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**Promotion and protection of all human rights, civil,
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including the right to development**

Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia*

Note by the Secretariat

This report contains the findings and recommendations of the Special Rapporteur on violence against women, its causes and consequences, on her visit to Georgia from 15 to 19 February 2016. The mandate holder examines the gaps and challenges in fulfilling the States obligation to eliminate violence against women, its causes and consequences and recommends measures for preventing and combating violence against women and ensuring the enjoyment of human rights by women in the country.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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19 February 2016)****

Contents

	<i>Page</i>
I. Introduction	3
II. General Context	3
III. Manifestations of violence against women, its causes and consequences.....	4
IV. State responses and measures to address violence against women	10
A. Incorporation of the international and regional legal framework on violence against women in Georgia	10
B. Constitutional, legislative and policy framework	12
C. Institutional framework: national machinery and independent institutions	14
V. Implications of discrimination against women and discriminatory gender stereotypes on violence against women.....	15
A. Low political participation of women in political and public life.....	16
B. Discriminatory gender stereotypes	16
VI. Gaps and challenges in fulfilling the State's obligations to eliminate violence against women	17
A. Prevention	17
B. Protection.....	18
C. Prosecution	19
VII. Conclusions and recommendations	20

** Circulated in the language of submission only

I. Introduction

1. At the invitation of the Government of Georgia, the Special Rapporteur on violence against women, its causes and consequences, Ms. Dubravka Šimonović, visited Georgia from 15 to 19 February 2016.

2. The Special Rapporteur expresses her sincere gratitude to the Government for its full cooperation. During her visit, she met with the Deputy Minister of Labour, Health and Social Affairs; the Minister of Foreign Affairs; the Deputy Minister of Internal Affairs; the Deputy Minister of Economy and Sustainable Development; the Deputy Minister of Education and Science; the Deputy Minister of Corrections; the First Deputy State Minister for Reconciliation and Civic Equality; the First Deputy Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees; and the Minister of Justice; as well as with representatives of these ministries. She also met with the Assistant to the Prime Minister on Human Rights and Gender Equality Issues, the First Deputy Chairperson of the Parliament, the Chairperson of Gender Equality Council of the Parliament and with the Head of Division of Human Rights Protection at from the Prosecutor's Office.

3. She also met with the Public Defender and held consultations with civil society organisations, as well as with the President and members of the Supreme Court and Judges of the Tbilisi City Court and with representatives of UN agencies.

4. The Rapporteur visited the Kakheti region, where she met with the Governor of the region, inhabitants of the Kabala Municipality, as well as civil society organizations and the Women's Elderly Council in the village of Duisi (Akhmeta Municipality, Pankisi Gorge). She visited the Shida Kartli Region and a settlement for IDPs in the village of Skra, where she met with internally displaced women. She also visited a shelter in the city of Gori and would like to thank women survivors of violence, who shared their experiences with her throughout the visit.

5. The mandate holder expresses her gratitude to OHCHR, UN-Women, UNHCR as well as other UN agencies and other interlocutors involved in the organization of her visit.

6. She shared her preliminary findings with the Government of Georgia at the end of her official visit and looks forward to a fruitful dialogue with the Government and other stakeholders on the implementation of the action-oriented recommendations included in the present report.

II. General context

7. On 9 April 1991, Georgia declared its independence from the Soviet Union and was confronted with groups demanding independence for certain parts of the country, which resulted in conflicts and the declaration of independence of Tskhinvali region/South Ossetia and Abkhazia.¹ As a consequence of the 1990-1992 conflicts, about 360,000 persons were displaced and by November 2004, 241,032 IDPs were registered.² In August 2008, another conflict erupted in the region of Abkhazia and the Tskhinvali region/South Ossetia, creating a smaller wave of IDPs.³

¹ E/CN.4/2006/71/Add.7

² Ibid.

³ A/HRC/10/13/Add.2

8. On 27 June 2014, Georgia signed the Association Agreements with the European Union, with the aim to reach political and economic integration, development and reform of the agenda and strengthen cooperation with EU.⁴

III. Manifestations of violence against women, its causes and consequences

9. During the visit, the Rapporteur learnt that violence against women in Georgia is widespread and occurs both in private and public spheres, in urban and rural areas. The mandate holder found that the persistence of entrenched patriarchal attitudes and gender stereotypes makes gender-based violence tolerated. She analyses some of the manifestations below. This list does not aim to be exhaustive but illustrates the most prevalent manifestations of violence in the country that were discussed during her visit.

Violence against women, including domestic violence

10. Despite the efforts made by the Government, including the adoption of the 2006 Law on Elimination of Domestic Violence, Protection and Support to its Victims (Law on Domestic Violence) and the criminalization of domestic violence in 2012, the mandate holder notes that domestic violence, including physical, sexual and psychological abuse, is still considered as a private matter and not a public concern in most parts of the country. The incidence of domestic violence is still underreported, due to inter alia the lack of public awareness about this societal problem, the fear of retaliation and stigmatization, the lack of trust in law enforcement agencies, as well as the existing services and protection mechanisms for victims of violence.⁵

11. A national research conducted in 2009, shows that, among the women interviewed, one woman in 11 had experienced physical or sexual abuse, either perpetrated by her husband or intimate-partner and 34.7% have been injured as a result of physical or sexual violence.⁶ Ex-intimate partners and family members are also among the perpetrators of violence. The main patterns of violence are physical, sexual, psychological and economic abuse, as well as coercion to carry out or fail to carry out an act.

12. During the first half of 2015,⁷ the Public Defender's Office registered 1,478 cases of domestic violence, in 93% of the cases the perpetrator was a man and 87% of the victims were women.⁸ The Special Rapporteur regrets that the estimation of cases of domestic violence is based on the number of restraining orders issued, leaving invisible an undefined number of cases, not reflecting the real amplitude of this scourge. She is concerned that some cases are registered by the police under 'family conflict', which also may leave cases of domestic violence invisible.

13. According to the Public Defender's special report on violence against women, in 2014 and 2015, the most common forms of domestic violence were psychological together with physical violence. According to the 2009 National Research, insults (14.3%), belittling/humiliations (5.3%) intimidation (5.1%) and threats (3.8%) were the most common components of psychological abuse reported by the women interviewed.⁹ 35.9%

⁴ http://eeas.europa.eu/top_stories/2014/270614_association_agreement_en.htm

⁵ Background note provided by UN-Women.

⁶ National Research on Domestic Violence against Women in Georgia, 2009, pp.33 and 44.

⁷ In 2015, 2,726 restraining orders were issued.

⁸ Background note provided by the Public Defender's Office.

⁹ op.cit.note 6,p.36.

of women reported their exposure to acts intended to control their behaviour, with a higher prevalence among the women with incomplete secondary education (60% of them) than those having completed their secondary, technical or higher education (35% of them) and among women who do not earn money (76.6%).¹⁰

14. The Rapporteur notes that among the factors that most likely increase the risk of intimate-partner violence are discriminatory gender stereotypes and patriarchal attitudes, women's low awareness of their rights, the occurrence of child and forced marriages¹¹ and the lack of economic independence, among others. In addition, the consumption of alcohol, economic problems and unemployment are factors that contribute to reinforce the occurrence of domestic violence.¹²

15. Most of the women perceive domestic violence as a private matter. In 2009, 78.3% of the women interviewed in the National Research – the majority from rural areas – thought that family problems should be discussed exclusively within the family and 52.1% thought that if a woman is mistreated by her partner, people outside the family should not intervene.¹³ With regard to the disclosure of their abusive experience, 27.8% of the women did not tell anyone; among the women who decided to talk about it, 47.5% of them choose to tell their parents, 31.2% to their friends, 22.4% to their sister/brother and 14.8% to the husband's family.¹⁴ Only a small number of them reported the cases to social networks or official institutions.¹⁵

16. According to the 2010 reproductive health survey, verbal and/or physical abuse in marriage was, in general, greater among women with less formal education and lowest socioeconomic status, as well as among Azeri women or from other ethnic backgrounds.¹⁶ Domestic violence is considered as more prevalent in minority groups, including Azeri and Armenians, in particular in rural areas.¹⁷

Sexual violence, including rape

17. In 2014 and 2015 respectively 80 and 87 cases of sexual violence were registered, among which 20 and 13 cases of rape.¹⁸ The Special Rapporteur regrets that no survey on the incidence of sexual violence has been conducted in the country¹⁹ and expresses concern that sexual crimes are underreported by victims, due among others to social stigma – including the importance placed on women's virginity and family honour – fear of the perpetrator, the non-confidence on law enforcement authorities and the lack of specialized services. The Public Prosecutor's Office indicated that in 2014, 32 persons were prosecuted under art. 137 of the Criminal Code (Rape) and that in 2015, the number of prosecuted was 21, among which, one person was prosecuted for marital rape.

¹⁰ Ibid.

¹¹ Cases of violence conducted by mothers in law were also reported.

¹² op.cit.note 6,pp.36 and 51.

¹³ Ibid.p.37.

¹⁴ Ibid.pp.36 and 51.

¹⁵ Ibid.

¹⁶ Reproductive Health Survey Georgia, final report, National Center for Disease Control and Public Health, Ministry of Labor, Health, and Social Affairs, National Statistics Office of Georgia,2010,p.312.

¹⁷ Ethnic Minority Women in Georgia–Facing a Double Burden?, ECMI-European Centre for Minority Issues,2014

¹⁸ Op.cit.note 5.

¹⁹ Ibid.

18. The mandate holder was informed that sexual harassment at workplace is frequent, but underreported, which stigmatizes women.²⁰ Already in 2006, the CEDAW Committee recommended to the State to make the existing provision on harassment at workplace (art. 2 (4)) of the Labour Code, which does neither refer explicitly to sexual harassment nor its forms, in compliance with the General recommendation n°19 (GR 19).²¹ She regrets that there is no data available on the prevalence of sexual harassment and that other forms of harassment, such as offences in the public space which are not considered as violence.

Femicides or gender-related killings of women

19. In 2014, the CEDAW Committee expressed concern about the growing number of women killed by their intimate-partner and recommended to take measures to prevent such killings.²² As a follow-up to these recommendations, in 2015, the Public Defender's Office published a special report on Violence against Women and Domestic Violence in Georgia,²³ in which it provided data on 34 women killed because of their gender in 2014. The Rapporteur was informed that in 2015 the number of femicides/gender-related registered reportedly decreased.²⁴

20. She noted that in many cases of killings committed by (ex) intimate-partners, the victims reported the acts of violence to the police, but no adequate and effective protection was provided to them.

21. She wishes to commend the work of Public Defender on his work on monitoring femicides and to reiterate the call she made to all States to establish a "femicide watch" or "gender-related killing of women watch" and to collect and release each year on 25 November, the International Day on the Elimination of Violence against Women, data on the number of femicides. Most importantly each case should be carefully analysed to identify any failure of protection with a view of improving and developing further preventive measures.

Suicides among women victims of systematic violence

22. The Special Rapporteur was also informed that an undefined number of suicides occurred among women victims of systematic violence, and cases of suicides²⁵ among young women, were allegedly caused by girl child and forced marriage.²⁶

Child and forced marriages

23. The Special Rapporteur is concerned about the high prevalence of cases of child and forced marriages throughout the country. She was informed that in 2015, 611 registered marriages took place between persons under 18 years old. Out of these, 578 cases involved a girl.²⁷

²⁰ Annual Report, Public Defender of Georgia, 2014.

²¹ Background note provided by the organization Article 42 of the Constitution; and CEDAW/C/GEO/CO/3.

²² CEDAW/C/GEO/CO/4-5.

²³ <http://www.ombudsman.ge/uploads/other/3/3389.pdf>

²⁴ Data from the Chief's Prosecutor's Office.

²⁵ In 2014, it was estimated that 36 women committed suicide.

http://www.geostat.ge/cms/site_images/_files/english/health/Women%20and%20Men_2015.pdf

²⁶ Background note provided by Union Sapari. See also Violence against Women and Domestic Violence in Georgia, Special Report, Public Defender of Georgia, 2015, p.40 and Public Defender of Georgia, Parliamentary report, 2014.

²⁷ Data shared by the Public Defender's Office.

24. The mandate holder was informed that in 2015, 224 pupils aged between 14 to 16 years dropped out of school, and 351 at the age of 17-18 due to child marriage. She is concerned about the high number of girls who drop out of school as a consequence of their marriage and highlights that these girls are more vulnerable to violence, including marital rape, because of the lack of education, their reduced prospects to find a job and become economically independent, which would impede them escaping from situations of abuse. This practice also leads to early pregnancies²⁸ and could be also linked with the rate of maternal mortality, estimated to 36 deaths per 100,000 live births in 2015.²⁹ The Public Defender reported on a case of suicide of a 16 years old girl possibly related to forced marriage.

25. The main causes for this practice, as explained to her during the visit include: low public awareness, including on the illegality of child marriage, the lack of education among girls and their parents, poverty and in some cases, the fear of the abduction of the girls³⁰ – which was more prevalent in the 90s – in particular in rural areas and/or among ethnic minorities, including among Azeri, in which the vast majority of girls are married before the age of 18 and even 16. Other challenges, among which, gaps in support services provided to victims and ineffective response mechanisms are also identified.³¹

26. Many interlocutors explained that the majority of child and forced marriages take place against the girls' will or because of their parents' pressure. Several reasons also contribute to girl marriage, among which, the control made over women's sexuality by society, social stigma, including on the loss of their virginity before marriage, as well as other social and religious pressures. The main regions that are more commonly affected by this harmful practice are Kakheti, Kvemo-Kartli, Adjara and Guria regions.³²

27. The Rapporteur was informed that on 17 October 2014, forced marriage was criminalized under article 150¹ of the Criminal Code (Forced marriage, including an unregistered marriage) and that on 26 November 2015,³³ a regulation allowing marriage of a child between 16 and 18 upon the condition of obtaining her/his parents' consent was repealed and replaced by a law that authorize the court to approve such marriages.

28. She was informed that in 2015, investigation has been launched in 179 of the cases on the basis of article 140 of the Criminal Code (Sexual intercourse or any other act of sexual nature with a person who has not attained the age of 16 years), 33 cases were terminated and the criminal prosecution started on 115 cases. At the moment of the visit, the investigation was continuing on 29 cases, and qualification was changed on 1 case.³⁴ According to the 3rd part of article 143, subparagraph d), (Unlawful imprisonment of a minor), investigation has been launched on 20 cases, out of which unlawful imprisonment happened in five cases of the purpose of marriage and 17 cases were terminated; the prosecution has been launched in two cases, and qualification was changed in 1 case. According to art 150¹, investigation has been launched on 6 cases, 5 cases were terminated and 1 case was under investigation.³⁵ Presented data indicates a weak enforcement of

²⁸ In 2014, it was estimated that 1,500 girls became mother: <https://iwpr.net/global-voices/georgia-tightens-early-marriage>

²⁹ <http://data.worldbank.org/indicator/SH.STA.MMRT>

³⁰ This phenomenon has decreased since its criminalization in 2004 under art. 143 of the Criminal Code on Deprivation of Liberty. See: op.cit. note 17, pp.11 and 19.

³¹ Public Defender of Georgia, Special Report, Early Age Marriages: Challenges and Solutions.

³² <https://iwpr.net/global-voices/georgia-tightens-early-marriage>

³³ Ibid.

³⁴ Op.cit. note 8.

³⁵ Ibid.

legislation and need for awareness-raising and educational campaigns to prevent and combat this harmful practice.

29. The mandate holder highlights the importance of involving religious leaders in the fight against this harmful practice. She welcomes the public announcement made after her visit that imams will no longer endorse child marriage in the Pankisi Gorge³⁶ and looks forward to the implementation of such decision.

Prenatal sex selection

30. The mandate holder expressed concern about the existence of **prenatal sex selection**, showed by several surveys in which families decide to abort the pregnancy if they are expecting a girl. A research conducted by NGOs in which 1,600 women were interviewed, confirmed that the number of selective abortions was high, in particular in regions inhabited by ethnic minorities.³⁷ She regrets that no unified data were available on the prevalence of this practice. According to a 2015 study conducted by UNFPA,³⁸ the sex ratio at birth was below 110 male births per 100 female births. Although it seems this figure has decreased, the practice is far from being abandoned.

31. Among the reasons for which families decide to undergo a sex-selective abortion are the greater value placed on sons, the pressure on couples to have a son, as well as economic concerns, including the assumption that boys are more likely to provide financial support to their parents.³⁹

Virginity tests

32. Due to societal pressures, among other reasons, women undertake **virginity tests**, to prove their virginity to their husbands and relatives. In 2013, according to the information released by the Levan Samkharauli State Forensic Expertise Bureau, for 175 GEL (approximately 78 USD), women could access services to test their virginity.⁴⁰ The Special Rapporteur is concerned that the State public legal entity is performing such tests without safeguards for protection of women's rights to privacy and fully informed consent and reminds concerned that many such tests are performed due to the stereotypes on women's sexual behaviours.

Surrogate motherhood

33. The Special Rapporteur was informed that different foreign agencies have advertised and offered **surrogate motherhood** contracts to young women and that the whole procedure of medically assisted procreation is not legally regulated and as such could lead to violence and exploitation of women entering such contracts that are not based on clear legal regulation.

Specific groups at risk

34. Throughout her visit, the Rapporteur noted that specific groups of women including, women belonging to ethnic minorities, women living in rural areas, internally displaced

³⁶ <http://georgia.unwomen.org/en/news/stories/2016/04/marriage-under-18-banned-in-the-pankisi-gorge>

³⁷ http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GEO/INT_CEDAW_NGO_GEO_17610_E.pdf

³⁸ Gender-biased Sex-Selection in Georgia, Context, Evidence and Implications, UNFPA, 2015, p.11.

³⁹ Ibid.

⁴⁰ http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GEO/INT_CEDAW_NGO_GEO_17610_E.pdf

women, refugees, LGTB or older women tend to suffer multiple forms of discrimination, which render them more vulnerable to specific forms of violence.

35. Women belonging to ethnic minorities, including Azeri, Armenian, Ossetian, Kist, Yezidi and Roma women are not only discriminated because of their gender, but the fact that they are also minorities increases their vulnerability to suffer specific forms of violence. Gender stereotypes and gender specific roles within the family and in society are still prevalent in such communities. It is considered that child marriage and therefore child birth and/or school drop outs and domestic violence tend to be more prevalent in minority groups, in particular those living in rural areas.⁴¹ In 2010, the Reproductive Health Survey Georgia 2010 highlighted that Azeri women were almost twice as likely as ethnic Georgians to experience abuse in their marriages.⁴²

36. The mandate holder was informed that women living in rural areas do not have the same access to information about their rights, service provision for victims of violence, economic empowerment and access to employment that would allow them to leave abusive situations and to break the cycle of violence than women living in urban areas. While acknowledging the efforts of the Government, the Special Rapporteur is concerned that it was also reported that a problem is the language barrier among some minority ethnic groups and the difficulty in some cases for women to report cases of violence, in particular because of the lack of interpretation.⁴³

37. In the Pankisi Gorge, a location mainly inhabited by Kist and Chechen, it was estimated that, in 2011, between 60 and 80% of young men have joined Salafism which contributed to exacerbate existing discriminative practices towards women.⁴⁴ The mandate holder was informed that in the Pankisi Gorge, traditional Chechen/Kist rules, based on the Sharia Law and the Caucasian customs, were applied to settle cases related to family issues, which are not aligned with Georgian legislation and the CEDAW Convention.⁴⁵ The mandate holder recognizes the role of the Women's Elderly Council met in the village of Duisi and highlights the importance of continuing working with this council to use not only the national legislation but also accepted international standards in its work.

38. The Rapporteur was also informed that, in particular in rural areas, many women do not own houses and live in the husband's or his family's house. Despite the amendment made to the Code of Administrative Procedure, which includes the removal of the perpetrator from the place of residence of the victim, the mandate holder noted that this is not always applied and that women have few chances to find a new place to live. This was also confirmed by the women interviewed, who informed that their chances to find a new place to live after their stay in a shelter were poor, due to inter alia the lack of job opportunities and the low wages they would receive for low skilled jobs.

39. At the time of the visit, the number of IDPs was estimated to about 274,000 persons.⁴⁶ The Rapporteur notes that conflict had traumatizing consequences on displaced communities, in particular women, because inter alia of the loss of family members, loss of their home, and other human rights violations.⁴⁷

⁴¹ Op.cit. note 17, p.3.

⁴² Ibid, p. 5 and Reproductive Health Survey Georgia 2010, conducted by the Georgian Center for Disease Control and Public Health in collaboration with the Georgian Ministry of Labour, Health and Social Affairs.

⁴³ Op.cit. note 8.

⁴⁴ op.cit. note17 p.24.

⁴⁵ Background note provided by UNHCR.

⁴⁶ Taking into consideration the number of IDPs with whom UNHCR works.

⁴⁷ Background note provided by Association Amagdari.

40. While it was reported that internally displaced women tend to be more affected by sexual and gender-based violence, this problem is mainly denied among this group of women.⁴⁸ One of the reasons for this explanation could be the fact that, despite the efforts of the Government, sexual violence is still taboo among this group of the population and women do not come forward talking about it.

41. The main issues highlighted by internally displaced women were the precarious conditions in which they live. Despite the Government's efforts in providing housing and a plot of land for cultivation to persons living in settlements, access to water, sanitation, education, as well as to health services, including access to contraceptives seem to be limited. Concerns about the lack of job opportunities among the population and the small financial support provided (45 GEL, approximately 20 USD)⁴⁹ were also shared. The mandate holder is concerned that displaced women, in particular older women, who represent 60% of the older displaced adults,⁵⁰ are placed in a vulnerable and marginalized situation because of their living conditions. Generally, internally displaced older women live in poor economic conditions and are concerned about the cost of medicines and the small pensions they receive.⁵¹

42. The mandate holder was informed that LGBT are victims of aggressive attitudes and suffer discrimination and violence, because of their sexual orientation or gender identity. The Rapporteur was informed that the perpetrators of violence occurred in 2013, in which 17 people were injured as a result of attacks conducted by reportedly thousands of people during a Pride event,⁵² have not been punished.⁵³ In 2014, the Human Rights Committee expressed concern about discrimination and social stigma, hate speech and acts of violence against this group and recommended to take effective measures to provide effective protection to this specific group and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity.⁵⁴

IV. State responses and measures to address violence against women

A. Incorporation of international and regional framework on violence against women

43. Georgia is a party to the main international human rights instruments, including the ICCPR and its OP; the ICESCR; the CAT and to the OP thereto; the CEDAW; the ICERD; the CRC and its first two OPs; and the ICRPD. The State is a signatory to the Rome Statute of the ICC, and a party to the Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons.

44. The Constitution is the supreme law of Georgia and recognizes the supremacy of international treaties over domestic laws, unless a treaty contradicts the Constitution.

⁴⁸ Op.cit.note 45.

⁴⁹ UNHCR estimated that 200 GEL (approximately 89 USD) are necessary to live.

⁵⁰ Aging in Displacement: Assessing Health Status of Displaced Older Adults in the Republic of Georgia, John Hopkins Bloomberg School of Public Health,p.1.

⁵¹ Ibid,p.3.

⁵² <https://www.amnesty.org/en/latest/news/2013/05/georgia-homophobic-violence-mars-tbilisi-pride-event/>

⁵³ Op.cit.note 8.

⁵⁴ CCPR/C/GEO/CO/4.

Despite this important constitutional provision there is lack of visibility and direct application of the CEDAW Convention as noted by the CEDAW Committee in its Concluding observations of 2014. This was confirmed in discussions on this issue by the Special Rapporteur with the Chairperson of the Supreme Court and judges of the Tbilisi City Court who also stressed the importance of specific legal education of judges, prosecutors and lawyers with a view to train them to apply the provisions of the Convention directly and interpret national legal provisions in light of the CEDAW Committee's jurisprudence.

45. In 2014, the CEDAW Committee considered the combined fourth and fifth periodic reports of Georgia and adopted concluding observations. With respect to violence against women the Committee expressed concern at a) the growing number of women who are murdered by their husbands or partners and of women who are victims of other forms of violence, including psychological, physical, economic and sexual violence; b) the low rate of reporting of cases of sexual and domestic violence against women owing to stigma and fear of the perpetrator, as well as the lack of trust in law enforcement agencies; c) the lack of State-funded crisis centres and shelters for women who are victims of domestic violence and; d) the fact that women are sometimes subjected to virginity tests in violation of their right to privacy.⁵⁵ The CEDAW Committee also selected violence against women as its follow up item and requested a report on implementation of those recommendations within 2 years.

46. The Human Rights Committee noted concern about the underreporting of domestic violence, owing to gender stereotypes, lack of due diligence by law enforcement officers in investigating these cases and insufficient protection measures for victims, including insufficient enforcement of restraining and protective orders,⁵⁶ as well as a limited number of State-run shelters and support services.⁵⁷

47. In 2015, the CEDAW Committee adopted its views under its Optional Protocol on the case *X. and Y. v. Georgia* (N° 24/2009),⁵⁸ in which the victim and her daughter endured physical and sexual violence for a several years. Despite several complaints lodged at the police, no criminal charges were brought against the husband. In this case, the CEDAW Committee recognized that the State failed to act with due diligence, including to investigate and punish human rights violations, which constituted a violation of article 2 b) c) d) e) f) in conjunction with articles 1 and 5 a) of the Convention and GR 19 and recommended the adequate financial compensation to the victims. It also recommended: i) adequate support to victims of domestic violence including shelters and psychological support; ii) awareness raising campaigns; iii) ratification of the Istanbul convention; iv) mandatory training for judges, lawyers, prosecutors.

48. At the time of the visit, no compensation had been provided to the victim. The mandate holder also noted that there is no national machinery to implement the treaty bodies' recommendations.

⁵⁵ CEDAW/C/GEO/CO/4-5.

⁵⁶ A protective order is issued by a court (judge) or first instance through an administrative proceeding that determines temporary measures to protect a victim and valid for up to six months; a restraining order is issued by a police officer and must be approved by the court within 24 hours that determined temporary measures to protect a victim of domestic violence and is valid for up to one month (arts.10 and 12 of the Law on Domestic Violence).

⁵⁷ CCPR/C/GEO/CO/4.

⁵⁸ CEDAW/C/61/D/24/2009.

49. Georgia was also reviewed by the Universal Periodic Review in 2015 and accepted a number of recommendations related to gender equality and violence against women.⁵⁹

50. At the regional level, Georgia is a member of the Council of Europe and participating State in the Organisation for Security and Cooperation in Europe. It ratified the European Convention on Human Rights on 20 May 1999 and is subject to the jurisdiction of the European Court of Human Rights. Georgia has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 19 June 2014. The Special Rapporteur welcomed the announcement made during her visit that the Government intends to ratify the Convention in spring 2016 and regrets that during the preparation of this report, such commitment had not yet materialized.

B. Constitutional, legislative and policy framework

51. The 1995 Constitution contains provisions on equality, among which article 14 stipulates equality before the law, regardless of sex; article 36 recognizes equality in marriage; and article 38 establishes equality in social, economic, cultural and political life.

52. The Special Rapporteur recognizes that during the past ten years, Georgia has made several significant improvements of its legislative framework on gender equality and in particular on domestic violence. These include the adoption of the 2006 Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, 2010 Law on Gender Equality and the 2014 Law on the Elimination of all Forms of Discrimination which includes the prohibition of discrimination based on sex, as well as on sexual orientation and gender identity, the 2006 Law on combatting human trafficking and the 2014 Law on Internally Displaced Persons – Persecuted from the Occupied Territories of Georgia, as well as the amendments made to the Criminal Code in 2012, in which new provisions defining the scope and categories of domestic violence were included.

53. There are a number of policies and strategies, adopted by the Government, such as the adoption of the 2014-2015 the National Action Plan for the Implementation of Human Rights Strategy, which had as specific objective the realization of gender equality through the empowerment of women and the fight against domestic violence and the 2013-2015 National Action Plan for Combatting Domestic Violence and Implementing Measures for the Protection of Victims of Domestic Violence. The Special Rapporteur welcomes the work on the subsequent draft Action Plan for 2016-2017, which will cover domestic violence and sexual violence issues.⁶⁰ The Government has approved the National Action Plan on Gender Equality for 2014-2016, as well as the National Human Rights Strategy. The last National Action Plan on Combatting Trafficking in Persons for 2015-2016 was also adopted.

54. The Special Rapporteur welcomed the adoption of the 2012-2015 National Action Plan on Women, Peace and Security for the implementation of Security Council resolution 1325 (2000) and the establishment of an interagency coordination group, led by the Assistant to the Prime Minister on Human Rights and Gender Equality Issues. She looks forward to the adoption of the subsequent plan for 2016-2017, which should include the

⁵⁹ A/HRC/31/15

⁶⁰ <http://georgia.unwomen.org/en/news/stories/2016/01/interagency-council-finalizes-draft-national-action-plan-to-combat-violence-against-women>

participation of all responsible agencies, in particular those working in local communities, as recommended by the Public Defender's Office.⁶¹

55. The 2014-2016 Gender Action Plan elaborated by the Ministry of Internal Affairs was adopted with the objective to improve gender equality in all aspects of political, economic and social life. The mandate holder was informed that women's role was increased in the police force and that 500 female police officer were recruited.

56. The mandate holder was also informed that Standard Operating Procedures on Prevention and Response to sexual and gender-based violence in Tbilisi, Pankisi, Gori, Kutaisi, Zugdidi and Gali regions were elaborated to maximize the efficiency of coordinated actions of governmental and non-governmental bodies have been elaborated, with the lead of UNHCR.⁶²

57. In relation to the Law on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, the mandate holder welcomes the 2014 amendment, which includes physical, psychological, economic and sexual violence or coercion (article 3). Nevertheless, she is concerned about the scope of this law that does not cover violence against women outside the family, as well as its narrow definition of a 'victim' in article 4 (f): a person who suffered domestic violence as well as the determination of the 'status of victim' by law enforcement and judicial bodies, as well as the existence of a Group for Determining Domestic Violence Victim Status of the Interagency Council for Prevention of Domestic Violence, which is requested to ensure the identification and relevant response to cases of domestic violence. All of this results in the impediment to women survivors of violence to have immediate access to the protection by the issuance of restraining/protective orders and/or the possibility to stay in a State-run shelter – as victims without such status cannot stay in shelters.

58. While welcoming the adoption of the Law on Gender Equality, which provides a definition of harassment, the Special Rapporteur is concerned that the law does not cover the issue of sexual harassment in education establishments or sexual harassment at workplace.⁶³

59. Article 150¹ of the Criminal Code criminalizes forced marriage, including unregistered marriage. Article 140 of the Criminal Code criminalizes sexual intercourse or another action of sexual character committed between an adult and a child under 16 years old. The mandate holder was informed that article 143 of the Criminal Code on Illegal Imprisonment can be used against a kidnapper. While acknowledging the repeal of the regulation that allowed the marriage of a child between 16 and 18 years, with her/his parents' consent, and leaving now the decision to a court in exceptional cases, the Special Rapporteur expresses concern that numerous child and forced marriages are not officially registered and that the Government does not have specific data on the number of unregistered marriages, which contributes to the lack of effective implementation of the existing law.

60. The Special Rapporteur welcomes the adoption of Order n°01-74/6 of 2014 which regulates the termination of the pregnancy and prohibits in its paragraph 14 of the first addendum the termination of pregnancy for the reason of sex selection. While acknowledging this positive step, she regrets that no official statistics on sex-selective

⁶¹ <http://www.ombudsman.ge/uploads/other/3/3566.pdf>

⁶² Op.cit. note 45.

⁶³ Annual Report of the Public Defender of Georgia, The Situation of Human Rights and Freedoms in Georgia, 2014, p. 419. See also: Women, Business and the Law 2016.

abortion are collected and notes with interest the will of the Government to elaborate a regulation on this issue.

61. The Special Rapporteur welcomes the abovementioned legislative steps taken by the Government, but remains concerned about the inconsistent and fragmented legislative framework on violence against women that is not yet fully in line with the CEDAW Convention and the Istanbul Convention, as well as their poor implementation, due to, inter alia insufficient awareness about the content of the legal provisions, the lack of effective enforcement mechanisms, lack of sufficient human and financial resources, as well as the perpetuation of gender stereotypes and patriarchal attitudes.

62. During the visit the mandate holder was informed that the Ministry of Justice took the lead in revising 17 laws,⁶⁴ aiming at harmonizing domestic legislation with the Istanbul Convention. Some of the important legislative amendments proposed include the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence into which, the scope of the law will be expanded and will cover measures on both, combatting violence against women and domestic violence. The Ministry also informed that the definition of ‘violence against women’, ‘victim’, ‘family member’ and ‘perpetrator’ will be amended. In relation to the amendments that will be introduced into the Criminal Code, the Ministry informed that the definition of rape will be amended to be in compliance with the Istanbul Convention and that the scope of aggravating circumstances will be extended to crime committed inter alia against spouses, former spouses or partners or against a person in a vulnerable position.

63. Other amendments proposed include that the Court mediation will not receive disputes on cases relating to violence against women and domestic violence. In relation to mediation, interlocutors confirmed that mediation is still applied in cases of domestic violence. An amendment suggested that under the Administrative Procedure Code of Georgia, the restraining order will be valid since its issuance by a police officer and will not require the Court’s validation – as it is currently the case.

64. Under the Law on Medical Practice, the Law on Patient Rights, the Law on Higher Education, the Law on General Education and the Law on Lawyers, the proposed amendments would not bind doctors, medical personnel, teachers and lawyers by the confidentiality obligation if they report to the relevant governmental agencies cases of violence against women and domestic violence. Under the Law of Georgia on the Legal Status of Aliens and Stateless Persons, an amendment is proposed that a foreign woman who is victim of violence should be able to receive a temporary residence permit.

65. The Special Rapporteur welcomes the Government’s recognition of shortcomings of the current legal framework on violence against women and looks forward to the speedy adoption of the abovementioned amendments.

C. Institutional framework: national machinery and independent institutions

66. At the institutional level, the Permanent Inter-Agency Coordination Council for the Prevention of Domestic Violence was established in 2008 and, in 2009 the Gender Equality

⁶⁴ The laws revised are the following: Criminal Code; Civil Procedure Law; Law on Combatting Domestic Violence; Administrative Procedure Code; Law on Lawyers; Law on Local Self-Government; Law on Arms; Law on Legal Aid; Law on the Rights of the Patients; Code on Imprisonment; Law on Police; Law on the Medical Practice; Law on Public Service; Labour Code; Law on Legal Status of Foreigners; Law on Higher Education; Law on Secondary Education.

Council within the Parliament was also created. The main task of this Council is to coordinate the work on gender issues and to monitor the implementation of the National action plan on women peace and security.

67. The mandate holder was informed of the appointment of advisors on Gender Equality in municipalities and self-government cities to support the implementation of the Law on Gender Equality, as well as the establishment of the Assistant on Human Rights and Gender Equality in the Office of the Prime Minister in 2013. It was reported that there are only in a few municipalities Gender councils and gender advisors and that the Gender Equality Council of the Parliament initiated amendments to the Law on Gender equality in order to establish such institutional mechanisms at the local level.

68. The Special Rapporteur welcomes the commitment of the Government to further improve Georgia's agenda on gender equality and women's empowerment but reiterates the concerns expressed by the CEDAW Committee on the poor implementation of the Law on Gender Equality and regrets that the Gender Equality Council lacks adequate substantive, technical and administrative support and resources.⁶⁵ She also reiterates the CEDAW Committee concerns on the position of human rights and gender equality Assistant created in the Office of the Prime Minister in 2013 and is concerned about the absence of a comprehensive mechanism in the executive branch for the coordination, implementation and monitoring of gender equality policies and for the co-ordination of policies and measures to prevent and combat violence against women.⁶⁶

69. In 2006 the Interagency Coordination Council on Combatting Trafficking in Persons, was established for carrying out actions against trafficking in persons. This Council approved the Strategy for Rehabilitation and Reintegration in Society of Victims of Trafficking in Persons. A special Anti-trafficking Unit under the Ministry of Internal Affairs was also established in Adjara.

70. The Public Defender's Office, which has the status A, according to the Paris Principles has established a Department of Gender Equality. This Office has played an important role in addressing violence against women in Georgia and published the special report on violence against women and domestic violence with numerous recommendations in line with the findings of this report. The mandate holder was informed that inadequate resources do not allow this Office to fully comply with its tasks.

V. Implications of discrimination against women on violence against women

71. During her visit, the Special Rapporteur learnt about patterns of discrimination and inequality impeding the full enjoyment of women's rights. Despite the adoption of the 2010 Act on Gender Equality and the 2014 Act on the Elimination of All Forms of Discrimination, as well as other relevant paces of legislation, major challenges remain to ensure de facto equality, due to a number of factors including a low political participation of women in public and private life and the pervasive nature of discriminatory gender stereotypes.

⁶⁵ CEDAW/C/GEO/CO/4-5

⁶⁶ Ibid.

A. Low political participation of women in political and public life

72. The Special Rapporteur remains concerned about the low representation of women in the legislative and executive branches,⁶⁷ as already expressed by the CEDAW Committee. The current political participation of women in the Parliament, is only 17 (11.3%).⁶⁸ In February 2016, Georgia was placed at the 147th position of a world classification on women's participation in Parliaments.⁶⁹ At the municipal level, in 2006, out of the 1,750 elected counsellors, only 195 were women.⁷⁰

73. Despite the amendments introduced in the Election Code and the Organization Act on the Political Unions of Citizens, related to financial incentives to political parties that nominate women candidates for parliamentary elections, women's participation in political and public life remains low. In this regard, the Rapporteur looks forward to the adoption of the law on mandatory quotas that specifies a minimum participation of 30% of women in the Parliament and remains concerned that there are insufficient public and political acceptance of such temporary special measures for accelerated advancement of women.

74. Out of 19 Ministerial posts, only three women hold such positions in Georgia.⁷¹ At the municipal level, only 10% of those elected on self-government bodies were women and women's participation was even lower in municipalities mainly inhabited by ethnic minorities – out of 148 MPs appointed in Akhalkalaki, Ninotsminda, Gardabani, Mameuli and Tsalka Sakrebulo, only 4 of them were women.⁷²

B. Discriminatory gender stereotypes

75. Despite the efforts made by the Government, United Nations agencies and civil society actors, in particular in awareness-raising, gender stereotypes and patriarchal attitudes remain deeply entrenched and prevalent in society, thus infringing on women's enjoyment of equality and perpetuating violence against women. The mandate holder observed that especially in rural areas, a lot is yet to be done to change patriarchal norms and public attitudes towards gender roles.⁷³

76. The Special Rapporteur was informed that an increase of conservatism, in the media and political debate, fuelled in some cases by religious institutions, has contributed to reinforce gender stereotypes and patriarchal beliefs. According to a 2014 Survey on Men and Gender Relations in Georgia, 89 of the respondents agreed that the main responsibility of women is to take care of their family.⁷⁴

77. The Special Rapporteur is also concerned about the dissemination of sexist remarks and widespread gender stereotypes, related to women and men's role by the media,⁷⁵ which

⁶⁷ CEDAW/C/GEO/CO/4-5

⁶⁸ <http://www.ipu.org/wmn-e/classif.htm>

⁶⁹ Ibid.

⁷⁰ http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/national_reviews/georgia_review_beijing20.ashx?v=1&d=20140917T100730

⁷¹ http://gov.ge/index.php?lang_id=ENG&sec_id=124&mod_id=0&info_id=0&new_year=0&limit=0&date=&new_month=&entrant=2

⁷² <http://www.ohchr.org%2FDocuments%2FIssues%2FEqualParticipation%2Fcontributions%2FGeorgiaNHRI.doc&usg=AFQjCNHVortMZL-2kpi9PibPLVa0esgk-A&bvm=bv.119745492,d.bGg>

⁷³ Op.cit. note 5.

⁷⁴ Men and Gender Relations in Georgia, Institute of Social Studies and Analysis, 2014, p.12.

⁷⁵ The Situation of Human Rights and Freedoms in Georgia, op.cit. p.412.

can impair women's opportunities, as well as their social status, professional careers and participation in political and public life on an equal basis with men.

VI. Gaps and challenges in fulfilling the State's obligations to eliminate violence against women

A. Prevention

1. Data

78. While noting that article 6 of the Law on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence establishes the creation of mechanisms for prevention of domestic violence, which will be responsible in maintaining relevant statistics (paragraph c)); to take preventive measures against persons belonging to risk groups of perpetration of domestic violence (paragraph d)); to conduct awareness-raising campaigns (paragraph e)); and the implementation of measures to protect and support victims (paragraph g)) the mandate holder is concerned about the absence of unified statistical data on domestic violence and in general on gender-based violence.

79. The Public Defender's Office informed that in general, the acquisition of **statistical data** from governmental entities was complex and that the data are not adequately analysed and used to inform policies.⁷⁶ During the visit, the Government recognized that the collection of data remains a challenge.

2. Education

80. While noting the efforts of the Government to deliver **trainings** to law enforcement officers, prosecutors and judges, the mandate holder points out that the international standards to eliminate and address gender-based violence especially the CEDAW Convention, the Committee GR 19 on violence against women and the Declaration on Elimination of Violence against women are not well-known by them and therefore not applied in cases of violence.

81. The mandate holder welcomes that three higher universities have introduced gender studies and welcomed the information shared by the Ministry of Education to include gender equality in the curricula but expressed concern that education on the CEDAW Convention, the Committee's general recommendations and jurisprudence under its Optional Protocol on gender-based violence, is not part of the schools curricula.

3. Training of professionals

82. According to the article 8 of the Law on Domestic Violence, social services should implement assistance and support measures for victims of domestic violence (para. b) and should monitor the execution of protective and restraining orders (para. e). While noting the efforts of the Government, the Special Rapporteur notes that the current 250 social workers in service, as informed by the Government, and the limited resources allocated to perform their job do not seem to be enough to ensure an efficient implementation of the law. The Special Rapporteur also highlights the important role of teachers, doctors and social workers in the detection of cases of violence and the importance for them to be adequately trained.

⁷⁶ Ibid,p.425.

B. Protection

83. The Special Rapporteur was informed that the Government run a free **hotline** operated by lawyers 24 hours a day 7 days a week for women victims of violence.⁷⁷ The hotline provides the following services: crisis aid, legal advice, psychological aid, information and reference to the shelter or crisis centre and is available in Georgian and Russian.⁷⁸ The mandate holder recognizes the State's efforts but is concerned that such hotline is not yet available in the languages spoken by all the ethnic minorities, impeding them to report cases of violence and therefore to seek adequate protection.

84. A woman victim of violence – that has not/not yet received the 'status of victim' – can receive support in **crisis centres**, which are run by NGOs. The mandate holder welcomes the announcement that the first State-run crisis centre for women victims of violence will open in September 2016.

85. At the time of the visit, there were three State-run **shelters** in Georgia (Tbilisi, Kutaisi, Gori) operated by the State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking, for victims of domestic violence, who have received the 'status of victim'. The mandate holder highlights that women living in rural areas and escaping from their perpetrators have to leave their villages and communities to live in shelters, mainly located in urban areas.

86. She welcomed the announcement that a fourth State-run shelter for victims of domestic violence in the Kakheti region was opened,⁷⁹ but stresses the estimation made by the Council of Europe taskforce that there is a need for over 437 places throughout the country⁸⁰ and emphasizes the particular need in rural areas. She also recognizes the work done by civil society organizations, in the provision of protection services to women victims of violence and highlights the importance of the Government to cooperate and provide adequate financial and other support to them.

87. The mandate holder was informed that the duration of stay in a shelter is 3 months with a possible extension after assessment of the condition of the beneficiary. Despite Government indications that the contract can be extended multiple times, it was reported to the Rapporteur that it was done only in rare cases.

88. She is concerned that so far, the 'status of victim' only recognizes victims of trafficking and victims of domestic violence as recognised by the Law on Domestic Violence and that other women victims of violence remain out of the scope of the law and protection, which does not allow them to seek refuge in one of the State-run shelters. The mandate holder was informed that in some cases, the issuance of the status of victims takes time, thus leaving the victim without effective protection.

89. The mandate holder was informed that in numerous cases, the victims of domestic violence have to report cases of violence several times to the police before receiving a restraining order.⁸¹ For example, the mandate holder was informed that in 2013, the police

⁷⁷ Women Against Violence Europe, Wave Report, 2014, p. 25 and The Advocates for Human Rights, Assessment of domestic Violence, Laws, Policies, & Practices in Central & Eastern Europe & the Former Soviet Union, 2016, p.79.

⁷⁸ Annual report of the Public Defender, The situation of human rights and freedoms in Georgia, 2014, p.433.

⁷⁹ The fourth shelter opened early April in the Kakheti region:
<http://georgia.unwomen.org/en/news/stories/2016/04/more-shelters-for-victims-of-domestic-violence-in-georgia>

⁸⁰ http://www.wave-network.org/sites/default/files/04%20Georgia_0.pdf

⁸¹ The situation of human rights and freedoms in Georgia, op.cit..p.431.

was called in more than 5,447 cases of domestic ‘conflict’ but that only 212 restraining orders were issued.⁸² It was also reported that victims are not well informed by police officers, who sometimes do not explain the possibility to request a restraining order.

90. The Special Rapporteur welcomes the data shared by the Government showing the increasing number of **restraining orders** issued during the last years, 945 **restraining orders** in 2014 and 2607 in 2015 but highlights that they are valid for maximum one month and remains concerned about the data on law issuance of **protective orders** (92 in 2014 and 173 in 2015) which allows a long term protection to victims valid up to six months. This huge difference remains to be studied and properly addressed since underuse of longer-term protective orders indicates of their effectiveness and linkages between restraining and protective orders (see footnote 56).

91. The Special Rapporteur was informed that **police** officers have benefitted from trainings and are now more proactive in the issuance of restraining orders. She also welcomes that more women have joined the police, because they can play an important role in the detection and provision of information to victims. She also welcomes that, generally, patrols of police are composed of one man and one woman to assess cases of domestic violence.⁸³

92. Nevertheless, the mandate holder expressed serious concern about the persistence of stereotypes among the police and the fact that some police officers in rural areas still issue ‘warning letters’, devoid of any legal value, through which perpetrators commit not to exercise violence against their partner, highlighting that such letters do not ensure victims’ protection, and cannot hold a person responsible for past acts of violence committed.⁸⁴

93. The Special Rapporteur is also concerned that some cases of violence are still reported by the police as ‘family conflict’ and they do not apply an assessment of the lethality risk. She was informed that in numerous cases the police do not provide adequate help and information on shelters or restraining orders to the victims of domestic violence and that in numerous cases, the investigations are halted when a victim withdraws her statement.⁸⁵ The quality of documentations of cases of domestic violence by the police is reportedly not adequate, and there are weaknesses in the collection of evidence and drafting of the police reports, which can hinder the prosecution of perpetrators of violence.⁸⁶ The mandate holder was informed that despite the new obligation for the police to immediately notify the victim of domestic violence when the convicted perpetrator leaves the prison, the implementation of this new obligation was poor.⁸⁷ All these elements may put the victim in danger of stronger attacks, including the killing by the perpetrator.

C. Prosecution

94. The Special Rapporteur was informed about difficulties to initiate a case, without the victim’s complaint as there is no ex officio prosecution of perpetrators of domestic violence. Interlocutors also reported that prosecutors do not conduct timely and effective

⁸² Background note provided by Union Sapari.

⁸³ U.S. Department of State, Country Reports on Human Rights Practices for 2014: Georgia, 2014, para.6 and The Advocates for Human Rights, Assessment of domestic Violence, Laws, Policies, & Practices in Central & Eastern Europe & the Former Soviet Union, 2016, p.79.

⁸⁴ The situation of human rights and freedoms in Georgia, op.cit., p.427.

⁸⁵ Background note provided by Union Sapari.

⁸⁶ Ibid.

⁸⁷ Op.cit., note 5.

investigations on cases related to domestic violence. The number of prosecutions is low, in comparison with the number of cases reported.

95. As an example, the mandate holder noted that for cases of femicide, different articles of the Criminal Code can be applied: art. 108 (Murder); art. 109 (Murder under Aggravating Circumstances); art 111 (Intentional Murder in a State of Sudden, Strong Emotional Excitement); art. 117² (Intentional Infliction of Grave Injury that Caused Death) and art. 115 (Incitement to Suicide).⁸⁸ The analysis of cases of femicide showed deficiencies in prosecution and the judiciary in identifying the crimes as femicide, classifying it, defining mitigating/aggravating circumstances and imposing sanctions to perpetrators.⁸⁹ The study revealed that in none of the twelve cases analysed, the gender motivation was identified.⁹⁰

96. The Special Rapporteur also recalls the case X. and Y. v. Georgia (N° 24/2009),⁹¹ which shows patterns that are observed in some other ongoing cases at the national level, in particular the lack of proper and timely investigation of the cases of abuse, the consideration of the violence against women as a private matter and the refusal of the Prosecutor's Office to bring charges against the victim's husband.

97. In 2014, the Law on Domestic Violence prescribed the right for a victim of domestic violence to claim compensation in case that the damage incurred to the victim is not compensated from other sources envisaged by the legislation.⁹² The mandate holder was informed that the Government has to rule how to calculate the amount of compensation to be granted to a victim of domestic violence, as well as the procedure of granting such compensation.⁹³

VII. Conclusions and recommendations

98. **The Special Rapporteur highlights that throughout the visit, the Government demonstrated its willingness to combat discrimination against women and address violence against women including through amending different laws aimed to improve the legal framework and to strengthen its implementation. With respect to the observed gaps in fulfilling the State's obligations, including due diligence obligation to prevent violence against women, to protect and provide remedies to women who have been subjected to violence and to prosecute and punish the perpetrators, the Special Rapporteur would like to address the following recommendations to the Government:**

99. Law and policy reforms

(a) **Improve legal and policy framework on violence against women in order to establish a holistic and comprehensive national framework to prevent violence against women and speedily adopt the envisaged amendments to bring national legislation on violence against women and gender equality in line with the CEDAW and Istanbul Conventions,**

(b) **Accelerate the ratification of the Istanbul Convention.**

⁸⁸ Study on Femicide conducted by Georgia Young Lawyers Association.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ CEDAW/C/61/D/24/2009.

⁹² Op.cit.note 5.

⁹³ Ibid.

- (c) Provide mandatory training to law enforcement officers, members of the judiciary, including judges and prosecutors, on the CEDAW Convention and its Optional protocol, the General recommendations and the Committees jurisprudence on violence against women and on the Istanbul convention and national legislation, with a view to train them to apply the provisions of the Convention directly and interpret national legal provisions in light of the CEDAW Committees jurisprudence.
- (d) Support the judiciary in its efforts to elaborate a compendium on international and national jurisprudence on violence against women,
- (e) Establish a national mechanism for implementing treaty bodies decisions including recommendations of the CEDAW case X. and Y. v. Georgia (N° 24/2009) on allocation of adequate financial compensation to the victims,
- (f) Ensure that legislation is applied by all authorities that deal with family issues including the Men's Elderly Council and Women's Elderly Council who should interpret religious norms in line with international human rights law and standards.
- (g) Revise the Law on the Prevention of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence and expand its scope to violence to violence against women
- (h) Remove the restrictive legal and administrative determination of status of victim of domestic violence in order to ensure immediate availability of all protective measures (restraining and protective orders) and services (shelters) to victims of violence,
- (i) Amend the definition of rape in the Criminal Code to bring it in compliance with the CEDAW and Istanbul conventions,
- (j) Consider the inclusion of the provision of Battered Women Syndrome (BWS) as a mitigating circumstance when wives exposed to long-term domestic violence, kill their spouses.
- (k) Amend the current provision related to mediation to ensure that there is no mandatory mediation in cases of violence against women,
- (l) Amend the following laws: Law on Medical Practice, Law on Patient Rights, Law on Higher Education, Law on General Education and Law on Lawyers to allow doctors, medical personnel, teachers and lawyers not to be bound by the confidentiality obligation if they report to the relevant governmental agencies cases of violence against women and domestic violence and provide training to them on prevention and detection on such violence.
- (m) Amend the Law of Georgia on the Legal Status of Aliens and Stateless Persons, to allow a foreign woman who is victim of violence to be able to receive a temporary residence permit,
- (n) Analyse the efficiency of restraining and protective orders including the reasons of the significant differences between the high number of issuance of restraining orders and very low number of protective orders, and ensure that the restraining order are valid immediately after their issuance by a police officer,
- (o) Elaborate the law on medically assisted procreation including on surrogacy in order to establish legal grounds for such procedure and to protect women and children's rights who are subjected to surrogacy
- (p) Introduce legal requirements for the protection of women's rights to privacy and fully informed consent for virginity tests

(q) Introduce legislation to prohibit and sanction sexual harassment in education establishments and at workplace

(r) Introduce temporary special measures in line with article 4.1 of the CEDAW Convention or introduce mandatory quotas for women in Parliament

(s) Elaborate and adopt the new National Action Plan for Combatting Domestic Violence and Implementing Measures for the Protection of Victims of Domestic Violence

(t) Elaborate and adopt the new National Action Plan on Women, Peace and Security with the participation of all responsible agencies, in particular those working in local communities.

(u) Strengthen efforts to combat discriminatory gender stereotypes among the society, including in the media

(v) Include education on gender equality, violence against women and age-appropriate sexual and reproductive health and rights in the curricula at all levels of education

(w) Conduct awareness-raising campaigns and programs, including in co-operation with the Public defender and civil society to increase awareness and understanding among the general public and professionals on different forms of manifestations of violence against women their causes and consequence with the aim of their prevention.

100. Investigation, prosecution support services and protective measures

(a) Continue to increase the number of women police officers and employ male and female police officers dealing with cases of domestic violence;

(b) Fully eliminate the issuance of ‘warning letters’ by police officers in cases of domestic violence

(c) Ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities at all stages of the investigation in order to mitigate the risk and provide safety and support to victims.

(d) Increase the number, availability of, and services in, state-run shelters and crisis centres, in particular in rural areas and increase the number of social workers and the financial support allocated to them.

(e) Provide training to social workers, teachers and doctors on the identification of cases of domestic violence

(f) Provide support services for victims of violence available in the language of all ethnic minorities

(g) Increase the support to social workers who work on implementation of assistance and support measures for victims of domestic violence

(h) Determine the amount of compensation to be granted to a victim of domestic violence, as well as the procedure of granting such compensation

101. National mechanisms

(a) Strengthen the Gender Equality Council by providing it with adequate human, technical and financial resources, increasing its visibility and efficiency and strengthening its capacity,

(b) Establish a comprehensive national mechanism within the executive branch for the co-ordination of policies and measures to prevent and combat violence against women

(c) Support with adequate financial resources the work of the Public Defender's Office to enable it to fully comply with its tasks especially with respect to its work on violence against women

(d) Increase the cooperation and provision of support to NGOs working on violence against women

102. Collection of data and prevention of violence against women

(a) Collect disaggregated data on all forms of violence against women,

(b) Conduct regular population based surveys to assess the prevalence and trends of different forms of violence against women

(c) Establish a "femicide watch" or "gender-related killing of women watch" and collect and publish each year data on the number of femicides and establish a separate body or entrust an existing body to analyse each case of femicide in order to identify any failure of protection with a view of improving and developing further preventive measures.

(d) Collect and analyse data on suicides among women victims of violence.

(e) Ensure registration of all child marriages and collect data disaggregated by sex and age on all marriages stipulated by children, including on those authorised by the court and on those without such authorisation;

(f) Strictly enforce the Criminal law provision on the ban of forced marriages and collect data on the prosecution rates,

(g) Develop a joint strategy of awareness rising among parents, teachers, law enforcement agencies on problems of forced marriage and the existing legislative regulations, in particular in rural areas;

(h) Adopt measures to prevent sex-selective abortions and ensure regular publication of birth registration data, disaggregated by sex and region with the purpose to understand the causes of such abortions and raising awareness among the population about the negative long-term effects that such practices can have among the population.