



Need in comprehensive interagency response to domestic violence in Georgia

Gender inequality is unjust, unintelligent and expensive.



(Speech by Terry Davis, Secretary General of the Council of Europe 6th European Ministerial Conference on Equality between Women and Men, Stockholm, 8-9 June 2006)

To date, in Georgia most work in relation to prevention of domestic violence and protection of victims has been carried out by NGOs with virtually no financial or other material support from the authorities. Their activities have included providing legal

aid, psychological and other support to victims of domestic violence; initiating and participating in discussions about relevant legislation; conducting training courses on domestic violence for law enforcement officers and medical personnel; and raising public awareness about the issue.

The government acknowledged that domestic violence was a widespread problem. Women victimized by domestic violence, however, rarely reported it because of social taboos and because previously it was not illegal. The police rarely arrested or punished perpetrators of domestic violence. From August 2005 to January, the police responded to

466 reports of domestic violence. Neither the prosecutor general's office nor the courts maintained separate statistics on domestic violence cases, so it was not possible to track outcomes of these reports. A local NGO operated a hotline and a shelter for abused women, although services at the shelter were limited due to a lack of funding and facilities. Georgia is a party to international and regional human rights treaties, all of which require the government to protect, respect and fulfill the human rights of those persons in its territory and subject to its jurisdiction. Thus, Georgia is obliged under international law to act with due diligence to prevent and investigate violence against women and hold perpetrators of violence accountable, and ensure protection and reparation to victims.

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Prepared by Women's Information Center



In accordance with Concluding Observations of the UN Human Rights Committee issued as a result of consideration of Second Periodic Report of Georgia to the International Covenant on Civil and Political Rights, Georgian state should take prompt measures to implement the 2006 Law, including:

- a) institute a mechanism to compile disaggregated data on incidents of domestic violence, including sex, age and family relationship of victims and perpetrators, as well as investigations and prosecutions carried out. This information should be made public;
- b) promptly investigate complaints related to domestic violence and other acts of violence against women, as bride-kidnapping and rape, and institute criminal proceedings against perpetrators;
- c) take all the necessary measures to protect victims of domestic violence, including by establishing a sufficient number of appropriate shelters across the country.

Currently implementation of the given measures within the framework of the execution of recently adopted National Action Plan on Combating Domestic Violence rests with Office of the State Minister on reforms Coordination. Office of the State Minister is also responsible for the national actions within the framework of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence. Office of the State Minister carries out active consultations with NGOs in order to develop strategy in the field as well as in view of the forthcoming package of amendments prepared for the Domestic Violence Law. Extremely important role in this process is played by Advisory Council on Gender Equality Issues attached to the Speaker of the Parliament of Georgia.

Bellow you can find recorded proceedings of the internet discussion dedicated to domestic violence problem in Georgia carried out by Women's Information Center. In the mentioned materials you can find interventions of the all main stakeholders in the field, including representatives of the State Minister's Office, State Minister himself as well as representatives of the Advisory Council, MPs who were involved in the development of the legal framework for the protection of victims of domestic violence in Georgia.

We wish you a pleasant and thought provoking reading.

In connection with the International Day against the Violence, every year, from 25th November to 10th December, in Georgia there are held the events, what emphasizes the increasing interest of the society to this problem.

Currently, in Georgia there is effective the law "On Elimination of Family Violence, Protection and assistance of the Victims of Violence", adopted by the Parliament on 26th May 2006, which is based on the Constitution of Georgia and various international agreements. In addition, by the Presidential Decree the Law Implementation Action Plan was approved, what, certainly, is a step forward.



Maka Mdivani – Advisor of the State Minister in the sphere of the coordination reforms

Maka Mdivani – Advisor of the State Minister in the sphere of the coordination reforms, Secretary of the Interdepartmental Commission for Development and Implementation of the Gender Equality Policies, mentions

that: "First steps for prevention of family violence were made through adoption of the law in family violence/ It determined the concept of family violence and identified the measures to be taken against the violators. In particular, there are introduced the protection and restriction orders, what allows the police and the court to provide prompt response to the facts of violence, ensure protection of the victims and restrict certain actions of the violator. On 24th July 2006 the State Conception of Gender Equality was adopted. Though it can provide no assistance in combating family violence and it is necessary to implement practical measures."



Ketik Makharashvili - One of the initiators of the draft law

Almost all organizations working on the issues of family violence took part in development of the law, but the initiator of creation of this law was Gender Equality Board established within the scopes of UNDP Program Gender

and Politics in Southern Caucasus. One of the initiators of the draft law, **Ketik Makharashvili** thinks that the NGOs are the main source of information and fore reduction of violence it is necessary to ensure coordinated operation of the non-governmental sector or, e.g. church. Heavy economic and social situation in the country contributed to increase of the cases of family violence, but irrespective of the reasons or number of the facts of violence, including the family violence cases, the state and the society should give adequate response.



In addition, there are actual problems with respect of implementation of the law, what requires amendments and improvements to the law. E.g. in the country, in this sphere, there is no institute of social workers. According to the law, the article, implying social services will become effective from 1st July 2008, what clearly demonstrate the weaknesses of the law. NGOs currently work for training of the social workers. Joint project, which will be implemented with the support of UNIFEM and which intends to train the social workers in this sphere, will inevitably contribute to creation of the base of social workers.

NGOs have trained the personnel of the patrol police in the sphere of family violence. Currently, each district inspector is responsible for 5000 people and providing permanent protection and service to such number of citizens, irrespective of the competence and high professionalism is actually impossible. This problem was revealed by joint researches conducted by the Office of Public Defender and NGO "Sakhli".

The victims have the additional problems of uncertain property issues. The principle of equality, recognized by the adopted law, primarily, implies financial equality. Most frequently, the victim financially depends on the violator and therefore, she/he has to stay in the family.

The victim has not housing of his/her own, has no job, to support herself and her children after divorce. This is the most widespread reason because of which they do not leave their husbands or partners, even when they still are subject to violence.

The financial problem exists as well with respect of medical expert examination of the victims. On the basis of application to the police the superficial examination is free of charge. Though, for establishment of actual condition of the victim the in-depth study of the individual is required, what can not be undertaken by the government and therefore, in

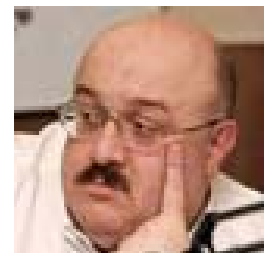
Adoption of the law was related to some difficulties. Its implementation, because of Georgian mentality, is provided in stages and requires much energy and efforts from both, the state and the society.

How the law works and what mechanisms and instruments should be used after its adoption for elimination of violence? Would implementation of gender policies resolve the problem of gender violence and break the stereotypes in Georgia?

Through close cooperation with the NGOs, state media and investigation organizations, the government of Georgia intends to conduct the information campaigns, arrange debates in the TV and radio shows, broadcasting of the advertising trials through different TV channels, broad consideration of the gender issues in the newspapers and magazines, arrangement of competitions for the best literature and fiction dealing with the gender issues, dissemination of the results of gender researches, what would contribute to awareness of the society with respect of gender problems.

Irrespective of the efforts of NGOs and the governmental structures, the society still has no full information about the existing organizations to which the victims can apply for help and that there is adopted the law on family violence.

"The state, in accordance with the EC materials, should ensure financial assistance, housing, education and job for women, who suffered from family violence, to ensure free choice for them, whether to leave their husbands or not, in case of violence. I should like to admit that the government works on possible alternatives of financial assistance to the victims and their further employment." (Kakha Bendukidze)



Kakha Bendukidze, the State Minister in for Reforms Coordination, Chairman of the Interdepartmental Coordination Board in the sphere of implementation of the gender policies



many cases there does not exist such necessary evidence as medical report.

NGOs, extensively working on these issues, offer to the victims of violence free medical examination and medical expertise by professional doctors. On this basis, the NGOs, in close collaboration with the law enforcement

bodies, achieve separation of the victim from the violator, what, in some cases, result in divorce. It should be also noted that after divorce, the victim is given the opportunity to live safely and work. Though, the most significant weakness is the fact that the adopted law does not provide for actual opportunity of conflict resolution in the families, as there is no protection mechanism, which would punish the violator in case of repeated crime. Because of poor awareness, there are many cases when the victim continues the family relations with the violator.

Currently, the victim of violence is protected by several state mechanisms. These are restrictive and protective orders, which protect the victim from the violator in different circumstances and different periods of time. The protective and restrictive orders, in the opinion of experts, are the most effective in the law and they regulate the family violence cases within the scopes of the law. It is known that in the first part of year 2007 already 300 orders were issued.

“Protective order is an act provided by the court of the first instance, defining temporary measures for protection of the victims of family violence, with the exception of the cases where there exist the basis for commencement of criminal proceedings. Protective order is issued for the term up to three months. Specific term its effectiveness is determined by the court.”**

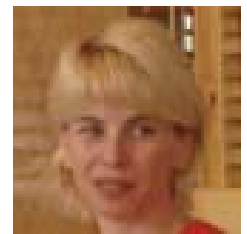
“Restrictive order is the act issued by the authorized police officer defining temporary measures for protection of the victim of family violence, which shall be submitted to the court for approval within 24 hours after its issuance.”***

** (Chapter III, Article 10)

*** (Chapter III, Article 10)

NGOs have developed the amendments to the law, according to which the term of the restrictive order was increased from 24 to 48 hours and term of the protective order – up to 6 months. These amendments would certainly contribute to prevention of repeated violence. In this respect it is of great significance to establish the rehabilitation crisis centers for the violators, what is provided for by the law.* “The rehabilitation centers for the violators shall comply with the minimal standards established by the Ministry for the institutions of this type and ensure temporary placing of the violators, psychological assistance to him and treatment”. Establishment of the crisis centers is planned from 1st January 2008, though they are not included into the budget.

According to the information from [Lia Charekishvili](#), Head of the Department of Social Infrastructure Statistics of the State Department of Statistics and the expert in the gender issues, the Department has no statistical data for year 2006. As for the facts of violence occurred in



Lia Charekishvili, Head of the Department of Social Infrastructure Statistics of the State Department of Statistics and the expert in the gender issues

2007 are studied by the Ministry of Internal Affairs and the Supreme Court and relevant information will be provided in the first half of 2008. On the basis of the obtained data it will be also possible to determine, whether the law works or not and whether it will be possible in the future to conduct the complex analysis with respect of law implementation.

Statistical data for years 2005-2006 collected by the NGOs and the Office of Public Defender show



the trend of growth of the cases of family violence. If in 2005 there were identified 3254 such cases, in 2006 this figure increased by 416.

Kakha Bendukidze, the State Minister in for Reforms Coordination, Chairman of the Interdepartmental Coordination Board in the sphere of implementation of the gender policies, think that: "Restrictive and protective orders will allow prompt response of the police and court, ensure protection of the victim and decrease of the violence cases. Since early 2007, in the Ministry of Internal Affairs there functions the "hot line", allowing the victims to contact the law enforcement bodies and inform them about the facts of violence. The Law obligates the police to give response to each fact of violence and implement the measures provided for by the law. Police has no right to regard the family violence as a minor breach."

NGOs developed the recommendations for effective operation of the law, what is not provided for by the government yet.*

These recommendations involve creation of the full information base, which will include all cases of family violence and data about the representatives of the law enforcement bodies, which were specially trained in this issued; as well as creation of the database of the NGOs working in the issues of family violence. Currently there is such database at the website created by Women's Information Centre: www.nasilie.net.

It is necessary to create the experts' group and the coordination board in the sphere of family violence, which would play the role of mediator between the government and population. It would also work on monitoring of law implementation.

(See Chapter VI, Article 20)



Eka Kipiani, EU Attaché of the Department of European Integration of the Ministry of Foreign Affairs of Georgia

Eka Kipiani, EU Attaché of the Department of European Integration of the Ministry of Foreign Affairs of Georgia, contact person for the "EU Programme for Elimination of Family Violence" in Georgia also thinks that the law on elimination of the family violence and protection of the victims of family violence requires revision. It is necessary to make amendments and addenda to it, analysis, study and evaluation of the reasons for family violence.

1. Introduction of effective legal methods for revealing and elimination of family violence cases;
2. Maintaining of relevant statistics;
3. Implementation of the preventive measures with respect of those people who has committed the acts of family violence;
4. Conducting of relevant information and education campaign;
5. In case of facts of family violence, for rehabilitation of the violators, arrangement of special education courses.



Asylums, Safe Housings and Crisis Centers



In consideration of the family violence we should bear in mind the precedent of unpunishability, what is favorable for the violators. The measures for protection of the victims, including timely asylum, safe housing and number crisis centers are not enough. Asylums are significant element of the governmental strategy. These provide shelter for the victims, who desire to break the forced relations but have no place to go.

The Law on Elimination of Family Violence, Protection and assistance of Victims" implies social services for the family violence victims and development of the rehabilitation programs for the violators; as well as establishment of the rehabilitation centers, within the system of the Ministry of Labor, Health and Social Protection and temporary placing of the violators within the NGOs, serving to rehabilitation of the violators, crisis interventions and medical assistance.

If required, the victim remains in the asylum for the period up to two months. In case of necessity this period is extended in accordance with the charter of the asylum.

For the period when the victim is in the asylum, her identity, information about her health and psychological condition is confidential and its disclosure is allowed only by virtue of the law.

There is some disagreement between the representatives of governmental structures with respect of location of asylums. Kakha Bendukidze, the State Minister in reforms coordination sphere, Chairman of the Interdepartmental Coordination Board, regards that: "If the asylum is financed by the NGO, the state shall not intervene in the decisions dealing with its location. NGOs shall make their own decisions on where the asylum should be located. But if the asylum is established by the government, irrespective, whether it is node directly or indirectly, it would be desirable to locate the asylums outside Tbilisi."

In this respect, Ketii Makharashvili has different opinion. She thinks that location of the asylums in the districts would endanger the victims, as it is much easier to find the victims there, as Tbilisi is the largest city of Georgia and this would provide opportunity of better protection of the victim. The options of Kutaisi and Batumi should be considered as well.

Guguli Maghradze – Member of Georgian Parliament, psychologist, doctor of medical sciences, member of Temporary Commission of Territorial Integrity of Georgia, Member of Gender Equality Commission under the Parliament of Georgia regards that it is necessary to ensure operation of the asylums as in the regions also in the cities not to force the people in the asylums to change their life style. This implies schools, jobs, etc.



Guguli Maghradze – Member of Georgian Parliament, psychologist, doctor of medical sciences, member of Temporary Commission of Territorial Integrity of Georgia, Member of Gender Equality Commission under the Parliament of Georgia

The government has not developed the relevant standard for the asylums yet, to ensure effective assistance to the victims. According to the statistical data, all around the world, from 20 to 50% of women are the victims of family violence.

It should be noted that in the USA there are about 1500 asylums for the beaten

women (only in the South Carolina there operate 68 crisis centers for the raped women) and in the whole territory of Turkey there are about 30 asylums. In Georgia, according to the population census of 2006, there are 2,305 million women. Hence, we can suppose that there is only one place in the asylum per 77 000 women, what is not reasonable, as though Georgia is small country, compared with the USA and Turkey, family violence is still the significant problem.

The experience showed that the asylum for the victims of family violence is one of the significant elements, if not the only one, for ensuring social-legal assistance.

If the draft law is intended for creation of the actual mechanism for combating of family violence then there should be accurately determined the number of asylums to be opened in our country.

The law allows establishment of the asylums by the NGOs if they comply with the minimal standards set by Georgian Ministry of Labor, Health and Social Protection for such institutions. As for the state asylums established under the Ministry, these shall satisfy requirements to the conditions of life and shall ensure first and urgent medical and psychological aid. Unfortunately the government has not approved the standards for the asylums. The law on family violence provides for establishment of the temporary asylums and rehabilitation centers, though funding is postponed to year 2008.

NGOs have developed number of recommendations with respect of the standards for asylums and submitted to the Interdepartmental Coordination Board for Gender Politics Implementation. Failing to comply with the terms provided for by the Action Plan caused delay of implementation of the measures for elimination of the family violence. Women, who are beaten at home, have no place to go to, they have no relatives and friends, who would be able to provide temporary shelter to them. Currently, in Georgia, on the basis of the NGOs there operate 4 asylums (total number of places – 30) and this is not enough. It is desirable to create the network of the asylums in several regions of Georgia in the nearest future to provide safe place for women and children.



Violence in the Conflict Zones

The problem of family violence exists in the conflict regions too. Currently there is available information about violence only in the areas of Georgia, where Georgian NGOs operate. At the joint meetings and workshops the information becomes available from the organizations which work in the conflict zones. As these territories are not controlled fully by the government of Georgia and therefore, the law is not applied, the cases of violence increase and the situation there is heavier. NGO members operating in the conflict zones attempt to study and resolve these problems using their own capacities.

For example, one of the doctors stated that there was no case of family violence in Abkhazia, as he had no such case for the period of his practice. Nevertheless, 40% of the questioned state that he/she is a victim of family violence and 1.7% stated that he/she had never been the victim of the family violence. In addition, the population named the reasons, which caused increase of the number of cases of family violence, in their opinion. First was named the war of 1992-1993, further, instable economic situation, unemployment etc. It seems that this problem in the conflict regions of Georgia is not yet considered in the social respect and still remains within the family.

Kakha Bendukidze, the State Minister in for Reforms Coordination, Chairman of the Interdepartmental Coordination Board in the sphere of implementation of the gender policies, thinks that the State Action Plan for Gender Equality realization for 2007-2009 is based on the basic principle that the men and women shall have equal opportunities.

It is necessary to break the stereotypes, what depends on conducting of the information campaigns; it is also significant that the mass media dedicated the shows to the issues important with respect of gender.

After restoration of territorial integrity of Georgia, work in this direction will be continued at the nationwide level. As for the crisis centers and asylums, the government formulates the policies in this respect and it will provide for special needs in relation with the violence in the conflict zones"

With respect of these issues the representatives of the international organizations have their own opinions. For Example, [Anna Zunder Plasman](#) – the researcher of "International Amnesty" of Southern Caucasus and Central Asia, whose sphere of study, among others, is family violence in relation with women.



Anna Zunder Plasman – the researcher of "International Amnesty" of Southern Caucasus and Central Asia

In the report for year 2006 of the International Amnesty, which dealt with the issues of family violence in Georgia, positive assessment was given to adoption of the law, though she also noted that the government shall more actively execute this law. There was also mentioned that Georgia has ratified all international documents in the sphere of protection of human rights, according to which it is required to combat family violence> Of course, it is necessary to share the experience of other countries, though it should not be introduced without changes.

Similar evaluation was given by the UN special speaker, [Jakın Ertuc](#), at the conference, when he met with the NGOs of Southern Caucasus, where he noted that: "the country could not be regarded as a developed one, of the women's rights are permanently violated and the become the victims of violence permanently."



Jakin Ertuc-UN special speaker

There was also noted that information provided by the civil society is very significant and necessary, as the government is not aware in the specific problems and in the future it will be used for contacting with it.





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