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GEO103467.E

Georgia: Domestic violence; recourse and protection available to victims; support services and availability of shelters; other violence against women

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Sources report that domestic violence is a widespread problem in Georgia (AI Sept. 2006, 4; US 11 Mar. 2010, Sec. 6; HRIDC 26 Mar. 2008, 21). According to a report by the Institute for Policy Studies (IPS), an independent research organization in Tbilisi (IPS n.d.) and the non-governmental organization (NGO) Minnesota Advocates for Human Rights, there have been a variety of studies about domestic violence in Georgia with reported rates of violence varying from 5 percent to 31 percent within families (Dec. 2006, 3). One study, in which 1,000 women throughout Georgia were interviewed by the NGO Caucasus Women's Research and Consulting Network (CWN) in 2005, found that 22.2 percent of respondents had been physically abused by their husbands at least once, 5 percent reported frequent abuse, and 25.5 percent reported that their husbands had sexually assaulted them (IPS/Minnesota Advocates Dec. 2006, 3).

The CWN study also reportedly surveyed societal attitudes towards domestic violence: 90 percent of women stated that "women should be more modest and try not to provoke violence" and 60 percent of women stated that regardless of the situation, whatever happens should stay within the family (ibid.; AI Sept. 2006, 11). Several sources indicate that Georgian society has traditionally viewed domestic violence as a private or family problem (AI Sept. 2006, 11; IWPR 26 Mar. 2010; IPS 2008, 110; Georgia 2008, 213).

According to a Georgian human rights organization, armed conflict, the economic crisis and social problems have led to an increase in domestic violence (HRIDC 29 May 2009). The United Nations (UN) Human Rights Council (UNHRC) similarly reports that violence against women in Georgia escalated within the context of the August 2008 conflict (UN 13 Feb. 2009, Para. 31).

Legislation

Sources report that the Georgian parliament adopted a law on preventing domestic violence and assisting domestic violence victims in May 2006 (AI Sept. 2006, 4; GYLA 2007, 17; IPS 2008, 19, 111; HRIDC 2007, 188-189). The law enables police officers to issue restrictive orders and individuals to apply to court judges for protection orders against abusers (GYLA 2007, 19; AI Sept. 2006, 13; US 11 Mar. 2010, Sec. 6). According to the NGO Georgian Young Lawyers' Association (GYLA), which played a leading role in drafting the domestic violence law (GYLA 2007, 17), the temporary protection measures afforded by protective and restrictive orders include separating a victim (and dependents) from the abuser and placing them in a shelter, prohibiting the abuser from using joint possessions, prohibiting the abuser from getting within a certain distance of the victim, or from going to the victim's workplace, among others (ibid., 19). GYLA notes that restrictive orders take effect immediately, but require court approval within 24 hours; protective orders are issued by a court within 10 days (ibid.). The 2006 Domestic Violence Law required the government to establish shelters and social services for victims by January 2008, but these services were not established within that deadline (IPS 2008, 111; see also Georgia 2008, 213).

Sources report that the Parliament of Georgia adopted amendments to the law on domestic violence in December 2009 (US 11 Mar. 2010, Sec. 6; Georgia 28 Apr. 2010). The amended version of the law includes provisions for the creation of crisis centres to be operated by the Ministry of Labour, Health and Social Protection or by NGOs, and for rehabilitation services for offenders (US 11 Mar. 2010, Sec. 6; Georgia 2006).

The United States (US) Department of State's *Country Reports on Human Rights Practices for 2009* indicates that other laws were amended at this time to assist domestic violence victims, by simplifying court procedures for domestic violence cases, forbidding domestic violence offenders from purchasing firearms, and allowing courts to separate a child from an abusive parent (US 11 Mar. 2010, Sec. 6).

State Protection

Amnesty International (AI) reports that Georgia has signed a number of international human rights treaties that require the state to prevent and investigate violence against women and to protect its victims, such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (AI Sept. 2006, 7).

Country Reports 2009 indicates that during 2009, an interagency council, which was established to address the problems of domestic violence, raised funding for two state-run shelters, coordinated domestic violence training for police and prosecutors, ran public awareness campaigns and introduced special law courses at Tbilisi State University on trafficking and domestic violence (US 11 Mar. 2010, Sec. 6).

Sources report that only a small percentage of domestic violence victims seek assistance from the police (AI Sept. 2006, 12; CRI Project June 2009, 51; IPS 2008, 110) or press charges (OECD n.d.; Eurasianet 8 Nov. 2006). In 2006, AI characterized police response to domestic violence in Georgia as "inadequate" and noted that perpetrators often acted with impunity (AI Sept. 2006, 11). NGO and media sources report that some police officers view domestic violence as a family problem rather than a breach of law (ibid., 12; IWPR 26 Mar. 2010; Eurasianet 8 Nov. 2006).

However, sources also indicate that police response to domestic violence has improved (Pkhakadze and Jamapishvili Mar. 2007, 72; HRIDC 26 Mar. 2008, 21). According to Rusudan Pkhakadze and Thea Jamapishvili, who work for NGOs active in combating domestic violence in Georgia, reform of the patrol police in the years following the "Rose Revolution" of 2003 led to greater public confidence in the police as a partner in implementing domestic violence protection; prior to the police reforms, the police were perceived as "notoriously corrupt" and reluctant to interfere in family "scandals" (Pkhakadze and Jamapishvili Mar. 2007, 72). Other sources indicate that the adoption of the law on domestic violence in 2006 caused the police to become more "efficient" (HRIDC 26 Mar. 2008, 20-21) and "effective" (UN 22 Apr. 2010).

According to statistics from the Ministry of Interior, as reported by *Country Reports 2009*, the police responded to 2,056 cases of family violence in 2007, 2,576 cases in 2008, and 1,331 in 2009 (US 11 Mar. 2010, Sec. 6). *Country Reports 2009* indicates that the police issued 141 restrictive orders in 2008 and 176 restrictive orders in 2009 (ibid.). In 28 April 2010 correspondence with the Research Directorate, the Director of the Georgian State Fund for the Protection and Assistance of Victims of Human Trafficking stated that the police issued approximately 1,000 restrictive orders between 2007 and 2009 (Georgia 28 Apr. 2010).

Sources report that the police in Georgia receive training on how to handle cases of domestic violence (Georgia 28 Apr. 2010; Institute of Values 23 Apr. 2010; UN 30 Apr. 2010; ibid. 22 Apr. 2010). The Director of the State Fund stated that police training on domestic violence occurs every year; in the fall of 2009, more than 300 police officers were trained regarding domestic violence in different regions of Georgia (Georgia 28 Apr. 2010). In 30 April 2010 correspondence with the Research Directorate, the National Project Coordinator for Combating Gender Based Violence in the South Caucasus, a project of the UN Population Fund (UNFPA) Georgia, stated that training on domestic violence is included in the curriculum of the Police Academy and that the police force has been receiving regular training on domestic violence offered by international organizations and local NGOs since 2006 (UN 30 Apr. 2010). The National Project Coordinator also stated that the UNFPA, in collaboration with state authorities, will be updating the curriculum concerning domestic violence and training police staff in different regions of Georgia in the spring and summer of 2010 (ibid.).

Support Services

Sources report that as of April 2010, there were no state-run shelters specifically for victims of domestic violence in Georgia (UN 22 Apr. 2010; Georgia 28 Apr. 2010). In 22 April 2010 correspondence with the Research Directorate, the Gender Advisor for the UN Development Fund for Women (UNIFEM) stated that UNIFEM will be assisting the Georgian government to establish two state-operated shelters for victims of domestic violence, one in Tbilisi and one in Gori (UN 22 Apr. 2010). According to the Gender Advisor, victims of domestic violence, along with their underage children, will be allowed to stay at the shelters for three months, with a possibility of an extension depending on the case; the shelters will accommodate up to 15 people each (ibid.). The Director of the State Fund, whose department will oversee these shelters, stated that they are scheduled to open in the summer of 2010 (Georgia 28 Apr. 2010). She also stated that victims of domestic violence have been accommodated at state shelters for victims of human trafficking, located in Tbilisi and Batumi, since January 2009 (ibid.).

The Director of the State Fund and the Gender Advisor for UNIFEM report that the state provides legal, psychological, and medical services to victims of domestic violence (ibid.; UN 22 Apr. 2010). They also note that the state will establish a hotline for victims of domestic violence in the summer of 2010 (ibid.; Georgia 28 Apr. 2010). However, sources indicate that there is currently no state system of social workers to aid victims of domestic violence (CRI Project June 2009, 50; Eurasianet 8 Nov. 2006). According to the amended legislation, the Ministry of Labour, Health and Social Protection will establish a social service system with certified social workers to aid victims of domestic violence by 1 July 2015 (Georgia 2006, Art. 21).

Sources indicate that there are NGO-operated shelters for victims of domestic violence in Georgia (IWPR 26 Mar. 2010; UN 22 Apr. 2010; US 11 Mar. 2010, Sec. 6). According to the Gender Advisor for UNIFEM, there are four shelters operated by three NGOs: the NGO Sakhli operates one shelter in Tbilisi with 12 beds; the NGO Saphari operates one shelter in Tbilisi with 6-8 beds; and the NGO Anti-Violence Network of Georgia (AVNG) operates two shelters, one in Tbilisi with 6-8 beds, and one in Akhaltsikhe with 6-8 beds (UN 22 Apr. 2010). The Gender Advisor for UNIFEM notes that a victim can stay at these shelters from three months to over a year, depending on the case and the shelter (ibid.). Sources indicate that Georgia lacks a sufficient number of shelter spaces (AI Sept. 2006, 14-15; IPS/Minnesota Advocates Dec. 2006, 21) and that NGO-operated shelters have limited resources for the demand (ibid., 22; AVNG n.d.a; IPS 2008, 111; AI Sept. 2006, 15).

Other services that NGOs provide include: conducting public education campaigns (AI Sept. 2006, 12;

Pkhakadze and Jamapishvili Mar. 2007, 70; UN 22 Apr. 2010); providing legal aid (ibid.; GYLA 2008, 10; Pkhakadze and Jamapishvili Mar. 2007, 70); offering psychological support (ibid.; AVNG n.d.a; UN 22 Apr. 2010); conducting police training (Pkhakadze and Jamapishvili Mar. 2007, 70; UN 30 Apr. 2010); and making career counselling and job placement available (UN 22 Apr. 2010). According to their website, the NGO Women's Center has published screening manuals and provided training on domestic violence to health care professionals in Tbilisi (Women's Center n.d.). They also operate a hotline and provide one-on-one counselling (ibid.).

Sources report that NGO services to domestic violence victims outside Tbilisi are limited (AI Sept. 2006, 12; UN 22 Apr. 2010). According to the Gender Advisor for UNIFEM, in some regions legal aid, psychological counselling and limited-scale medical examinations are available to victims (ibid.). AVNG, which was established in 2003 to offer psycho-social rehabilitation to victims of domestic violence, has 11 crisis/rehabilitation centres in Tbilisi, Gurjaani, Zugdidi, Ozurgeti, Mtskheta, Gori, Ambrolauri, Mestia, Akhaltsikhe, Batumi and Marneuli (AVNG n.d.a). AVNG also operates a hotline for domestic violence victims (ibid. n.d.b).

Human rights groups report that Georgia lacks viable long-term solutions for domestic violence victims to leave violent partners, such as access to adequate housing (AI Sept. 2006, 19; IPS/Minnesota Advocates Dec. 2006, 21) and financial independence (AI Sept. 2006, 19). In many cases, the family home is owned by the husband or his family and in cases of divorce, the woman does not have rights to the property (ibid.; IPS/Minnesota Advocates Dec. 2006, 22). IWPR reports that some women move back with abusive family members due to a lack of other options (IWPR 26 Mar. 2010).

Other Violence Against Women

Country Reports 2009 indicates that rape is illegal in Georgia and is punishable by up to seven years' imprisonment for first-time offenders, with stricter sentences for repeat offenders, and in cases where the victim is a minor, gets pregnant, contracts HIV, or is subject to extreme violence (US 11 Mar. 2010, Sec. 6). According to *Country Reports 2009*, there were 136 rape cases investigated in the first 11 months of 2009, of which 47 cases were terminated (ibid.). The Ombudsman (also known as the Public Defender) of Georgia reports that there were 258 cases of rape and attempted rape in 2007 (Georgia 2008, 211). The Ombudsman and *Country Reports 2009* note that rape is underreported to authorities (ibid.; US 11 Mar. 2010, Sec. 6). According to the Ombudsman, rape is a taboo topic and the police lack sufficient resources to prove the guilt of perpetrators or the necessary skills to treat the victims (Georgia 2008, 211). *Country Reports 2009* indicates that victims often failed to report rape because of social stigma or because the police did not always investigate the charges (US 11 Mar. 2010, Sec. 6). Sources also note that spousal rape is not specifically addressed by Georgian laws (ibid.; OECD n.d.).

The tradition of bride-kidnapping is practised in parts of Georgia, whereby women are sometimes abducted for the purpose of marriage (AI Sept. 2006, 11; Georgia 2008, 212; IWPR 16 June 2006). Sources indicate that in some cases, bride-kidnapping is staged by the couple as a means to elope, but in other cases the kidnapping of the woman is real and often involves rape (ibid.; AI Sept. 2006, 11; Institute of Values 21 Apr. 2010). Some sources indicate that after a woman has been bride-kidnapped, it is considered shameful if she does not marry her captor due to the suspicion of lost virginity (ibid.; IWPR 16 June 2006; AI Sept. 2006, 11). The Ombudsman reports that families often conceal the incident, enter into negotiation, and arrange a forced marriage (Georgia 2008, 212). According to activists in the Samtskhe-Javakheti region, as reported by the Institute of War and Peace Reporting (IWPR), hundreds of women in this region are forced to marry against their will each year because of this tradition (IWPR 16 June 2006). In contrast, *Country Reports 2009* states that bride-kidnapping is "not widespread" (US 11 Mar. 2010, Sec. 6).

Several sources indicate that a large part of Georgian society is tolerant of this practice and does not regard it as violence (Institute of Values 21 Apr. 2010; Georgia 2008, 212; IWPR 16 June 2006). Sources also report that few victims report this crime to authorities, primarily due to fear of social stigma, and knowledge that perpetrators are rarely punished (AI Sept. 2006, 11; IWPR 16 June 2006). The Ombudsman reports that 304 cases of "Illegal Deprivation of Liberty (with the Aim of Marriage)" were reported to the police in Georgia in 2007, over half of which were from Tbilisi (Georgia 2008, 212). IWPR notes that technically, under Article 23 of the Criminal Code, the law prescribes a punishment of imprisonment from 4 to 8 years for this offence, and up to 12 years if it is a premeditated act by a group (IWPR 16 June 2006). However, the Ombudsman states that in most cases the perpetrator receives a punishment of a suspended sentence or a fine because of the conciliatory attitude of both law enforcement and society (Georgia 2008, 213). *Country Reports 2009* states that an NGO in the Samtskhe-Javakheti region operates a shelter and hotline to assist victims of attempted bride-kidnappings (US 11 Mar. 2010, Sec. 6).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Attempts to contact representatives of the Anti-Violence Network of Georgia (AVNG), the Saphari Union, the Samskhe-Javakheti Democrat Women's Association, and the Georgian Young Lawyers' Association (GYLA) were unsuccessful within the time constraints of this Response.

Internet sites, including: Association for Women's Right in Development (AWID), Council of Europe, European Country of Origin Information Network (ecoi.net), Factiva, Fédération internationale des ligues des droits de l'homme (FIDH), Freedom House, Human Rights Watch, International Crisis Group, International Organization for Migration (IOM), Jamestown Foundation, Legislationline, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) Refworld, Open Society Foundation - Georgia, Oxfam International, PeaceWomen Project, People's Harmonious Development Society (Georgia), Radio Free Europe/Radio Liberty (RFE/RL), *Transitions Online*, United Nations (UN) Secretary-General's Database on Violence Against Women.