

## CLOSER LOOK ON ONGOING REFORMS IN EASTERN PARTNERSHIP COUNTRIES<sup>1</sup>:

### GEORGIA: NEEDS TO PREVENT AND COMBAT DOMESTIC VIOLENCE March 2018

#### NOTE

While collecting information on waste management and media landscape in Georgia, many times the issue of violence against women came up in connection with different challenges and realities in the society. To get better overview on this, comprehensive analysis of the situation on prevention and combatting domestic violence was prepared (available separately at request). Below is brief description of main needs identified to improve the situation of preventing and combating (domestic) violence against women:

#### ***Brief context***

Despite of number of efforts carried out in the country for combating violence against women and/or domestic violence, the degree of use of the mechanisms provided for by law for combating violence and protecting the victims remains low and needs to be immediately addressed. For instance, the mechanisms of social service and preventive mechanisms provided for by the legislation fail, so far, to be very effective. The mechanisms of monitoring the restraint and protection orders issued and relating response fail to operate in a systematic manner. In certain cases, the number of places in shelters/crisis centres is insufficient (the number of shelters/crisis centres themselves is not enough; their uneven and scarce geographical location poses some challenges as well).

Together with the increase of identification of facts of violence against women and/or domestic violence, the number of applications by the victims to the shelters/crisis centre and of requests to use the services offered there (legal, psychological, social and other related services) is on the rise.

There exists almost no system of providing any support to the victims after they leave the shelter. The system of rehabilitation of the victims is still undeveloped and not operating in a systematic manner, etc.

---

<sup>1</sup> Based on input and analyses of information collected by ECEAP local civil society/area experts

## ***Identified needs to enhance preventing and combatting (domestic) violence against women***

The main need is to support, help to regulate and systematize cooperation between civil society and relevant government structures – in particular law enforcement bodies, social services and NGOs (shelters).

- Formation of a system of assistance to victims of violence against women and/or domestic violence via improvement of the infrastructure of shelters/crisis centre and establishment necessary basis required for providing services to victims of domestic violence.
- Even though there is state-established shelter for the victims of domestic violence, it is not effective in reality as it is hard to access it due to high bureaucracy (in order to get to the shelter there is requirement for preventive or protection order, or women shall have the status of a victim). Instead of having separate government-based shelter, the government structures should partner with civil society organization and support civil society run networks of shelters. For example, Anti Violence Network of Georgia-AVNG) have proven to play an indispensable role in the protection of victims of domestic violence. The AVNG shelter is open to everyone whose life or health is threatened. The organization does not require any additional legal status for the admission of women to the shelter, and for this reason the shelter is always overloaded.
- There is still strong need for international/donor support to keep the NGO based shelters functioning. Cooperation with NGOs should be requirement for the government structures. For that, support to creation of multi-disciplinary working groups in all regions of Georgia with the participation of NGO run shelters and all relevant institutions - (Police, MIA, MOLHSA, MES, Prosecution, LAs (MARAC Method) needs to be set up to ensure an effective and timely response to the victims of violence.
- International actors/donors need to share best practices and expertise on enhancement of the social service and engage the latter actively in the activities against domestic violence, thus contributing to the prevention of domestic violence and to the efficient operation of the system of support to the victims of domestic violence.
- Current governmental social service agency needs to be strengthened with relevant number of social workers (to add respective staff), who specialize in the issues of women's rights and domestic violence. Social service agency needs assistance in obtaining relevant materials, advise on assigning (if not proper then at least some)

financial resources for the mentioned activities, obtaining relevant knowledge and practical skills, as well as support to implementation of the UN recommendation 118.12.

- Systematic trainings (and re-trainings) of the employees of the police and respective public/law enforcement authorities need to be set up to ensure that they are able to quickly and efficiently identify facts of violence against women and domestic violence, provide the primary identification of the offenders and victims, collect adequate and sufficient evidences of the facts of violence and rapidly solve the issues relating to procedural provisions with respect to legal proceedings.
- In cooperation with new Department of Human Rights of Ministry of Internal Affairs (established in 2018), NGOs (using international best practices) should conduct periodic police trainings in which the police will gain the knowledge and experience they need to respond appropriately to violence against women and domestic violence.
- There is a strong need to assist in organizing joint trainings for NGOs, patrol police and social workers. Joint events for NGOs, patrol police and social workers will support the process of developing their cooperation and awareness on the work they are doing. According to the law, policemen are the first ones to respond to domestic violence reports, while social workers are responsible for assessing the risk of domestic violence in case of minors.
- International expertise is needed to introduce within the system of law-enforcement bodies the methodology of assessment of risks relating to violence against women and domestic violence.
- The existing law needs harmonization of supervision mechanisms over the enforcement of protective and/or restraining orders, issued on the facts of violence against women and/or domestic violence, determine procedural norms of supervision, rights and obligations of individuals authorized for supervision. According to the current legislation of Georgia, the police (District Police Service) ensures control over the fulfilment of terms (obligations) of issued restraining and protective orders imposed on the perpetrator. Violation of terms (obligations) provided for by the orders shall impose responsibility prescribed by the Administrative and Criminal Codes of Georgia.
- Furthermore, it should be noted that the current legislation of Georgia does not contain particular and detailed regulations and/or other terms, on mechanisms (terms) that the police should apply for the control (monitoring) of enforcement of terms of restraining and protective orders and in most cases, this process has a non-systematic character. Consequently, systemic detection of violation of terms

of the order is not ensured, which in some cases causes serious consequences. Besides, due to the absence of relevant regulations, the police officer who should control (monitor) the fulfilment of restraining and protective orders and in case of detection of a violation, take against the perpetrator measures envisaged by the legislation, is not held responsible.

- More targeted efforts are needed to plan and undertake appropriate awareness-raising and educational activities both in terms of training and retraining specialists involved in the work aiming to combat violence against women and/or domestic violence as well as for different target groups of the public to enable them to be aware of their rights and protecting and support mechanisms in case of violence.
- More public awareness efforts need to be done to create recognition and contempt of the domestic violence against women and children in society: in cooperation with relevant state bodies (Ministry of Internal Affairs of Georgia, Ministry of Labour, Health and Social Affairs of Georgia, Ministry of Justice of Georgia, Ministry of Education of Georgia, Prosecutor's Office of Georgia, Supreme Court of Georgia) organizing informational meetings on violence and domestic violence with representatives of national minorities, pupils and other at-risk and vulnerable groups. Separate work with media should be enhanced on raising awareness among public.

### ***Separate attention needed:***

- *Surrogacy*

There is a need for legal provisions which will regulate artificial insemination and surrogating related issues<sup>2</sup>, in order to ensure development of legal basis for defending rights of the surrogate women and respective children. According to the applied practice the number of the surrogacy couples are increasing<sup>3</sup>, including foreign citizens. Such increased rate shows importance of depending rights of surrogate mothers and children. Noteworthy, that "Surrogacy" is comparatively cheap in Georgia rather than in other countries. On other hands there is no limitation in the implementation of the process of the action due to disorder in the legislation and it is regulated based on the

<sup>2</sup>The similar issue was raised in the report of the UN special reporter, Dubravka Simnovich about "the women violence, the reasons and results of violence", about visit to Georgia, which became the basis for the condition, as it was stated that "as it was known for the special reporter, various foreign agencies are offering surrogate mothers' contracts to young ladies, while the insemination procedure is not legally regulated, and it can become the reason for becoming the victim of the woman against women and surrogacy".

<sup>3</sup>There about 10 agencies in Georgia implementing surrogacy. One of the largest one is "New Life". According to their data, in 2016 134 children were born by surrogate mothers, including 31 kids for Swedish couples.

agreement between the parties. Accordingly, it is not limited who can be “a client” and “a candidate parent”. Compliance, acceptance of the parents is not evaluated, and a surrogate mother is not mentioned in the birth Certificate of the child, as she has no any right on a child, etc.

- *Impact of pollution to women's health*

An environmental pollution means an increase in excess of standard toxically substances in human organism and around - in air, water, ground, food, waste, etc. which causes the progressive increase of various chronic diseases involve the infertility. As the society considers that the main cause of infertility are women, this increases violence against women. In general, the aggression against women caused by infertility is that she does not give birth families' heir (son), which is a very important in Georgia as a patriarchal country.

