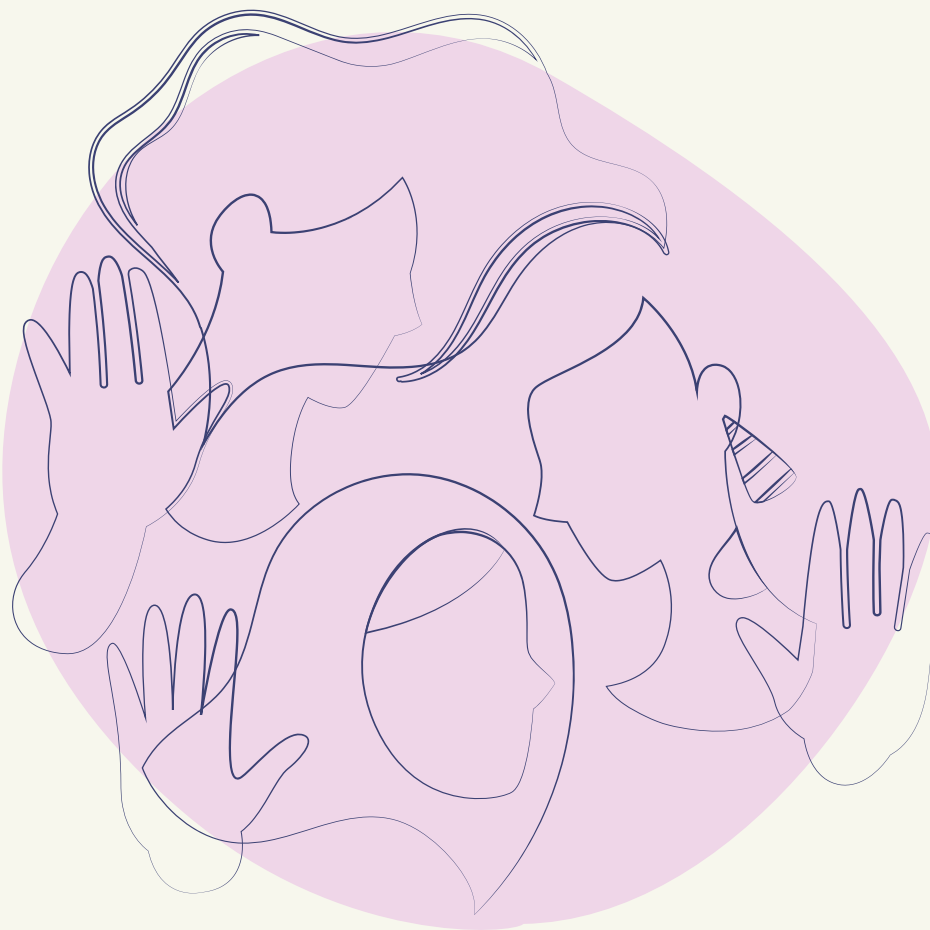




SHADOW REPORT OF THE COALITION FOR
EQUALITY AND OTHER NGOS
TO THE

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



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INTRODUCTION

The Coalition for Equality is a non-formal alliance consisting of eleven organisations. It was founded in 2014 following the adoption of the Law on the Elimination of All Forms of Discrimination and with the support of the Open Society Georgia Foundation (OSGF). The aim of the Coalition is to strengthen the mandate of anti-discrimination mechanisms, increase their competencies and promote the effective elimination of discrimination. In 2015, the newly formed Coalition for Equality and the Public Defender of Georgia signed a Memorandum of Understanding on the Elimination of Discrimination. Since its foundation, the members of Coalition have been studying the human rights situation of separate groups of people, including women, on an annual basis and preparing relevant international and national reports.

The present report was prepared by the Coalition for Equality and other local NGOs specialising in various aspects of women's rights, gender mainstreaming and social work.¹ The report was prepared by the authors on the basis of their studies, research, practice, case law analyses, advocacy and lobbying at the policy level, as well as on the basis of other authoritative sources. The authors also incorporated information acquired through interviews with directly affected individuals.

The purpose of this report is to inform the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), prior to their evaluation visit in Georgia, of the current situation of women in Georgia and of the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (also known as the 'Istanbul Convention'), as well as to provide corresponding recommendations to address the remaining challenges.

To that end, the report outlines some of the most acute issues in certain areas of concern in accordance with the Istanbul Convention. Namely, the areas covered in the report are as follows: I. Purposes, definitions, equality and non-discrimination, general obligations (Articles 1-6); II. Integrated policies and data collection (Articles 7-11); III. Prevention; IV. Protection and support (Articles 18-28); and V. Substantive law (Articles 29-48); Investigation, prosecution and procedural law and protective measures (Articles 49-58).

The authors of this report hope that the information contained in this submission will inform the delegation carrying out the visit in Georgia and assist GREVIO in preparing the draft evaluation report and, eventually, the baseline evaluation report on Georgia.

¹ HERA XXI, TASO Foundation and Social Workers Union.

I. Purposes, definitions, equality and non-discrimination, general obligations (Articles 1-6)

In recent years, Georgia made significant legislative changes to harmonise its legislation with international standards, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter the ‘Istanbul Convention’). Nevertheless, the failure, inter alia, to enforce these laws, to adopt a proactive approach and to take sufficient positive measures inhibit the effective implementation of the Istanbul Convention. In addition, the introduction and effective implementation of anti-discrimination mechanisms remains partly unfulfilled in both public and private sectors. Fulfilment of the Government’s due diligence obligations to prevent, investigate, punish and provide reparation for any acts of violence covered by the Istanbul Convention perpetrated by non-state actors remains equally questionable as some forms of violence still remain overlooked. Hence, achieving de facto, substantive equality between men and women remains a challenge against the backdrop of Georgia's persisting patriarchal society.

Domestic violence and violence against women (hereafter ‘VaW’), including femicide,² have been one of the most serious and acute issues in Georgia. According to the statistics, the rate of issuance of restraining orders in cases of domestic violence and the number of recorded offences under Articles 126¹ (Domestic Violence) and Article 11¹ (Liability for domestic crime) of the Criminal Code of Georgia are very high.³

The global pandemic caused by COVID-19 has further exacerbated the problems faced by women in Georgia.⁴ The crisis caused by the pandemic, numerous restrictions imposed as a result of the state of emergency, and worsening economic situation in families have further increased the burden of responsibilities and obligations placed upon women. Against this background, constant stress and psychological problems have negatively affected women’s daily life. Women have been subjected to constant psychological pressure and have often become victims of various explicit or implicit forms of domestic violence. According to a survey of Fund Sokhumi, 34% of respondents noted that the situation created as a result of the pandemic had 'increased the number of family conflicts and the prevalence of

² See Chapter. III. Prevention: Femicide.

³ Georgian Young Lawyers’ Association (hereafter ‘GYLA’), 'Significant issues of domestic violence and violence against women', 2019. Available at: <https://bit.ly/3nCTuSc> [Last viewed: 20.09.2021].

⁴ For an assessment of the COVID-19 situation in Georgia, see Caucasus Research Resource Centers, Georgia (CRRC-Georgia), ‘Second Wave of the Rapid Gender Assessment of COVID-19 Situation in Georgia’, UNDP, UNFPA and UN Women, 2021. Available at: <https://bit.ly/39IrYes>. See also the Caucasus Research Resource Centers, Georgia (CRRC-Georgia), ‘Rapid Gender Assessment of the COVID-19 Situation in Georgia’, UN Women, 2020. Available at: <https://bit.ly/3cnNruB>.

domestic violence'.⁵ Being confined to the same space with abusers and the reduction in social contact left women without support, alone to face their own problems and tragedy.

Against the backdrop of the pandemic, the data of the Government of Georgia revealed no significant increase in the rate of reports of VaW and domestic violence between 2019 and 2020.⁶ However, during the same period, the rate of women seeking support from NGOs working on these issues has increased drastically.⁷

The above-mentioned study of Fund Sokhumi revealed that under the conditions created by the COVID-19 pandemic, victims are reluctant to disclose or report their own problems. Among other reasons,⁸ this reluctance stems from the fact that victims feel ashamed to talk about their own problems given the current situation as they consider it an issue that is not a priority for the public, the police and the State in general.

In the midst of the increase in VaW, the mechanism for identifying cases of VaW, domestic violence and cases of family conflicts, as well as for working with the victims and ensuring appropriate response to the problem remain weak. The measures taken by the Government of Georgia to alleviate the impact of the pandemic on some women were insufficient, while the needs of others have been completely overlooked by the anti-crisis plans.

⁵ Fund Sukhumi, 'Impact of COVID-19 on Domestic Violence, Situation of Women Victims and the Access to the Support Services', 2020. Available at: <https://bit.ly/3BksT0u>.

⁶ Human Rights Protection during the COVID-19 Crisis: Measures Taken by the Government of Georgia, 2020, pp. 19-21. Available at: <https://bit.ly/3g2zQuO>.

⁷ Sapari reported a threefold increase in the number of women seeking support. This may be caused by the fact that due to the restrictions imposed to fight the pandemic, many people found themselves locked in a single space, face to face with their perpetrator. Therefore, the risk of violence increased while the opportunity to report decreased. However, they still contacted the NGOs through different means. In some cases, victims preferred to seek qualified advice first and then decide to apply to law enforcement. See also the statement of organisations to the authorities at <https://bit.ly/3rRRowr>.

⁸ According to a study conducted by Sapari, 44% of the respondents stated that they called 112 after an incident of violence, while 56% say they did not call the number. 35% of the respondents said that they did not call 112 due to distrust; 18% did not call because of a delay in answering the calls; and 30% -- due to the lack of awareness. See Urchukhishvili G., 'Challenges in providing services by the Ministry of Internal Affairs to women victims of domestic violence during Covid-19 pandemic', Tbilisi, Sapari, 2021. Available at: <https://bit.ly/350E143>.

Women and girls living in rural areas were among the most vulnerable. Especially in the regions, the gender roles ascribe household chores to women.⁹ Moreover, the lack of information,¹⁰ access to services, opportunities and financial resources/property in their name, as well as trust issues towards police/other governmental structures, served as additional barriers for rural women.

II. Integrated policies and data collection (Articles 7-11);

Comprehensive and co-ordinated policies

The Government of Georgia was due to present the new 2021-2030 National Human Rights Strategy to the Parliament by the end of 2020. As of October 2021, however, the new strategy has still not been adopted. The National Strategy for the Protection of Human Rights in Georgia 2014-2020, which has already expired, remains a key policy document that promotes a human rights-based approach in all policy development and implementation, including considering the different needs of women and men in any given situation.¹¹ The document provides for the elimination of VaW, promotion of gender equality, protection of women's rights and prevention of domestic violence, as well as the consequences resulting from such violence.¹²

After the creation of the strategy document, the state created an action plan for the implementation of the strategy document every two years.¹³ According to the report on the achievement of the strategic goals and the implementation of the action plan,¹⁴ the plans set by the government have been implemented, although it can be said that at the local level the self-government bodies did not have a united approach to combating VaW.

⁹ The patriarchal culture in Georgia dictates that the family property belongs to the man and the family money should be managed mainly by the man. A woman, therefore, does not possess the skills or opportunity necessary for self-development or a business relationship outside the home (including with the tax office) to achieve economic independence. Especially in the urban environment, the recent economic crisis caused by the COVID pandemic further reduced opportunities for economic empowerment: jobs and markets for sensibly managed businesses (mainly services). The situation in the regions of Georgia is exacerbated by the fact that there are practically no jobs for people in rural areas, including those who are not educated and eager. All these are interlinked, creating violent environments toward women in both the domestic or professional environment.

¹⁰ Since there is no internet in villages yet, access to information is limited. Besides, women have limited access to equipment for educational and communication purposes.

¹¹ Report of the Government of Georgia, 'Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), 2020. Available at: <https://bit.ly/3EzpyMX> [Last viewed: 20.09.2021].

¹² Human Rights Secretariat, 'National Strategy for the Protection of Human Rights in Georgia 2014-2020', 2020. Available at: <https://bit.ly/3kakBIA> [Last viewed: 20.09.2021].

¹³ Human Rights Secretariat, Action Plans, 2020. Available at: <https://bit.ly/3EkU6Ss> [Last viewed: 20.09.2021].

¹⁴ Human Rights Secretariat, Progress Reports, 2020. Available at: <https://bit.ly/2Xoo4DZ> [Last viewed: 20.09.2021].

Recommendations

- Adopt the new 2021-2030 National Human Rights Strategy no later than the end of 2021;
- Develop the most detailed plan for the implementation of the National Strategy for the Protection of Human Rights in Georgia;
- Strengthen work on policy documents at the local government level.

Data collection and research

The State has not yet recognised the importance of developing evidence-based policies. There is no comprehensive legal framework that would oblige administrative bodies to collect detailed data. Therefore, government agencies are unable to collect gender statistics to the standard set by the Istanbul Convention. The already scarce resources of the state are spent without tracking gender statistics, which is a prerequisite for efficient spending. Without gender statistics, it is also impossible to measure how effective state policies are in tackling gender-based violence.

In 2019, the NGO Partnership for Human Rights conducted a survey called 'Collection, processing and dissemination of gender statistics for the prevention and control of gender-based violence in Georgia'.¹⁵ As research has shown, Georgia fails to meet the minimum standard required by the Istanbul Convention on the collection of gender data. In Georgia, gender data in a complete form is rarely available while statistics without considering the gender aspect makes it impossible to fully measure the scale of crimes against women and assess the impact of criminal policy on women. According to the research, the collection of disaggregated statistical data has proven to be problematic in relation to the following:

- *Crimes against women* - In 2018 Partnership for Human Rights requested statistics on crimes registered during the last five years where a woman was recorded as a victim of the crime. According to the response from the Ministry of Internal Affairs,¹⁶ statistical data is processed as per articles of the Criminal Code and not the circumstances of the crime. Moreover, the Criminal Code does not prescribe crimes against women as qualifying circumstances. Consequently, there are no statistics on crimes against women, making it impossible to determine the number of crimes committed against women during the period indicated in the letter.

¹⁵ The study is available at: <https://bit.ly/3BksT0u>.

¹⁶ Letter from the Ministry of Internal Affairs MIA, #318 03016306.

- *Investigation into the facts of domestic violence* - The statistics on domestic violence against women is also incomplete. Based on the information provided by the Ministry of Internal Affairs,¹⁷ as long as the Criminal Code does not include the victim's gender as an aggravating circumstance in Article 126¹ (domestic violence), data on crimes committed in the family on the basis of gender and sex are not processed. The Ministry's website contains general statistical data on domestic crimes since 2013.¹⁸ The same website contains general statistics on crimes under the Criminal Code. However, when we look at the statistics of premeditated murders, it is not indicated in how many cases the victim was a woman, whether there was a gender motive or not, etc. Similarly, data pertaining to other types of crime also lack the gender aspect.
- *Restraining orders for domestic violence and gender-based violence* - In 2018, Partnership for Human Rights requested that the Ministry of Internal Affairs provide data on the number of restraining orders issued by the police relating to both gender-based violence and domestic violence by region and sex of the abuser and victim for the last five years. According to the information provided by the Information-Analytical Department of the Ministry of Internal Affairs,¹⁹ the requested information is not processed in the requested way because the large array of data requires appropriate human resources. The Ministry of Internal Affairs issued a written promise to find and process the information.
- *Violation of restraining orders and repeated issues* - In February 2018, Partnership for Human Rights requested data from the Ministry of Internal Affairs on the number of restraining orders issued by the police in Georgia during the last five years and how often they are violated. According to the information received from the Ministry of Internal Affairs,²⁰ it appears that the Ministry does not keep statistics on the violation and re-issuance of restraining orders. The Ministry of Internal Affairs tracks the number of restraining order issued to protect female victims. According to the statistics provided, 1,891 restraining orders were issued to protect female victims in 2013-2017, but there is no information on how many times a warrant was issued to protect the same victim. This analysis would provide information on the effectiveness of this protection mechanism for victims. Within the same period (2018), Partnership for Human Rights requested information from the Ministry of Internal Affairs regarding the

¹⁷ Letter from the Ministry of Internal Affairs #MIA 318 03016306

¹⁸ The grounds of such crimes are defined by the following articles of the Criminal Code: 1. 11¹ together with 108 - Premeditated murder of a family member. 2. 11¹ together with 109 - Premeditated murder of a family member under an aggravating circumstance. 3. 11¹ together with 117 - Intentional grievous bodily harm to a family member. 4. 11¹ together with 118 - Intentionally less serious health damage to a family member. 5. 11¹ together with 126¹ - Domestic violence where the gender aspect is not taken into account.

¹⁹ Letter from the Ministry of Internal Affairs #MIA 918 02976704, dated 10 December 2018.

²⁰ Letter from the Ministry of Internal Affairs #MIA 218 00530433, dated 06 March 2018.

granting of the status of a child victim to a witness of violence. However, as it turned out, the mentioned statistics are not tracked by the Ministry of Internal Affairs either.

- *Crimes committed against women with disabilities* - In 2018, Partnership for Human Rights requested information about violence against women with disabilities in the family or on the basis of gender over the past five years. However, the information was provided only in cases where the Criminal Code directly indicates a crime committed against a person with disabilities as a qualifying circumstance.
- *Statistics on crimes against ethnic minority women* - The Ministry of Internal Affairs does not provide information on domestic or gender-based crimes against ethnic minority women because the latter does not track statistics on crimes against ethnic minority women.²¹

Besides, even though the National Statistics Office of Georgia started gathering gender disaggregated data, there is no unified statistical information on gender-based violence and sexual and reproductive health and rights disaggregated by age, social status, sexual identity and considering other vulnerabilities. The lack of data makes it difficult to assess the problem and plan and implement programmes/services that are tailored to existing needs.²²

Recommendations

- Develop a unified standard for the collection of gender data and statistics.
- Differentiate in the general crime statistics posted on the website of the Ministry of Internal Affairs, in how many cases the victim was a woman, whether there was a gender motive, etc.
- Collect statistical data on how many cases a warrant has been issued jointly for the protection of a woman and a child victim.
- In case of re-issued restraining orders, specify how many times the warrant was issued in order to protect the same victim.
- Keep statistical data on gender crimes committed against ethnic minority women and issued warrants.
- Gather disaggregated data on gender-based violence and sexual and reproductive health and rights by sex, gender, age group, sexual and gender identity, social status, minorities and other

²¹ Letter from the Ministry of Internal Affairs #MIA 218 03153079.

²² See also HERA XXI factsheet prepared within the UN Human Rights Council's Universal Periodic Review of Georgia, 'Women's Rights: Gender Based Violence', 2020. Available at: <https://bit.ly/300Zafc>

vulnerabilities. Ensure provision of separate statistical information on gender-based violence, VaW and domestic violence.

Non-governmental organisations and civil society

The cooperation of the state authorities with the non-governmental sector has been fragmented and selective.²³ Women activists and human rights defenders have been face hostility from the society and the Georgian government. The government not only fails to recognise, encourage and support women activists and human rights defenders and NGOs working on women's issues but itself contributes to the aggression against them.

Women activists and human rights defenders have continued to face threats and aggression for several years in Georgia. They are subject to double pressure due to their sex/gender and due to their work, which includes fighting against gender stereotypes deeply rooted in Georgian society²⁴. Thus, women activists and human rights defenders are often targeted because of their activities and are more likely to be victims of assault having sexist connotations, such as rape threats, defamation, harassment, etc.²⁵

The challenges described above were clearly visible during the controversial domestic violence trial of famous Georgian tennis player Nikoloz Basilashvili in 2020.²⁶ The victim and her defenders Ana Arganashvili and Ana Abashidze were subjected to numerous threats, insults and pressure on social media.²⁷ This case depicts the hostility against women human rights defenders working on domestic abuse issues, especially when the alleged criminal is a famous personality.

Unfortunately, public aggression is frequent and even more acute towards women activists advocating for LGBTQ+ rights. Ana Subeliani, an LGBTQ+ activist, reported numerous threatening letters after the Our Freedom rally on 12-13 May 2018. Moreover, she was physically attacked when she was about to attend the film 'And Then We Danced' on 08 November 2019.²⁸

²³ The issue has been raised by the Coalition for Equality in its statement 'Coalition for Equality Statement on the Amendment Package on Child Sexual Exploitation and Pornography', 01 May 2020. Available at: <https://bit.ly/300Zafc>

²⁴ Human Rights House Tbilisi, 'The Situation of Human Rights Defenders in Georgia – Barriers and Challenges', 2020, p. 29. Available at: <https://bit.ly/3a9Wiyv> [Last viewed on 10.09.2021].

²⁵ *Ibid.*

²⁶ The Coalition for Equality, 'The Right to Non-discrimination in Practice for Various Groups in Georgia - 2020 Report', p. 95. Available at: <https://bit.ly/3lff65s>.

²⁷ *Ibid.* See also the statement by the Georgian Bar Association, dated 22 March 2021. Available at: <https://bit.ly/3lff65s> [Last viewed on 10.09.2021].

²⁸ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2019, p. 194. Available at: <https://bit.ly/3grEvH2> [Last viewed on 10.09.2021].

The Georgian government has not responded effectively to the hostile environment described above. According to successive reports by the Ombudsperson, law enforcement bodies have failed to properly assess the risk of violence against women human rights defenders and to carry out preventive measures and only cases involving actual violence against victims lead to tangible results.²⁹ The authorities have not only failed to curb aggression but they have done the opposite by contributing to the hostility. In particular, officials have themselves discredited women activists, human rights defenders and members of non-governmental organisations working on women's issues.

To name an example, the defamatory and degrading statements towards human rights defenders by the former chairperson of the Human Rights Committee of the Parliament of Georgia - Sopio Kiladze - were alarming.³⁰ She stated that the representatives of Partnership for Human Rights – Ana Abashidze and Ana Arganashvili – 'had destructive roles assigned to them'. Furthermore, Sopio Kiladze made negative comments about video lessons about sex education prepared by Khatia Akhalaia, a gender researcher and activist, who then stated that threats against her increased after Sopio Kiladze's comments.³¹

Finally, the measures taken by the government to manage the epidemic situation prevented human rights defenders from carrying out their activities, as all the restrictions imposed equally applied to them. In this regard, the main problem was the so-called curfew, which prohibited the movement of persons from 21:00 to 06:00, both on foot and by vehicle. Although this restriction did not apply to lawyers whose movement is necessary to perform official duties during an emergency, this arrangement still hindered the activities of human rights defenders for the following reasons: (1) to be allowed to move freely during the so-called curfew, a lawyer must have a warrant with them.³² This regulation is problematic if the lawyer does not know in advance who the defendant is; (2) activities of human rights defenders without the status of a lawyer became complicated, consequently, they could not enjoy the freedom of movement during the curfew.

Recommendations

²⁹ *Ibid.* See also: Annual Report of the Public Defender on Georgia, the Status of Human Rights and Freedoms in Georgia, 2018, p. 121. Available at: <https://bit.ly/3pWYkco> [Last viewed 10.09.2021]; Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, page 203, available at <https://bit.ly/3Afw9ZI> [Last viewed 10.09.2021].

³⁰ Human Rights House Tbilisi, 'Defamatory and degrading statements towards human rights defenders by the chair of the human rights Committee are alarming', 6 February 2019. Available at: <https://bit.ly/3z9V1Bi>

³¹ The Coalition for Equality, 'The Right to Non-discrimination in Practice for Various Groups in Georgia 2019 Report', p. 82, Available at: <https://bit.ly/2Yhkoo9> [Last viewed 10.09.2021].

³² See the statement of the Georgian Bar Association, dated 9 November 2020. Available at: <https://bit.ly/39OwU1c>

- Continue cooperation with the non-governmental sector on an ongoing basis, in accordance with the principle of equality;
- Stop discrediting human rights defenders and openly support them to emphasise the importance of human rights protection;
- Ensure timely and effective investigation of possible criminal acts against human rights defenders and punishment of those responsible;
- Ensure unified approaches and prevent the use of administrative and criminal measures to put pressure on individuals and groups critical of the government;
- Take into account the specifics of the activities of human rights defenders when establishing the rules of isolation and quarantine. Among them give them the possibility to exercise freedom of movement during the so-called curfew.

III. Prevention (Articles 12-17);

General obligations

The Government's level of effort towards prevention of VaW remains low. The mechanisms envisaged under Article 3 of the 2006 Law of Georgia on Elimination of Violence against Women and/or Domestic Violence and the Protection and Support of Victims of Domestic Violence³³ have been only partially implemented or have not been implemented at all.

Despite positive changes with regards to the state's actions on domestic violence and VaW, the implementation of effective preventive measures remains a challenge in connection with domestic violence. Key challenges are: lack of unified disaggregated statistical information; lack of preventive response and supportive programmes; lack of a national referral mechanism on gender-based violence and co-ordinated multi-agency cooperation; lack of knowledge on sensitive reporting among representatives of mass media; underreporting of cases of violence during the pandemic.

³³ Article 6. Mechanisms for prevention of violence against women and/or domestic violence. The English version of the law is available at: <https://bit.ly/3le18Rq>.

Femicide

The annual number of cases of the gender-related crime of femicide show the weakness of state policies aimed at the prevention of femicide. Pursuant to a 2020 report of the Public Defender of Georgia, the number of femicides has been increasing every year. In 2020, 24 murders of women were detected, of which 15 cases were committed by family members against family members. Of the 27 attempted murders perpetrated against women, 17 cases involved family members. As per the report, the fight against femicide and administration of justice in femicide cases are stymied by numerous challenges that show up both at the initial investigative stage and later at the trial stage. Problems include, inter alia, stereotypical attitude towards the victim at the stage of investigation; getting interested in victim's personal, sexual life; the problem of gathering evidence, which ultimately affects the qualification of the action and the court's finding of the accused guilty under a relatively light article. In some cases, before being murdered, victims had even reported the violence they had been exposed to.³⁴

Recommendations

- Raise awareness of police officers, prosecutors and judges about the increase in femicide, as well as domestic violence and sexual violence against women and girls in the context of Covid-19;
- Effectively investigate cases of VaW and prosecute and punish perpetrators;
- Establish a special working group to critically analyse the existing prevention system in relation to cases of gender-motivated killings and attempted killings of women, and to work with key agencies, including the Ministries of Health and Education, to develop and refine a femicide prevention system.³⁵
- Encourage the media to comply with the recommendations of broadcasting the cases of VaW and femicide.³⁶

³⁴ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, p. 157-158. Available at: <https://bit.ly/3BgzLMI>

³⁵ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2020, p. 163. Available at: <https://bit.ly/3BgzLMI>

³⁶ E.g., the recommendations are available at: <https://bit.ly/3zWvonV>; <https://bit.ly/3APrkr2>

Awareness-raising

According to the last research on public perceptions and attitudes in Georgia concerning men, women and gender relations, 60% of men still believed that women's main duty is to take care of the family rather than to seek a professional career. One in four women and one in three men believed that a woman cannot refuse to have sex with her husband. Over half of all men felt that violence in the home was a private matter.³⁷ Currently, out of the total 150, only 29 members of parliament are women, while only one out of the 64 mayors of Georgia is a woman. According to the National Statistics Office of Georgia, in all four quarters of 2020, the level of participation (activity) of men in the labour force, as well as the average monthly nominal wage of employed men, was still significantly higher than that of women,³⁸ etc.

In this regard, ethnic minority women in rural areas constitute one of the most vulnerable groups. Firstly, women do not have information to receive adequate access to social, healthcare and other basic services, economic opportunities, or equal opportunities to participate in political and public life. In most villages women's participation in the Village Assembly is not required and sometimes even sometimes forbidden. Meetings are organised to identify the needs of the community/village and consider them into the upcoming local municipality programme and budgets. The villages are mainly represented by men in the community, while the needs of rural women mainly related to family and household care are left unconsidered. Hence their basic rights of adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications can be left behind. Additionally, ethnic minority women's access to information is further impeded by a language barrier. State agencies do not provide information in all languages for ethnic groups and, even if they do, the groups are not still aware about this. No one is responsible for providing them this information besides non-governmental organisations.

As per the government's report, the Ministry of Justice has allocated CSOs grant support between 2015-2017 in order to ensure an increase in public awareness on different topics.³⁹ However, in this regard, the financial contribution on the part of the Ministry of Justice alone is not sufficient. Besides, considering the severity of the gender inequality and persisting patriarchal attitudes in Georgia, the total amount of grant funds distributed has been disturbingly low (e.g. GEL 20 000 in 2015, indicated by the Government, was EUR 5 444; the yearly grant of GEL 89 000 is approximately EUR 24 235).

³⁷ See the research prepared by organisation Promundo under the UN Joint Programme for Gender Equality, 'Men, Women, and Gender Relations in Georgia: Public Perceptions and Attitudes - Research Report', 2020. Available at: <https://bit.ly/3FwPsS6>

³⁸ Quarter IV of 2020, male - 1581.5 Gel, female - 1022.3. The statistics on salaries available at: <https://bit.ly/3gqhh4m>

³⁹ See p. 33 of the State Report.

Recommendations

- Increase the number of awareness-raising campaigns among the general public on gender equality and VaW, including domestic violence and sexual violence, with particular focus on ethnic minority regions and with the language understandable to such minorities; Encourage the population to increase their involvement and participation in an effort to reveal and identify cases of violence in the face of isolation and increased insecurity faces by victims;
- With a view to raising public awareness, eradicate extensive reliance of the non-governmental sector on foreign funding opportunities by increasing the amount of CSO grant support allocated by the Ministry of Justice and ensure the allocation of grants by other ministries, as well.

Education and training on gender-based violence and sexual and reproductive health and rights

The Ministry of Education, Science, Culture and Sport of Georgia has been extremely passive in providing education on gender issues, gender-based violence, domestic violence and, even more so, on sexual and reproductive health and rights at schools or universities. Therefore, knowledge of these issues, as well as sensitivity, is significantly lacking among the general public in Georgia.

Information about sexual and reproductive health is rarely provided at schools or discussed in the family. The main source of information for women of childbearing age is a gynaecologist. However, on the whole, the target groups get the most of their information through the internet or friends.

Lack of political will and conservative attitudes among decision makers is one of the key challenges for the realisation of sexual education in Georgia. As of July 2019, the Ministry of Education, Science, Culture, and Sport of Georgia approved new standards of the National Curriculum, integrating healthy lifestyle for up to 9th grade – through primary and basic levels of the education. However, the coverage of the topics is not comprehensive and do not respond to UNESCO guidelines by excluding topics such as gender equality, gender stereotypes and harmful practices, interpersonal relationships, gender-based violence against women and the right to personal integrity in formal curricula and at all levels of education

The National Curriculum does not contain information on important issues as a child's personal space and safety or sexual abuse of children and its prevention either. Due to the lack of proper information, children are not able to properly assess risky sexual behaviours, which increases the risk of violence against them. The issue is particularly important for vulnerable people - girls and children with

disabilities - as they face a number of obstacles and barriers to exercising their rights, including in families and educational institutions, and are much more likely to be victims of various forms of violence. Partnership for Human Rights requested the Ministry of Education and Science of Georgia to add sexual and reproductive health issues as a mandatory new subject in the Unified National Curriculum.⁴⁰ The request was denied by the Ministry of Education and Science⁴¹ which was appealed at the Tbilisi City Court. Presently, the state is not fulfilling its obligations under the Istanbul Convention. Education, as one of the most important means of violence prevention, unfortunately does not have the proper importance and value in Georgia by the state.

No trainings have been provided to medical service providers on the 2020 national protocol for clinical management of rape victims in crisis situations. There is no training or accessible continuing education for family/village doctors, midwives and nurses on the modern medical achievements on sexual and reproductive health services and gender-based violence. The absence of continuing education among medical staff significantly reduces the quality of maternal health services. Violation of the standards of medical ethics, the dignity of women, the right to choose and violation of patient confidentiality are a significant barrier to accessing high-quality services, especially in densely populated regions of Georgia.

Recommendations

- Human rights issues in all subject groups, as well as within the framework of formal and informal education should be added to the Unified National Curriculum;
- Introduce and mainstream gender equality issues and various forms of violence, including domestic violence and sexual violence, in the education system from an early stage. In doing so, the vulnerability and special needs of students with disabilities should be taken into account;
- Implement an age appropriate, comprehensive sexual and reproductive health and rights curriculum, including information on gender and human identity, at all levels, as recommended by UNESCO guidelines;⁴²
- Develop training programmes for teachers on gender equality and gender-based violence, as well as all seven modules on sexual and reproductive health and rights according to UNESCO's guidance on sexuality education;

⁴⁰ Partnership for Human Rights, Letter #G-01 / 1973-21, dated 15 June 2021.

⁴¹ Letter from the Ministry of Education and Science #MES 621 000074 2663, dated 26 July 2021.

⁴² HERA XXI, 'Sexuality Education in Georgia', 2019. Policy Brief available at: <https://bit.ly/3wt1bfw>

- Develop training programmes for medical service providers, particularly family/village doctors, on sexual and reproductive health services and gender-based violence counselling; build their capacities on the practical implementation of the national protocol on clinical management of rape.

Economic violence against women

The United Nations Special Rapporteur on VaW, its causes and consequences has noted that in Georgia, factors most likely to increase the risk of intimate-partner violence include discriminatory gender stereotypes and patriarchal attitudes, women's low awareness of their rights, the occurrence of child and forced marriages and a lack of economic independence.⁴³ In addition, economic problems and unemployment also contribute to the occurrence of domestic violence.

According to a survey conducted by the United Nations, 10% of the respondent women in partnership have experienced at least one form of economic violence in Georgia.⁴⁴ Nevertheless, the state does not study the problem of economic violence in Georgia and therefore does not offer an analysis on the basis of which it would be possible to further refine the policy and the legislation.⁴⁵ According to a more recent survey of the UN, one in three people in Georgia still believe that inheritance should be left in full or in part to a son; 39% believe that men are better business leaders than women; 3 out of every 4 people think that it is better for a preschooler for the mother not to work. At the same time, 80% of men think that the material maintenance of the family is a man's duty, while 75% of men think that a woman is valued more by her family than by her career; 68% of men prefer that the final word in the family belongs to the man.⁴⁶

Georgian legislation aims, among others, to ensure the creation of legislative guarantees for the protection of women's rights and freedoms, physical, psychological, sexual and economic inviolability.⁴⁷ Economic violence is defined as an act that results in restriction of the right to food, housing and other conditions of normal development, exercise of property and labour rights, as well as

⁴³ See also the Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia, 2016, para 14. Available at: <https://bit.ly/3Ahld7>

⁴⁴ UN Women, National Study on Violence against Women, 2017, p. 49. Available at: <https://bit.ly/3FnpuQN>

⁴⁵ See further, Pataraiia B., 'Economic violence - an unexplored problem', 2021. Available at: <https://bit.ly/2WNIkiu>

⁴⁶ See the research prepared by organisation Promundo under the UN Joint Programme for Gender Equality, 'Men, Women, and Gender Relations in Georgia: Public Perceptions and Attitudes - Research Report', 2020, p. 17. Available at: <https://bit.ly/3FwPsS6>

⁴⁷ Article 2(a¹) of the law of Georgia on the Elimination of Violence against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence.

the use of co-owned property and the right to dispose of one's share.⁴⁸ Even though Georgian legislation is in line with the definitions proposed by foreign countries, it is limited to a general definition and does not offer any specific mechanisms to eliminate this problem, which makes the application of the law less effective.

The law authorises police officers to issue restraining orders on their own initiative, including in cases of economic violence.⁴⁹ However, the Criminal Code of Georgia criminalises violence, regular insult, blackmail, humiliation by one family member against another family member, which has resulted in physical pain or anguish,⁵⁰ excluding economic violence. Accordingly, the sole mechanism established by the Georgian law for responding to economic violence is the issuance of a restraining or protective order.

Accordingly, in order to measure the prevalence of economic violence, the statistical data of restraining orders should be analysed where the police differentiate between various forms of violence and separate economic violence. In 2020, the police issued 12,489 restraining orders, with 214 cases of economic violence accounting for 1.7%. This figure is very low, which indicates that economic violence is invisible in Georgia. It is possible that if the police detect physical and psychological violence, they no longer investigate the existence of economic violence and that is why it remains out of the sight of the police.

Recommendations

- Conduct wide-scale awareness-raising campaigns on various forms of economic violence.
- Thoroughly collect information on and examine the problem of economic violence in Georgia, namely its prevalence and nature, with a special emphasis on prevention;
- Adopt an effective evidence-based, gender-sensitive policy against economic violence, including mechanisms for its eradication. In doing so, adopt a multi-sectoral approach and engage various specialists, including social workers, psychologists, consultants, service providers and employers, as well as the financial and private sector.
- Adopt necessary legislative changes aimed at the eradication of domestic violence and pay gap, as well as enabling victims of economic violence to sue in court for compensation for such violence;

⁴⁸ *Ibid*, Article 4(e).

⁴⁹ *Ibid*, Article 11(3)

⁵⁰ Article 126¹ (1) of the Criminal Code of Georgia.

- Create a special questionnaire, the completion of which will ensure the detection of the economic violence and issuance of a restraining order which will halt economic violence.

Preventive intervention and treatment programmes

The Rehabilitation Programme on Management of Violent Behaviour, Gender-Based Violence was developed in 2014.⁵¹ According to the amendment to the law in 2019,⁵² a course focused on modifying violent behaviour is obligatory for all persons to whom a protective order is issued. Regardless of the requirement set by law, completion of the mandatory courses focused on violent attitudes and behaviour change by abusers is still problematic.⁵³ The state has not yet developed the proper course, therefore the legal requirement remains unfulfilled. There is no state agency responsible for launching the course.

The absence of appropriate and sufficient rehabilitation services, which could serve as a deterrence to further violence, is problematic considering that (a) victims live in fear that after serving their sentence, abusers might try to take revenge on the victim for reporting, which makes victims not report in the first place; (b) after serving their sentence, for various reasons, many of the abusers continue living with victims.

Further, there are no appropriate psychological therapies available for families having experienced domestic violence. Violence often starts in a mild form and gradually becomes more and more severe. Accordingly, numerous women point out that if it was possible to be able to turn to psychotherapists in a timely manner, they could have avoided the violent treatment altogether. This includes the ability of all family members, including potential abusers, to work with a specialist as the abuser is not always a spouse, but can be another member of the family, for example a father, uncle, child, etc. Therefore, for many victims of violence, rehabilitating these people and returning them to their families free from violent behaviour is far more important than punishing them, even more so in a parent-child relationship. Children often become victims of various types of domestic violence and their withdrawal from the family is not always the best solution. It is sometimes more advantageous that parents are able to take a free behaviour modification course at any time where a specialist explains to them what positive parenting methods mean and other important issues.

⁵¹ The programme was aimed at the reduction and elimination of different types of gender-based violence and the prevention of recidivism. It served the purpose of helping probationers with a history of violent behaviour to understand violence directed at other people and express their feelings in a constructive manner. UN Women, 'Gender-based violence Perpetrators Rehabilitation Programme Launched in Georgia', 2016. Available at: <https://bit.ly/3tGDvni> [Last viewed: 20.09.2021].

⁵² Amendments to the Law on Prevention of Violence against Women and/or Domestic Violence and the Protection and Assistance to Victims of Violence, 2019. Available in Georgian at: <https://bit.ly/3Ahm92H> [Last viewed: 20.09.2021].

⁵³ Public Defender of Georgia, 'Femicide Monitoring Report 2019', 2020. Available at: <https://bit.ly/39cZ9WF> [Last viewed: 20.09.2021].

It is also noteworthy that women can receive free psychological assistance only after they are granted victim status, despite the fact that it is equally important to empower them at an earlier stage in order to report to the police in the first place. As many victims are finding it difficult to report instances of violence, this is exactly when they need support from a specialist to gain mental strength for making such a decision. Accordingly, it is not enough to offer psychological help only after the fact of violence has occurred and the police are involved in the case.

Recommendations

- Designate a responsible agency for the implementation of the Rehabilitation Programme on Management of Violent Behaviour, Gender-Based Violence course in order to fulfil the law and the international obligation;
- Provide the rehabilitation programme courses throughout the country;
- Provide psychological services to women who claim to be a victim of violence but do not have such a legal status;
- Provide families who are unable to pay for psychotherapy themselves with such services to effectively manage difficult situations and prevent violence.

Participation of the media

In Georgia, media coverage on violence in many cases lacks sensitivity and is not rights-based, resulting in re-victimisation of a survivor. More precisely, gender stereotypes in media, including in major TV programmes, insensitive portrayals of survivors of sexual violence, violation of principles of encouragement of discrimination and inviolability of private life,⁵⁴ etc. run contrary to ethical, gender-sensitive and human rights-based standards of dealing with VaW. This effective ‘adjudication’ of the survivor, by society and the media, rather than examination of the behaviour of the alleged perpetrator, perpetuates damaging perceptions about VaW, often leading to the denial of justice for survivors and discouraging women and girls from reporting violence, particularly sexual violence, at all.

Recommendation

⁵⁴ See, e.g., the decision of the Georgian Charter of Journalistic Ethics in the case - Union Sapari, Grigol Chikovani and Nino Chikovani against Nanuka Zhorzholiani, 22 October 2020. The case concerned a TV programme where the TV presenter invited the mother of the accused in the murder as a guest. In the introduction, he mentioned that he invited not the victim, but the mother of the accused by justifying that 'Today we are looking at this story from the other side of the medallion.' The decision of the Charter is available at: <https://bit.ly/3ajV57L>

- Revise existing curricula for media bachelor programmes and integrate course for mass media representatives on sensitive reporting;
- Publicise the information on state and civil society supported services and safe spaces where any woman who has been affected by sexual violence could go for support.⁵⁵

IV. Protection and support (Articles 18-28)

Various support services

The Government of Georgia drafted the National Referral Mechanism on Violence against Women and Domestic Violence Issues, but the official document is still not approved. Despite the fact that the 2016-2017 and 2018-2020 National Action Plans (NAPs) on VaW and domestic violence prescribe activities related to prevention, awareness-raising, and the establishment of a national referral mechanism, no such mechanism has been developed to date. Given the specific nature of the problem, effective coordination among state institutions is crucial. The state has neither a referral programme/services for adults, nor the financial obligation to provide actual assistance to victims/survivors of violence.⁵⁶

According to recent assessments, despite the information campaigns conducted by the MIA, a large portion of the population, particularly ethnic minorities and those lacking higher education, is not aware of the means of reporting, including the 112 mobile app, or what services are available to victims of domestic violence.⁵⁷ LBTQI women avoid reporting domestic violence or homophobic crime and incidents to the police or using security and assistance services because of fear of forced outing or secondary victimisation, which is why they choose to leave home or are obliged to continue living in

⁵⁵ See also HERA XXI factsheet prepared within the UN Human Rights Council's Universal Periodic Review of Georgia, 'Women's Rights: Gender Based Violence', 2020. Available at: <https://bit.ly/300Zafc>

⁵⁶ Coalition for Reproductive Health and Rights, 'Joint Stakeholder Submission Women's SRHR in Georgia,' UPR, 2020. Available at: <https://bit.ly/3Ahnvtm>

⁵⁷ For an assessment of the COVID-19 situation in Georgia, see the Caucasus Research Resource Centers, Georgia (CRRC-Georgia), 'Second Wave of the Rapid Gender Assessment of COVID-19 Situation in Georgia', UNDP, UNFPA and UN Women, 2021, pp. 61-62. Available at: <https://bit.ly/39IrYes>. See also the Caucasus Research Resource Centers, Georgia (CRRC-Georgia), 'Rapid Gender Assessment of the COVID-19 Situation in Georgia', UN Women, 2020, p. 47. Available at: <https://bit.ly/3cnNruB>

the cycle of violence.⁵⁸ Women and girls who are victims of parental violence refrain from contacting law enforcement because abusive parents provide them with tuition funding.⁵⁹

One of the key issues related to VaW and domestic violence is that there are almost no preventive supporting services for victims before they access to and after they leave shelters. Victims of violence cannot benefit from free services, including shelter and psychological assistance,⁶⁰ until they are granted victim status. The state does not provide additional appropriate and sufficient victim support programmes (securing the payment of the rent, providing vocational training, etc.) at the local level. Notably, shelter beneficiaries face challenges such as being cut off from social assistance and exclusion from state support programmes, as they cannot officially indicate their addresses and be monitored by social services personnel. Besides, the maximum period of stay in the shelter is up to one year and it is completely insufficient for a woman to get back on her feet on her own. Accordingly, as practice has shown, many women are compelled to either return to the abuser, or stay on the street after leaving the shelter. Resources dedicated to planning and implementing psycho-social rehabilitation programmes and activities in shelters for victims of domestic violence remain equally insufficient and non-inclusive for supporting victims.

As for psychological assistance, such a service is insufficiently provided to women and children who have been victims of violence, even after the victim has been legally classified as a victim of violence. Victims of domestic violence, particularly in the regions, consistently refer also to the lack of psychological assistance. Sapari has had numerous experiences of the state's failure to provide timely psychological assistance to women and children victims of violence, as the number of psychologists providing such services is very small and in some regions such services are not available at all. There have been numerous instances, including once in connection with a child victim of torture, where the organisation had to find and involve a psychologist for a victim of violence through another NGO. In cases where the victim is provided with psychological assistance by the relevant agency, it is often pro forma and/or delayed by 4-5 months, because too many people are served by a small number of psychologists.

Recommendations

⁵⁸ A 2018 study showed that among the LGBT respondents, 84.4% (N=216) had experienced some form of abuse by family members; over one-third of the group are victims of permanent psychological violence by family members, while 37.5% have been subjected to physical abuse at least once since 2015. Intersectional Discrimination and LGBTI People - Litigation Report, WISG, 2018, p. 17. Available at: <https://bit.ly/3BvzPI7>

⁵⁹ In 2018, WISG filed a case with the Public Defender dealing with a systemic problem - state support for women unable to pay tuition fees for women victims of domestic violence. The ombudsman shared the view of WISG on the need for state support programmes in paying tuition fees for women victims of domestic violence. The issue is especially relevant in the case of LGBTQ people. See WISG, 'Discrimination and Violence against LBTQI Persons – Litigation Report', 2019, P. 23. Available at: <https://bit.ly/2YuxU8n>

⁶⁰ See Chapter III. Prevention - Preventive intervention and treatment programmes.

- Approve the National Referral Mechanism on Violence against Women and Domestic Violence Issues, adopted by the Government of Georgia.
- Increase awareness about ways of reporting VaW/domestic violence, as well as remote services and programmes available to victims of domestic and sexual violence, particularly in regions populated by ethnic minorities.
- Provide support programmes for women victims of domestic violence in the form of paying their tuition fees so that women's economic dependence on their parents does not become a barrier to their education.
- Develop programmes and services for students who are victims of domestic violence to be able to get funding despite the status of socially vulnerable;
- Increase the number of crisis centres to have geographical coverage of services for victims of domestic violence and VaW;
- Increase the number of psychologists working with victims of violence throughout the country and provide them with relevant trainings;
- Develop supportive programmes for victims of domestic violence and VaW after leaving shelters. Introduce flexible and transparent mechanisms for monitoring the survivors' social status after leaving the shelter;
- Revise the existing methodology of assessing and monitoring social assistance and state support programmes to include shelter beneficiaries who officially cannot indicate their addresses and be monitored by social agents in shelters.

Social work

In Georgia, social work as a profession is not properly recognised and less attention is paid by the state. Numerous studies and reports speak about many problems or challenges in the field of social work. Hard working conditions of social workers are most clearly evidenced by the 2019 collective dispute and large-scale strike of social workers of the guardianship and custody authority. These processes have once again demonstrated that the working conditions and rights of social workers are intertwined with the exercise of the rights of service recipients.

In a study prepared by the Union of Social Workers,⁶¹ we read that despite the legal guarantees in the country,⁶² the following problems remain:

- *Transportation* - Transportation of social workers during emergencies as well as during scheduled visits is not yet fully ensured. The problem is especially acute in regions where visits take place over long distances and in villages/settlements with difficult terrain while in cases of violence, immediate and effective response is vital;
- *Insufficient human resources /work overload* - To date, the number of social workers is critically small, leaving each social worker with about 100-150 jobs per month. Due to the critically small number of social workers and large volume of their cases, it is not possible for all victims to be adequately provided with social services to help them recover from acts of violence (e.g., legal and psychological counselling, financial assistance, shelter, education, vocational training, and employment assistance).⁶³
- *Technical-infrastructural support* - Social workers face great difficulties due to faulty infrastructure and workplaces that do not meet child protection standards. In state agencies for victims of trafficking, social workers do not have confidential interview rooms, which is why they often have to interview victims of violence in public.⁶⁴ None of the state care service centres is tailored to the standards of child protection, which call for an environment that is consistent with the purpose of the service and adequately meets the needs of the beneficiary;. These standards also require a special room or place where it is possible to work individually with the beneficiary and conduct a confidential interview/consultation (such rooms are often shared by psychologists and social workers, so the victim may even have to wait for a consultation).
- *Education and Qualifications* - Although the Law on Social Work regulates the certification of qualification and competencies,⁶⁵ in the implementation of social work, local governments and medical institutions announce a completely opaque competition and therefore engage staff without relevant education and qualifications, ignoring the main objectives of the law. According to the social workers employed in the municipalities themselves, the existing

⁶¹ The Union of Social Workers, 'Implementation Assessment of the Action Plan on the Law on Social Work - Alternative report,' 2020. Available at: <https://bit.ly/3Fmab17>

⁶² The Georgian Law on Social Work [GEO] is available at: <https://bit.ly/3msmtpQ>

⁶³ Social work is associated with a lot of stress. According to international studies, 56% of this stress is due to lack of staff and high caseloads. All this is directly proportional to the effective implementation of social work, during which violence is incorrectly identified and so is the work on rehabilitation.

⁶⁴ Information was extracted from a focus group of social workers.

⁶⁵ Article 42(c) of the law.

certification course is not sufficient to acquire the skills and relevant knowledge of a social worker. In addition, the duties of social workers in local governments and medical institutions are performed by internal staff, nurses or other administrative staff.

Besides, as social workers play crucial roles as gatekeepers for preventive and post shelter support, there is a need to improve their knowledge and competence in identifying information, providing gender-based violence counselling and adequate referral.⁶⁶

Recommendations

- Ensure the immediate functioning of the 24-hour emergency response mechanism for social workers to carry out their responsibilities, including timely and adequate provision of vehicles;
- Immediately fill existing vacant positions with social workers and increase the number provided for in the Social Work Act in such a way that the workload is reasonable and social workers can perform their duties to the fullest;
- Immediately provide technical and infrastructural support to social workers, arrange confidential interview rooms, which will also be adjusted to child protection standards;
- Revise the social worker certification process (framework, content and technical delivery) to better respond to existing challenges, practices, and needs for appropriate service for victims of violence;
- Provide adequate training of social workers from the State Social Service Agency around issues of domestic violence and strengthen their role in supporting victims/survivors of such violence, especially in the direction of conducting preventive monitoring of high-risk families. Integrate the course in a master's programme for social workers;
- Improve the knowledge and competence of social workers in identifying, informing, providing gender-based violence counselling and adequate referral.

⁶⁶ See also HERA XXI factsheet prepared within the UN Human Rights Council's Universal Periodic Review of Georgia, 'Women's Rights: Gender Based Violence', 2020. Available at: <https://bit.ly/300Zafc>

Support for victims of sexual violence⁶⁷

Women victims of sexual violence are one of the most vulnerable groups. They often face insensitive, degrading and gender-based stereotypes during forensic examinations that undermine their participation in the justice process and result in secondary victimisation.⁶⁸ Victims of sexual violence often refuse examination because of the sex of the experts. On 5 August 2020, the Women's Initiative Support Group (WISG) addressed the Public Defender of Georgia on the alleged discriminatory treatment of a woman victim of sexual violence by the Levan Samkharauli Regional Examination Department of Western Georgia which has been identified as a perpetrator of gender discrimination by the Public Defender.⁶⁹ The victim noted that she was examined by male experts and became a victim of sexual harassment and ill-treatment on their part. Based on the information provided by the Bureau, it was established that the Bureau currently employs 39 medical experts throughout Georgia, including only nine women. Out of 20 experts employed in Tbilisi, the number of females is only eight. This problem is especially acute in regions where there is only one woman out of 19 medical experts employed. Today, the Bureau of Regional Expertise of Western Georgia does not employ any female experts authorised to conduct a relevant expert examination in case of sexual violence.⁷⁰ Accordingly, even though the law allows the transfer of a person under examination to another branch or invitation of an expert of the same sex if the person so requests, this does not work in practice.

On 17 July 2020, the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia approved the state standard Protocol for Clinical Management of Rape Victims in Crisis/Emergency Situations.⁷¹ However, there is no information regarding how to implement the process including any capacity building for service providers. According to the protocol, the state covers all major stages for rape victims including emergency contraception, medical treatment, sexually transmitted disease testing and if necessary safe abortion.⁷² Nevertheless, after the expiration of the statutory period, the protocol requires a guilty verdict of the court to allow the artificial termination of the pregnancy resulting from violence. This violates women's right to bodily autonomy, bodily integrity and the highest standard of health. The State Health Care Programme Referral Services in 2021 includes: medical assistance for population in case of emergency (nature disasters; crisis; catastrophes; for citizens affected by conflict regions and other cases defined by the Government of Georgia), including provision of post coital contraceptive/sexually transmitted disease testing and

⁶⁷ See further the Special Report of the Public Defender of Georgia on Combating and Preventing Discrimination and the State of Equality, 2020, p. 12-13. Available at: <https://bit.ly/3lhUkT4>

⁶⁸ See further Dekenosidze, T., 'The Administration of Justice on Sexual Violence Crimes against Women in Georgia', December 2020, Tbilisi, Georgia. Available at: <https://bit.ly/3FtqGCm>

⁶⁹ Available at: <https://bit.ly/2RBkLH5>.

⁷⁰ *Ibid*, p. 10.

⁷¹ The protocol is available at: <https://www.moh.gov.ge/en/guidelines/>

⁷² *Ibid*, p. 4.

treatment for victims of sexual and gender-based violence. Despite this, service providers as well as women are not informed about medical assistance programmes and have no information on where and how to apply for service.

Recommendation:

- Increase the number of female experts at the Levan Samkharauli National Forensics Bureau. Provide experts with training on domestic and sexual violence against women. When conducting any activity, take into account the different needs of the persons receiving the examination;
- Revise the State Standard for Clinical Management Rape (Protocol) to remove a guilty verdict decision of the court as a prerequisite to allowing safe abortion after 12 weeks;
- Conduct public informational campaigns to disseminate information regarding available medical assistance for the population in case of emergency including post coital contraceptive/sexually transmitted disease testing and treatment for victims of sexual and gender-based violence.

V. Substantive law (Articles 29-48)

Sexual violence crimes and sexual harassment

As in previous years, sexual violence against women remains one of the most serious, covert and unpunished forms of gender-based violence, which is caused by existing legislative, structural and systemic problems.⁷³

Firstly, it should be noted that the definitions of rape and other sex crimes⁷⁴ are still inconsistent with international standards, including the Istanbul Convention. In particular, according to the current version, the lack of consent of the victim is not sufficient to consider rape as a crime, but it is necessary for the person to assault the victim, threaten them with violence or exploit the helpless position of the victim.

⁷³ GYLA, 'GYLA's assessment of women's rights', 08.03.2021. Available at: <https://bit.ly/3sEep6k>

⁷⁴ Criminal Code of Georgia, Articles 137-139.

In addition to other barriers to reporting, gender stereotyping and discriminatory investigation procedures applied in practice constitute a significant barrier to justice for survivors of sexual violence. In Georgia, it is also problematic that prosecutors apply overly burdensome evidentiary and corroboration requirements for bringing charges against perpetrators of sexual violence. Overwhelmingly strict requirements are also applied by judges to issue a judgment of conviction for these kinds of crimes. Such practice leaves the vast number of sexual violence acts envisaged under the law (Articles 137-140) unpunished in practice.⁷⁵

An analysis of the information requested by Sapari is yet another illustration that victims of sexual offences face a number of barriers from the moment a crime is reported until the case reaches the court. As a result, at each stage, the number of cases of sexual violence is significantly reduced. In particular, the public safety management centre (112) registered 660 reports of incidents of sexual violence and sexual offences in the period from 1 January 2018 to 31 December 2020.⁷⁶ However, out of these reports, an investigation was launched into only 420 cases.⁷⁷ Accordingly, information provided by 220 women that they were victims of sexual violence was left out of the investigation.

Out of the mentioned 420 cases, during the same period, the Prosecutor's Office of Georgia granted victim status to 415⁷⁸ persons while criminal proceedings were initiated against the alleged perpetrators in only 186 cases maximum.⁷⁹ Therefore, even though 415 persons were identified as victims by the prosecution, at least 234 alleged perpetrators were not charged with corresponding crimes. This shows that, in most cases, the prosecution of sex crimes by the prosecutor's office is systematically delayed.

As for the 186 cases in which the Prosecutor's Office brought charges against the alleged perpetrators, only 113 cases maximum⁸⁰ were submitted for further consideration in the Common Courts of Georgia

⁷⁵ See further on the challenges in the criminal justice system and the legislation of Georgia in addressing sexual violence crimes: 1. NGO report on the implementation of The Council of Europe Convention on preventing and combating violence against women and domestic violence in Georgia submitted to the GREVIO Committee in October 2021. 2. A report prepared by Equality Now and other NGOs (including Sapari) for submission to the CEDAW Committee on 07 June 2021. Available at: <https://bit.ly/3anyvLD>; 3. Dekenosidze, T., 'The Administration of Justice on Sexual Violence Crimes against Women in Georgia', December 2020, Tbilisi, Georgia. Available at: <https://bit.ly/3FtgGCm>; 4. A report prepared by Equality Now and other NGOs (including Sapari) for submission to the UN Universal Periodic Review on Thirty Seventh Session of the UPR Working Group of the Human Rights Council, 2-13 November 2020. Available at: <https://bit.ly/3DhUy2F>

⁷⁶ Sexual violence and sexual offences include any act of a sexual nature. Namely, violent sexual assault (rape) against a person of any age, as well as any other act of a sexual nature committed with violence or threat of violence. The letter #MIA 2 21 01897054 of the Ministry of Internal Affairs of Georgia, dated 20.07.2021.

⁷⁷ *Ibid.*

⁷⁸ The Prosecutor's Office does not explain at what stage the investigation is in five cases in which the victim was not identified as a victim.

⁷⁹ The letter #13/43569 of the Prosecutor's office of Georgia, dated 19.07.2021.

⁸⁰ If we make the same assumption that all of the 113 cases that reached the courts during the reporting period are included in the 186 cases in which the Prosecutor's Office brought charges against the alleged perpetrators in the same period.

during the same period.⁸¹ Accordingly, out of the 660 alleged victims of sexual violence who reported between 1 January 2018 to 31 December 2020, only 113 victims were able reach the court about the sexual crime committed against them.

It is also noteworthy that in 2020, an alarming number of cases of sexual violence was recorded against juveniles, which highlighted the problem of investigating sexual assault cases and the correct qualification of the crime. In 2020 alone, investigation was launched in 254 cases⁸² of sexual violence and sexual exploitation against juveniles, of these 31 were committed within the family.⁸³

As concerns sexual harassment, despite significant improvements,⁸⁴ as practice has shown, low public awareness of both the essence of sexual harassment and the mechanisms guaranteed by law against harassment remains a challenge. Lack of sensitivity among state authorities and work of the police are also problematic in this regard. An analysis by Sapari of approximately 60 decisions by the Georgian courts concerning sexual harassment shows that serious facts of the case are described as violations of lesser importance and the offender is given a warning only, serving as indirect encouragement of violence. The majority of sexual harassment cases on which Sapari consults are not recorded in national statistics since the MIA often confines its response to sexual harassment to giving a warning to the harasser which is not a measure prescribed law. Administrative offence reports are not compiled and therefore the offenders remain unpunished. Due to such an approach, women frequently refrain from talking about sexual harassment.

Recommendations

- Bring the definitions of sex crimes in the Criminal Code in line with the Istanbul Convention and other international standards;
- The Ministry of Internal Affairs should take measures to detect and identify instances of sexual violence against women and girls;
- The Prosecutor's Office should ensure the initiation of prosecution against the alleged perpetrator within an objective period of time;
- Train investigators, prosecutors and judges in the technique of obtaining various types of evidence of sexual violence crimes/assessing the evidence obtained;

⁸¹ 101 of them were convicted by the courts. The letter of the Supreme Court of Georgia #P-644-21, dated 25.08.2021.

⁸² Articles 137-141, 253-254 and 255-255² of the Criminal Code of Georgia.

⁸³ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2020, p. 353. Available at: <https://bit.ly/3BgZLMI>

⁸⁴ See p. 74-75 of the State Report

- Increase the number of psychologists and social workers to work intensively and effectively with child victims of sexual violence;
- Carry out public awareness raising campaigns about sexual harassment and mechanisms for its eradication; Raise awareness, as well as sensitivity, of investigators and judges on sexual harassment.

Early/Child marriage⁸⁵

The practice of early marriage and engagement still remains a major challenge in Georgia. As in previous years, the problem lies within managing and avoiding specific cases of early marriage and engagement.

According to the cases of marriage/engagement at an early age, the coordinated work between the Ministry of Internal Affairs of Georgia, educational institutions and the social service agencies, as well as proper functioning of the referral mechanism are still problematic. Although the number of early marriages reported by social services has risen sharply compared to the previous year, monitoring has found that the school often still hides early marriages/engagements and does not report them to the authorities.

It is true that the introduction of a special provision and criminalisation of forced marriage in the Criminal Code⁸⁶ has fulfilled the requirement of the Istanbul Convention, yet preventive actions in this respect, effective awareness-raising activities in the society, and effective response to already identified cases remain a problem.⁸⁷

An investigation on forced marriage was launched on a total of 44 criminal cases from 2016 to 2019. Most investigations into forced marriage were launched in Kvemo Kartli. The total number of investigations into forced marriage initiated in the Kvemo Kartli region during the reporting period amounted to 60% of all investigations initiated across Georgia. The proceedings into 44% of the criminal cases were terminated and the investigation into most cases was terminated in Kvemo Kartli. Furthermore, all investigations launched in the above region (inhabited by ethnic minorities) in 2016 and 2017 were canceled. During the four-year period, only a total of 7 criminal cases against 8

⁸⁵ A report prepared by Equality Now and other NGOs (including Sapari) for submission to the CEDAW Committee on 07 June 2021. Available at: <https://bit.ly/3anyvLD>

⁸⁶ Article 150¹, under which forced marriage knowingly with a minor is viewed as an aggravating circumstance.

⁸⁷ GYLA's study 'Forced Marriage – Legislation and Practice', 2020. Available at: <https://bit.ly/3u1Ytx1> [Last viewed: 20.09.2021].

individuals were considered by the common courts.⁸⁸ The Public Defender of Georgia as well has been talking about the problem of responding to the crimes of illegal deprivation of liberty and forced marriage of ethnic minority girls for years.⁸⁹

Recommendations

- Develop a national policy and strategy document to combat early marriage and forced marriage with the participation of relevant government bodies, civil society organisations, women's groups, community leaders, or other stakeholders;
- In planning and implementing preventive measures against forced/early marriage, focus on regions where the rate of such marriages is very high;
- Take preventive measures, including information campaigns to reduce/prevent forced marriage, unlawful deprivation of liberty and sexual intercourse with a minor;
- Respond effectively and promptly to all cases of forced/early marriage and exercise effective oversight over the timely and comprehensive investigation of the facts of forced marriage;
- Eliminate the practice of concluding plea agreements with defendants charged with forced marriage.

Forced abortion and forced sterilisation

Development of the human rights situation related to women's sexual and reproductive health in Georgia is still challenging. According to the Istanbul Convention, parties shall take the necessary legislative or other measures to criminalise performing an abortion on a woman without her prior and informed consent and performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure. Over the years, the state has taken certain steps in this regard, yet the obligation undertaken in terms of forced abortion has not been implemented yet.⁹⁰ Article 133 of the Criminal Code of Georgia criminalises only illegal abortion and Article 133¹ of the Criminal Code criminalises sterilisation. There

⁸⁸ *Ibid.*

⁸⁹ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2020. Available at: <https://bit.ly/3AphNqw> [Last viewed: 20.09.2021].

⁹⁰ GYLA, 'Prevention and Forms of Torture and Ill-Treatment', 2020. Available at: <https://bit.ly/3As5Fou> [Last viewed: 20.09.2021].

has been no provision in the criminal law for years that would criminalise forced abortion and coercion to abortion.

Availability, territorial accessibility and financial affordability barriers to safe abortion services hampers women's right to bodily integrity and attainment of the highest standard of health. The situation is exacerbated by the legal regulatory framework governing abortion and five-day mandatory waiting time,⁹¹ which contradicts the World Health Organisation recommendation and violates women's right to bodily autonomy. According to the Public Defender of Georgia, some aspects of the law and regulations undermine women's self-determination rather than empowering women in their reproductive decision making. While the order of the Minister of Health, Labour and Social Affairs of Georgia provides a strong basis for respecting the dignity and decision of the women, the mandatory five-day waiting period and the language prioritising the foetus in the Law on Health Care contradicts international health and human rights recommendations and impacts particularly marginalised populations access to the services, contrary to international health and human rights recommendations. The mandatory contemplation period has particularly adverse effects on women living in the regions and rural areas. As noted by the Public Defender of Georgia, the five-day mandatory reflection period does not achieve the goal of reducing the number of abortions or any other legitimate goal and, conversely, creates additional barriers for service seekers.⁹²

Research conducted by HERA XXI in closed and psychiatric care institutions identified the cases of performing an abortion on a woman without her prior and informed consent; performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure which directly violates Istanbul Convention articles and right to bodily integrity of women. Medical staff, namely psychiatrists and gynaecologists, have no adequate knowledge of the effects of psychotropic drugs on sexual and reproductive health or the correction options. In addition, patients'/beneficiaries' awareness of their sexual and reproductive health and rights is extremely low. They have no information about the adverse effects of prescribed psychotropic drugs, including the effects of drugs on sexual and reproductive health.

Recommendations:

- Introduce amendments to the Criminal Code, bringing it in line with Article 39 of the Istanbul Convention and criminalise coercion to abortion and forced abortion as soon as possible;

⁹¹ Order of the Minister of Health, Labour and Social Affairs of Georgia on the approval of the rules for the implementation of abortion, №01-74 /n, 7 October 2014. Available at: <https://bit.ly/3aanH31>

⁹² Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2020, p. 151. Available at: <https://bit.ly/3AphNqw> [Last viewed: 20.09.2021].

- Revise the Law on Health Care to remove mandatory waiting periods for women applying for safe abortion;
- Develop monitoring and investigation mechanism to prevent forced abortion and sterilisation in closed psychiatric institutions.

LBTI community

Despite the fact that domestic violence against family members based on sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) is widespread and is an invisible crime against the LGBT community, the government does not recognise the need to address this issue or pay proper attention to it in its National Action Plans. In practice, transgender women, as well as lesbian, bisexual and intersex women very rarely utilise mechanisms for redress of VaW, gender-based violence and domestic violence. Even in cases when the transgender women decide to address police or the courts, they are faced to those legal barriers. In a case, when the transgender woman asked for the restraining order against the perpetrator, the court did not accept the application, stating: ‘The case included ID of the appellant and according to that document she was a man; Hence, she was not the subject of the protection under the Georgian Law on Violence against Women and/or Domestic Violence Prevention and the Protection of the Victims of Violence; thus cannot ask for the restraining order.’

Article 4 of the Istanbul Convention guarantees that States Parties to the Convention implement its provisions, in particular measures to protect the rights of victims. These rights shall be secured without discrimination on any ground such as sex, gender, [...] gender identity, or other status. Trans gender women face various barriers to legal gender recognition. They are deprived of the most critical recognition. They cannot change the gender marker on their IDs since the law regulates the legal gender recognition mechanism. Today, transgender people have been forced to undergo unwanted, medically unjustified, expensive and life-threatening procedures to change their gender marker. Namely, a new ID and birth certificate can be issued only when the person changes sex and only after he/she undergoes surgery.⁹³

Recommendations

⁹³ WISG, Equality Movement, ILGA-Europe, submission to the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz ahead of country visit to Georgia, 2018, p. 11-12. Available at: <https://bit.ly/3mxftsr>

- Improve protection mechanisms to integrate needs and particularities of LGBTI couples together with heterosexual couples;⁹⁴
- Develop quick, transparent and accessible procedures, based on self-determination, for changing legal gender of transgender people on birth certificates, identity cards, passports, educational certificates and other similar documents; make these procedures available for all people who seek to use them, irrespective of age, medical status, financial situation or police record.

VI. Investigation, prosecution and procedural law and protective measures (Articles 49-58)

Immediate response, prevention and protection

According to a study conducted by Sapari during the pandemic, in some cases, investigators who were under quarantine/self-isolation did not have replacements, which obstructed the course of investigation. Another important challenge was that during the pandemic, the police did not work remotely and victims had to come to the police station during interrogations and investigative actions. This hindered the investigation of the case, as in the absence of transport and deteriorating economic situation, victims found it difficult to reach the police departments.⁹⁵

Recommendations

- Provide police departments with an adequate number of personnel to allow for the transfer of cases to substitute officers and accelerate investigation;

Risk assessment and risk management

Police officers do not accurately/fully record the information provided by victims. Consequently, statements do not record the facts which reflect the presence of aggravating circumstances or which are crucial to identifying the discriminatory gender motive which results in the crime being considered less grave. Generally speaking, although the index of identifying the discriminatory gender motive has been

⁹⁴ *Ibid*, pages: 12-13.

⁹⁵ See further Urchukhishvili, G., ‘The Challenges in the Provision of Services to Female Victims of Domestic Violence by the Ministry of Internal Affairs during the COVID-19 Pandemic, Sapari, 2021. Available at: <https://bit.ly/350E143>.

increasing, it nevertheless remains low in the Prosecutor's Office.⁹⁶ Besides, 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. Such a superficial approach serves as a barrier to effectively identifying risks and providing necessary protection to victims.

Recommendations:

- Consider audio/video recording of the victim to avoid re-interrogation of the victim and to ensure the accuracy of the statement;
- Carefully fill out the risk-assessment checklists and decide on necessary protective measures accordingly;⁹⁷
- Consider gender-related motives in all cases of VaW and femicide and apply these motives as aggravating circumstances when imposing punishment.

Restraining or protection orders

As the practice of Sapari has shown, in issuing restraining orders, police officers do not comprehensively examine the violent act or record the evidence in the protocol of the restraining order. Eventually, such restraining orders are annulled by the court since frequently, neither the authorities nor the victim can confirm the existence of facts indicated therein. Such a practice leaves the victims of violence unprotected thereby encouraging the abuser. In many cases, where a restraining order is applied, in addition to abusers, restraining orders are issued against victims themselves who ultimately find it difficult to appeal the decision to the court for annulment.

It is also problematic that in recording episodes of violence in the protocols of restraining orders, police officers refrain from fully recording the information provided, neglect some and/or make an erroneous

⁹⁶According to GYLA's research, of the 102 judgments examined in 2017, the Prosecutor's Office identified gender discrimination as a motive in only two cases (2%). In 2018, gender discrimination was considered a motive in three cases (2%) out of 131 decisions examined. Data from the first nine months of 2020, reveal the motive of gender discrimination in 120 cases (which equals to the data of full 2019), and 126 women were recognised as victims of gender discrimination. In 2020, gender discrimination was considered a motive for the first time in a femicide case.

The research of GYLA is available at: <https://bit.ly/30dgSMp>; See also the statement of the Prosecutor's Office of Georgia, available at: <https://bit.ly/3oYJ4gr>

⁹⁷ See also the Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia, 2016, para 100(c). Available at: <https://bit.ly/3Ahld7>

account of facts. This is often with a view to avoiding granting the situation high scores, qualifying for the application of electronic monitoring bracelets for perpetrators, if the victim so requests.

While dealing with cases of VaW, the MIA has been reluctant to apply the electronic monitoring bracelets and often convinces the victim that it will be inconvenient for her. Generally speaking, such bracelets are usually applied in relation to high risk perpetrators only and mostly by virtue of the involvement of the Human Rights Department. According to information provided by the MIA, as of 4 October 2021, the Ministry has only 350 electronic monitoring devices at its disposal.⁹⁸ Between the period of 1 September 2020 and 1 September 2021, electronic monitoring bracelets were applied only for 17 abusers.⁹⁹

Recommendations

- Carefully fill out the risk-assessment checklists and decide on necessary protective measures accordingly;
- Apply electronic monitoring bracelets more actively and, if need be, allocate more financial resources to make necessary amount of the bracelets available.

Vulnerable groups

Partnership for Human Rights has provided legal assistance to women from a number of vulnerable groups who attest that in addition to facing physical and social barriers to the right to protection and protection provided for in Article 18 of the Istanbul Convention, they also experience secondary victimisation by state officials, forcing them to remain in a violent environment. Violence against women with disabilities is often not adequately addressed by law enforcement, which significantly increases the risk of recurrence of violence. Cases of violence against vulnerable women are often unjustifiably delayed. Particularly vulnerable women who are victims of sexual violence, including girls under the age of 18, have not been recognised as victims for a long time. Women with disabilities do not have access to legal services. Some women with disabilities have expressed concern and fear of reporting crime to the police, which has been linked to the negative experiences and consequences of past police relations.

Recommendations

⁹⁸ The set entails electronic bracelets, receiving devices for abusers and receiving devices for victims.

⁹⁹ The letter of the Ministry of Internal Affairs of Georgia, #MIA 4 21 02616605, dated 04.10.2021.

- The state should develop services tailored to the rights and needs of vulnerable people, taking into account the risks of recurrence of violence against women with disabilities their multifaceted discrimination, vulnerability, inequality in times of violence, lack of close relatives and supporters, dependent status of the abuser;
- Identify and eliminate gaps in access to justice for vulnerable persons;
- Persons involved in the provision of protection and support services to vulnerable persons should be trained and raised;
- Raise awareness of various vulnerable groups on their rights;
- Equal treatment before the law will not be sufficient to protect the vulnerable victim from violence and to reduce the risk of recurrence of violence shall be taken under consideration. It is important to empower women with disabilities, promote their independent lives, prevent violence, and provide for their medical and psychosocial needs.

Lawyers' professional ethics

In the fall of 2019, a high-profile case was launched against politician Ilia Jishkariani, who sexually assaulted a young female employee. The case is currently pending trial. However, during the investigation, Mariam Kublashvili, a lawyer representing the politician, used a number of insulting and derogatory phrases against the victim of the violence, which caused great psychological stress to the

In public interviews and using her personal Facebook page, Mariam Kublashvili referred to the victim of violence as: 'little liar', 'deceitful Tamta', 'trained, experienced in submitting complaints and in various machinations, the so-called victim', 'skilled in complaining or various machinations'. She referred to the incident in question as an "inexpensive scenario." On 11 January 2021, the Ethics Commission of the Georgian Bar Association considered the above as an indisputable factual circumstance. However, in its decision of 8 October 2021, the Ethics Commission considered this conduct to be ethical and part of a legal strategy and did not find a violation of Article 5(c) of the 'Law of Georgia on Lawyers', according to which 'A lawyer shall not infringe on the rights of the court and of other participants in proceedings'.

Despite numerous pieces of evidence proving unethical behavior on the part of the lawyer, the Ethics Commission decided to refuse to impose disciplinary action. This case sets a dangerous precedent by giving the defendants' lawyers the green light to humiliate and insult women victims of sexual violence,

create a hostile environment for them in the administration of justice and inflict additional psychological suffering.

According to the women's organisation Sapari, this is not the only case in which the Ethics Commission of the Georgian Bar Association has found no violations against lawyers who create a hostile and degrading environment for victims of gender-based violence and their representatives. Such tolerance on the part of the Ethics Commission towards the defendant's lawyers who humiliate women victims of gender-based violence poses a serious barrier to women's access to justice.

Recommendations

- Revise the Code of Ethics for Lawyers and amend it to make it more sensitive to women victims of gender-based violence;
- Train the members of the Ethics Commission of the Georgian Bar Association on gender issues;
- The Ethics Commission should be guided by international standards and principles of the Istanbul Convention when making decisions.