. GREVIO urges the Georgian authorities to reinforce the support for and recognition of independent women's rights organisations, by acknowledging the value and expertise they bring in terms of following a gendered approach to violence against women and fostering victims' trust and promoting their human rights and ensure that threats or harassment faced by activists of women's rights NGOs are duly investigated and that measures are undertaken to prevent them. (paragraph 57)

D. Co-ordinating body (Article 10)

10. GREVIO strongly encourages the Georgian authorities to allocate sufficient human and financial resources to the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence to enable it to adequately fulfil its role as national co-ordinating body established under Article 10 of the Istanbul Convention. In so doing, GREVIO strongly encourages the Georgian authorities to ensure, on the one hand, the co-ordination and implementation of policies and measures and, on the other hand, the independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies. (paragraph 65)

E. Data collection and research (Article 11)

1. Administrative data collection

a. Law-enforcement agencies and the justice sector

11. GREVIO strongly encourages the Georgian authorities to take measures to harmonise the collection of data between law-enforcement agencies and the judiciary with the aim, *inter alia*, of assessing attrition rates, and to ensure that anonymised data are systematically made available to the public. (paragraph 75)

b. Healthcare sector

12. GREVIO strongly encourages the Georgian authorities to take measures to ensure the collection of harmonised data in relation to healthcare providers' contact with women patients for reasons related to experiences of gender-based violence. Such data should be disaggregated by, at a minimum, sex, age and the relationship of the perpetrator to the victim. (paragraph 77)

13. In addition, GREVIO encourages the Georgian authorities to increase awareness among health professionals of the relevance of collecting data on all forms of violence against women, including domestic violence, and to enhance their skills and capacity to collect data, including through training to detect cases of violence against women. (paragraph 78)

d. Data on the asylum procedure

14. GREVIO strongly encourages the Georgian authorities to introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution, including female genital mutilation and forced marriage. (paragraph 81)

2. Population-based surveys

15. GREVIO encourages the Georgian authorities to carry out regular population-based surveys to assess the prevalence of and trends in all forms of violence against women covered by the scope of the Istanbul Convention. (paragraph 83)

3. Research

16. GREVIO strongly encourages the Georgian authorities to address, through research, violence affecting vulnerable groups of women such as national and/or ethnic minority women and girls, migrant women, LGBTI women and women with disabilities. GREVIO also strongly encourages the Georgian authorities to support research into the effects on children of witnessing domestic violence and the access of women victims to support, protection and justice. (paragraph 87)

III. Prevention

A. Awareness raising (Article 13)

17. GREVIO encourages the Georgian authorities to continue their efforts to conduct awareness-raising campaigns on the different forms of violence against women covered by the Istanbul Convention, by addressing all groups of women and girls, notably women belonging to national and/or ethnic minorities and women with disabilities. (paragraph 96)

B. Education (Article 14)

18. GREVIO strongly encourages the Georgian authorities to increase their efforts to promote, adapted to the evolving capacity of learners, the principles of equality between women and men,

non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity, and to ensure the provision of information on the different forms of gender-based violence against women, in formal curriculums and at all levels of education. GREVIO also strongly encourages the Georgian authorities to closely monitor how teachers make use of the existing teaching materials and how they approach issues related to gender equality and violence against women. (paragraph 103)

C. Training of professionals (Article 15)

19. GREVIO strongly encourages the Georgian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, equality between women and men, the needs and rights of victims, the multi-agency co-operation and the prevention of secondary victimisation, for all groups of professionals, in particular those in law enforcement and the healthcare sector and social workers. All training must be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow and by appropriate and sustainable funding for the training sessions. (paragraph 117)

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

20. GREVIO encourages the Georgian authorities to take steps to increase the potential of the programmes for perpetrators of domestic violence as preventive tools, in particular by publicising information about the availability of such programmes more widely and ensuring the adequate resourcing of existing programmes. GREVIO also encourages the Georgian authorities to assess existing programmes to determine their short-term and long-term impact and whether they work in close co-ordination with specialist support services for victims. (paragraph 126)

2. Programmes for sex offenders

21. GREVIO strongly encourages the Georgian authorities to take steps to comply with the requirements of Article 16, paragraph 2, of the Istanbul Convention concerning the establishment of treatment programmes for sexual offenders, taking due account of best practices developed internationally and guaranteeing a human rights-based approach. (paragraph 128)

E. Participation of the private sector and the media (Article 17)

22. In light of the important role played by the media in shaping and changing attitudes to the status and role of women in society and the level of acceptance of violence against women, GREVIO strongly encourages the Georgian authorities to take further measures to ensure that the media sector refrains from peddling gender stereotypes or disseminating degrading images of women and reports cases of violence in a gender-sensitive way, in particular, by organising training programmes for journalists and/or by promoting a wider use of the existing self-regulatory guidelines. (paragraph 137)

23. GREVIO strongly encourages the Georgian authorities to increase their efforts to engage the employment sector to adopt measures and set self-regulatory standards to prevent and combat gender-based violence against women, in particular sexual harassment, in the workplace and to collect data on the number of complaints made by victims and the outcomes of such complaints. (paragraph 138)

IV. Protection and support

A. General obligations (Article 18)

24. GREVIO urges the Georgian authorities to set up institutionalised structures for co-ordination and co-operation among all of the different statutory agencies, non-governmental bodies and specialist service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular rape and sexual violence, forced marriage, stalking and sexual harassment, as well as in cases of domestic violence. (paragraph 146)

B. Information (Article 19)

25. GREVIO strongly encourages the Georgian authorities to ensure the wider dissemination of easily accessible and timely information on the support services and legal measures available to women victims of all forms of violence covered by the Istanbul Convention in a language they understand and to ensure that any information made available reaches particularly vulnerable women, such as women with disabilities, women belonging to national and/or ethnic minorities, internally displaced women and women living in rural or remote areas. (paragraph 152)

C. General support services (Article 20)

1. Social services

26. GREVIO strongly encourages the Georgian authorities to take the necessary legislative and other measures to ensure (paragraph 162):

- a. that all women victims of violence covered by the Istanbul Convention have access to services facilitating their recovery and autonomy throughout the country, in particular appropriate financial assistance and housing and employment programmes, especially in areas lacking employment opportunities, such as in rural areas;
- b. the appropriate human and financial resources for social services to support victims of all forms violence against women covered by the Istanbul Convention and respond to their short and long-term needs, including by equipping social workers with the skills and resources to adequately support and assist victims in a gender-sensitive manner.

2. Healthcare services

27. GREVIO strongly encourages the Georgian authorities to pursue their efforts to increase the capacity of the healthcare system to respond, in a sensitive manner, to the medical and forensic needs of women and girl victims of all forms of violence covered by the scope of the Istanbul Convention, in particular by effectively implementing the recently adopted protocols and guidelines and by equipping all healthcare professionals with the skills and resources to identify and respond to victims of violence, including those exposed to or at risk of multiple forms of discrimination such as women with disabilities, internally displaced women and conflict-affected women. (paragraph 167)

D. Specialist support services (Article 22)

28. Recalling the importance of women-to-women specialist support and counselling for any experiences of violence covered by the Istanbul Convention, GREVIO urges the Georgian authorities to provide or arrange for adequate specialist women's support services with a gendered approach throughout the country and for all forms of violence covered by the Istanbul Convention, including their digital manifestations. (paragraph 174)

29. In so doing, GREVIO urges the Georgian authorities to ensure that all women victims of violence and their children have access to such specialist support services, in particular women exposed to or at risk of intersecting forms of discrimination such as women in rural and remote areas and internally displaced women. (paragraph 175)

E. Shelters (Article 23)

30. GREVIO urges the Georgian authorities to expand the number and/or the capacity of shelters to reach the minimum standard of one family place per 10 000 head of population throughout the country and to ensure equitable access to such shelters for all women victims of all forms of violence covered by the Istanbul Convention, also by removing any additional requirements and bureaucratic obstacles, such as the requirement of obtaining victim status. (paragraph 186)

31. With the aim of guaranteeing the adequate access of women victims of violence and their children to dedicated, safe and supportive shelter facilities, as required under Article 23 of the Istanbul Convention, GREVIO urges the Georgian authorities to take measures to ensure that women victims of gender-based violence are accommodated in same-sex shelters. (paragraph 187)

F. Telephone helplines (Article 24)

32. GREVIO strongly encourages the Georgian authorities to increase their efforts to promote the national helpline to make it better known among the general public throughout the country and to ensure that assistance by trained staff is provided to victims of all forms of violence covered by the Istanbul Convention, in particular sexual violence. (paragraph 194)

G. Support for victims of sexual violence (Article 25)

33. GREVIO urges the Georgian authorities to establish a sufficient number of rape crisis centres and/or sexual violence referral centres accessible to victims of rape and/or sexual violence, which meet all their needs in the short, medium and long term and include immediate medical care, high-quality forensic examinations, psychological and legal support and referral to specialist support organisations, while ensuring that victims' access to these services should not depend on their willingness to file a complaint and/or to be granted the status of the victim. (paragraph 200)

H. Protection and support for child witnesses (Article 26)

34. GREVIO urges the Georgian authorities to ensure that the legal recognition of the harmful effects of witnessing violence by one parent against the other or any other form of violence covered by the Istanbul Convention translates into the provision of adequate and age-appropriate counselling and support for such children across all regions of the country, including longer-term psychological counselling as appropriate. (paragraph 207)

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

35. GREVIO strongly encourages the Georgian authorities to ensure through all available means that women victims of any of the forms of violence against women covered by the Istanbul Convention are aware of and given the practical means to challenge and address any failure on the part of state officials to discharge their professional obligations. In addition, national authorities should step up their efforts to use the existing remedies to hold different state officials accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention. (paragraph 221)

2. Compensation (Article 30)

36. In view of the introduction of a state compensation scheme for victims of violence against women and domestic violence taking effect in 2023, GREVIO invites the Georgian authorities to lift their reservation to Article 30, paragraph 2, of the Istanbul Convention. (paragraph 225)

37. GREVIO also invites the Georgian authorities to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victims. (paragraph 226)

3. Custody, visitation rights and safety (Article 31)

38. GREVIO strongly encourages the Georgian authorities to (paragraph 232):

- a. take the necessary legislative and other measures to ensure that the relevant civil and criminal courts are required to take into account all incidents of violence against women and domestic violence when deciding on custody or visitation rights;
- b. incorporate risk-assessment procedures into the determination of custody and visitation rights in order to determine the child's best interests in situations of violence;
- c. ensure the development and adoption of guidelines for judges and other relevant professionals, with the aim of supporting their proactive role in identifying and documenting the impact of exposure of children to violence.

B. Criminal law

1. Psychological violence (Article 33)

39. GREVIO encourages the Georgian authorities to assess the extent to which the criminal provisions concerning psychological violence against women are actually applied, including in cases of psychological violence perpetrated online or through technology. It further encourages the Georgian authorities to improve the collection of data on psychological violence, particularly on the number of cases that proceed to trial and final convictions. (paragraph 239)

2. Stalking (Article 34)

40. GREVIO strongly encourages the Georgian authorities to take the necessary legislative measures in order to align the criminal offence of stalking with the requirements of Article 34 of the Istanbul Convention, notably by removing the requirement of a change in daily routine and the high threshold for holding the perpetrator liable for committing the offence. Furthermore, GREVIO strongly encourages the Georgian authorities to take measures to improve the collection of data on the number of cases of stalking, including its online dimension, and on the number of cases that proceed to trial and lead to final convictions, with a view to building the capacity of all legal professionals to handle this offence. (paragraph 246)

3. Physical violence (Article 35)

41. GREVIO strongly encourages the Georgian authorities to retrospectively examine cases of domestic violence that led to the death of the victim, with the aim of identifying possible gaps in the institutional/judicial response to the violence and closing such gaps in the future. (paragraph 251)

4. Sexual violence, including rape (Article 36)

42. GREVIO urges the Georgian authorities to amend the provisions of the Criminal Code covering rape and the other sexual violence offences under Articles 138 and 139 of the Criminal Code and to fully incorporate the notion of the lack of freely given consent as required by Article 36 of the Istanbul Convention and to ensure that such provisions are effectively applied in practice by law enforcement, prosecutors and the judiciary, including where the circumstances of the case

preclude valid consent. To this end, GREVIO strongly encourages the Georgian authorities to introduce guidelines and training programmes for all relevant professionals in the criminal justice system, which would reflect the understanding of rape as defined above. (paragraph 261)

43. GREVIO encourages the Georgian authorities to introduce criminal legislation that would cover the intentional conduct set out in Article 36, paragraph 1c, of the Istanbul Convention. (paragraph 262)

5. Forced marriage (Article 37)

44. GREVIO encourages the Georgian authorities to criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage as required by Article 37, paragraph 2, of the Istanbul Convention. GREVIO also strongly encourages the Georgian authorities to step up their efforts to ensure the prevention and identification of this form of violence and to provide support for women and girls exposed to early and forced marriage. (paragraph 268)

6. Female genital mutilation (Article 38)

45. GREVIO encourages the Georgian authorities to increase its efforts to raise awareness and knowledge among the professionals concerned and society at large about the specific form of violence against women that is female genital mutilation, to ensure its identification and investigation. (paragraph 273)

7. Forced abortion and forced sterilisation (Article 39)

46. GREVIO encourages the Georgian authorities to introduce into their criminal legislation an offence specifically targeting forced abortion as defined in Article 39 of the Istanbul Convention and ensure its effective prosecution. (paragraph 279)

8. Sexual harassment (Article 40)

47. GREVIO strongly encourages the Georgian authorities to align the definition of sexual harassment in the Administrative Offences Code with that set out in Article 40 of the Istanbul Convention by widening its scope, and to ensure its implementation by raising awareness among all relevant professionals and the general public. (paragraph 284)

9. Sanctions and measures (Article 45)

48. While respecting the principle of the independence of the judiciary, GREVIO urges the Georgian authorities to ensure that sentencing in cases of violence against women and domestic violence is commensurate with the gravity of the offence and preserves the dissuasive function of penalties and that members of the judiciary resort to the full range of punishments that are prescribed by the Georgian Criminal Code. (paragraph 291)

10. Aggravating circumstances (Article 46)

49. GREVIO encourages the Georgian authorities to take appropriate measures to ensure that all aggravating circumstances listed in Article 46 of the Istanbul Convention are, in practice, effectively applied by the judiciary. (paragraph 297)

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

50. GREVIO strongly encourages the Georgian authorities to take measures to ensure that in cases of offences of violence against a woman, plea agreements do not apply where the victim has not or is not able to freely consent to the procedure, having regard to the imbalance in power relations between the victim and the perpetrator, and to ensure that all women victims of violence covered by

the scope of the Istanbul Convention are informed about the non-mandatory nature of alternative dispute resolution in criminal proceedings. (paragraph 300)

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

1. Reporting to, immediate response and investigations by law-enforcement agencies

51. GREVIO strongly encourages the Georgian authorities to (paragraph 308):

- a. step up efforts to ensure prompt and appropriate responses from law-enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention by providing them with the necessary resources, knowledge and means;
- b. take measures to encourage reporting and reduce re-traumatisation of women who report any forms of violence against women, including intimate partner violence, sexual violence and rape, which should include the improvement of law-enforcement premises by equipping them with the necessary human and technical resources to properly handle cases of violence against women and domestic violence;
- c. pursue their efforts to attain a gender-balanced workforce within law-enforcement agencies by considerably increasing the number of female officers, with a view to guaranteeing that victims are assisted and interviewed by female officers.

2. Effective investigation and prosecution

52. GREVIO urges the Georgian authorities to ensure on-the-job training for law-enforcement officials to overcome persistent attitudes, beliefs and practices that stand in the way of a police response to domestic violence that is based on an understanding of power differences between the victim and the perpetrator, the gendered nature and the impact and consequences of the violence. (paragraph 319)

53. GREVIO strongly encourages the Georgian authorities to take immediate measures to ensure a prompt and appropriate response by prosecution services in all cases of violence against women, in particular rape and sexual violence. (paragraph 320)

54. GREVIO urges the Georgian authorities to swiftly identify and address any/all legislative and procedural factors that contribute to the very high threshold for proving rape in court, while paying due regard to the principle of avoiding re-traumatisation of victims during investigation and judicial processes. (paragraph 321)

B. Risk assessment and risk management (Article 51)

55. GREVIO strongly encourages the Georgian authorities to ensure that risk assessment and management is systematically carried out in relation to all forms of violence against women covered by the Istanbul Convention, including in relation to women and girls at risk of early and forced marriage. Moreover, GREVIO strongly encourages the Georgian authorities to ensure that effective multi-agency work is carried out systematically in all regions, based on the human rights and safety of the individual victim, in order to enable all relevant risk factors to be identified and responded to in an adequate manner with a view to ensuring their safety and reducing the number of deaths of women and children. (paragraph 330)

C. Emergency barring orders (Article 52)

56. GREVIO strongly encourages the Georgian authorities to monitor more rigorously compliance with emergency barring orders and to review the process of issuance of such orders by the police, in order to identify and address reasons for the high proportion of issued orders being canceled/annulled by the courts. (paragraph 340)

D. Restraining or protection orders (Article 53)

57. GREVIO strongly encourages the Georgian authorities to identify the causes of the high number of violations of restraining and protection orders and to ensure that effective, proportionate and dissuasive sanctions are applied in cases of breaches of such orders. (paragraph 346)

E. *Ex parte* and *ex officio* proceedings (Article 55)

58. GREVIO strongly encourages the Georgian authorities to continue its efforts to train relevant professionals on the adherence to standard investigative procedures in order to lessen reliance on the victim's testimony with a view to ensuring effective *ex officio* prosecution of crimes of violence against women, in particular of offences of sexual violence. (paragraph 355)

F. Measures of protection (Article 56)

59. GREVIO strongly encourages the Georgian authorities to ensure the systematic use of all available protection measures for victims of violence against women and domestic violence, including child victims and witnesses, as envisaged by Georgian legislation, in particular during investigations and judicial proceedings, and to ensure the possibility to hold hearings through audio-visual means and the use of separate entry and waiting areas for victims and alleged perpetrators in order to avoid confrontation. (paragraph 368)

VII. Migration and asylum

A. Residence status (Article 59)

60. GREVIO strongly encourages the Georgian authorities to ensure that the practical implementation of Article 15 of the Law on the Legal Status of Aliens and Stateless Persons allows migrant women who are victims of domestic violence and who depend on their abuser for their right to remain in Georgia to enable them, in practice and on the basis of standards of proof that they are able to meet, to obtain an independent (temporary) residence permit. (paragraph 382)

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

61. GREVIO encourages the Georgian authorities to (paragraph 391):

- a. take measures to ensure that legal representation and assistance is provided not only before the competent courts but also during the administrative stage of the asylum procedure;
- b. collect and publish data on the annual numbers of asylum applications based on gender-related persecution, and the numbers of such applications granted and rejected.

C. Non-refoulement (Article 61)

62. GREVIO strongly encourages the Georgian authorities to ensure that women victims of violence who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment. (paragraph 404)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

- Ministry of Defence
- Ministry of Education and Science
- Ministry of Foreign Affairs
- Ministry of Internal Affairs
- Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs
- Ministry of Justice
- National Statistics Office of Georgia (Geostat)
- Prosecutor's Office

Local authorities

- Gori municipality

Public bodies

- Inter-Agency Commission on Gender Equality, Violence against Women, and Domestic Violence
- Legal Aid Service
- LEPL Agency for State Care
- LEPL Social Service Agency
- Levan Samkharauli National Forensics Bureau
- Parliamentary Committee on Human Rights
- Permanent Parliamentary Council for Gender Equality
- Public Defender's Office
- Supreme Court's Analytical Department

Non-governmental organisations

- Association HERA XXI
- Equality Now
- Georgian Young Lawyers' Association
- Partnership for Human Rights (PHR)
- UNION SAPARI
- Women's Information Center
- Women's Initiatives Supporting Group (WISG)

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

www.coe.int/conventionviolence

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE