



REFERENCE: DB/follow-up/Georgia/66

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth and fifth periodic report of Georgia at the Committee's fifty-eight session, held in July 2014. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/GEO/CO/4-5). You may recall that in the concluding observations, the Committee requested Georgia to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 21 and 25 of the concluding observations.

The Committee welcomes the follow-up report received on time in July 2016 (CEDAW/C/GEO/CO/4-5/Add.1) under the CEDAW follow-up procedure. At its sixty-sixth session, held in March 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 21** of the concluding observations, recommending that the State party “take measures to prevent the growing number of murders of women by their husbands and partners and other forms of domestic violence”: The State party highlighted the signature of the Istanbul Convention and the consequent revision of the definition of domestic violence, the re-establishment of the Inter-Agency Council on Implementing Measures to Combat Domestic Violence, which implements the National Action Plan on the Measures to Combat Domestic Violence, the establishment of a Consultative Group to the Inter-Agency Council Implementing Measures to Combat Domestic Violence consisting of civil society representatives and international organizations, the establishment of an Inter-Ministerial Commission on Gender Equality, combating Violence against Women and Domestic Violence, the addition of a new regulation to the Law on Elimination of Domestic Violence, Protection and Support of its Victims and the Organic Law on Local Self-Government Code to authorize local governments to take measures against domestic violence, the launching of hotlines for domestic violence, the establishment of a Crisis Centre for victims of domestic violence, which was expected to start its operations in September 2016, awareness-raising activities on violence against women and domestic violence and training of police officers and prosecutors. The State party also reported that in 2014, 19 women were murdered as a result of domestic violence, and in 2015, 8 women were murdered. It added that in all cases, the perpetrators were identified, indicted and convicted by courts.

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The Committee welcomes the numerous measures taken by the State party to combat domestic violence against women, including the establishment of the Inter-Agency Council on Implementing Measures to Combat Domestic Violence, the organization of awareness-raising activities and trainings, the signature of the Istanbul Convention and the consequent adoption of amendments to its legislation. The Committee considers that the State party has taken significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

In relation to the recommendation that the State party “encourage women to report acts of sexual and domestic violence by raising awareness about the criminal nature of such acts, ensure the effective investigation of cases of violence against women, prosecute and punish perpetrators with sanctions commensurate with the gravity of the crime and provide victims with adequate compensation for damages suffered”: The State party outlined various awareness-raising measures to sensitize the public and students on violence against women, domestic violence and trafficking. Alternative information before the Committee however indicate that awareness raising activities in 2015 were conducted only in particular regions, and that persons living in rural communities remain unaware that domestic violence is punishable under law. The number of restrictive orders issued, investigations launched, and prosecution of domestic violence cases has reportedly increased by approximately three times since 2014 which, according to the State party, suggests that reporting of cases to the police has increased (para.33). The Human Rights Protection Unit of the Chief Prosecutor’s Office has studied 27 criminal domestic violence cases involving murders of women, in order to identify problems related to investigations and to identify further prevention measures. The State party highlighted that police officers record data on domestic violence, which are transferred to the Analytical Department of the Ministry of Internal Affairs and published on the official website of the Ministry. The State party conveyed that in 2015, 725 individuals were charged under article 126 of the Criminal Code for domestic violence, and that the identification and prosecution of domestic violence cases have increased up to 77% in 2015 compared to the previous years (para.40). Additionally, three individuals were charged under article 137 (rape), three individuals under article 138 (violent act of sexual nature), 55 individuals under article 140 (sexual intercourse or other kind of sexual contact with a person under sixteen) of the Criminal Code. However, the State party did not provide information on the sanctions applied or the compensation provided to victims.

The Committee welcomes the efforts of the State party to sensitize the public and students about violence against women, domestic violence and trafficking. However, it remains concerned at the limited reach and impact of such initiatives, particularly in the rural regions. While noting the information that reporting of domestic violence cases to police has increased since 2014, the Committee regrets the lack of information on the sanctions applied to perpetrators and compensation provided to victims. It also expresses concern about a number of cases where women were reportedly murdered despite having repeatedly contacted the police. The Committee moreover regrets the rejection of amendments to the Criminal Code, aiming to criminalize femicide and increase penalties. The Committee considers that the State party took some steps to implement the recommendation. The Committee considers that the recommendation **has been partially implemented**.

With regards to the recommendation that the State party “ensure that all women who are victims of violence have access to effective protection and assistance, including State-funded shelters, and to improve cooperation with relevant non-governmental organizations in this respect”: The State party reported that the State Fund provides victims of domestic violence with medical assistance, legal aid (including legal representation in court), psychological assistance, support for solving social problems, and access to hotline services. Currently, there are four State-funded shelters for victims of domestic violence (with a total of 66 beds throughout the country), and two shelters for victims of trafficking. In 2015, the State Fund renewed its memoranda with five NGOs in the field of prevention, protection and assistance to victims of domestic violence.

The Committee appreciates that the State Fund provides victims of domestic violence with medical assistance, legal aid, psychological assistance, support for solving social problems, and access to hotline services. It also welcomes the renewal in 2015 of memoranda with five NGOs that are working in the field of prevention, protection and assistance to victims of domestic violence. However, it remains concerned about the lack of sufficient numbers of shelters and crisis centres available to effectively assist victims of violence, and the lack of awareness among the public of the existence of the types of assistance and services that are available. It also regrets that the hotline is available only in the Georgian language. The Committee considers that the State party took some steps to implement the recommendation. The Committee considers that the recommendation **has been partially implemented**.

In relation to the recommendation that the State party “prohibit and adequately sanction the practice of virginity tests carried out on women in violation of their right to privacy”: The State party noted that the Criminal Code criminalizes the act of “coercion” under article 150, which covers all forms of coercion, including forced tests of virginity. While noting that article 150 of the Criminal Code prohibits acts of coercion and that the State party considers forced tests of virginity falling under this provision, the Committee regrets that there is no law that specifically prohibits and sanctions the practice of virginity tests. Moreover, it regrets that no information has been provided on whether individuals have been prosecuted and sanctioned under article 150 of the Criminal Code, as well as on additional measures taken to eradicate this practice. The Committee considers that the State party has taken some steps to implement the recommendation. It considers the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 21 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Encourage women to report acts of sexual and domestic violence by strengthening capacities of law enforcement personnel on the treatment of victims and introducing a monitoring mechanism on the response to domestic violence. Amend legislation to criminalize femicide, ensure that sanctions commensurate with the gravity of the crime are in place and provide victims with adequate compensation for damages suffered.
2. Reinforce effective protection and assistance services, including State-funded shelters, and enhance awareness raising on existing services to ensure that all women who are victims of violence have access to such services.
3. Adopt specific legislation prohibiting the practice of virginity tests and adequately sanction this practice.

With regards to the recommendation made in **paragraph 25** of the concluding observations “to ensure the full and equal participation of women in political and public life, especially at the senior and decision-making levels, including in local legislative bodies, and in particular, introduce mandatory quotas for political parties in order to significantly increase the representation of women in national and local legislative bodies.” and “to involve women in the implementation of its action plan and policies aimed at settling conflicts and promote the active participation of women in high-level meetings in this regard “: The State party informed that the Organic Law on Political Unions of Citizens foresees the supplementary funding of 30% for any political party whose list of candidates for the membership of the parliament comprises “at least 30% of candidates of a different gender within every ten candidates starting from the number one candidate of the list”. The State party however added that these financial incentives have not proved to be as effective as expected, and that a draft amendment to the Election Code has been initiated in 2016, guaranteeing alternation between men and women on electoral lists. It moreover conveyed that this initiative has been approved by the Human Rights and Civil Integration Committee of the Parliament, but that it has been postponed until the next session due to lack of consensus. There are currently 293 female employees in the Prosecutor’s Office (among them 153

are prosecutors and investigators, while 16 occupy managerial positions). The State party also informed that the Action Plan on “Women, Peace and Security” was finalized and approved by the Cabinet in 2016. The State party also conveyed that a new anti-discrimination law has been adopted in May 2014, which explicitly prohibits discrimination on the grounds of sex and gender identity in both public and private sectors, and includes the principle of multiple discrimination. It added that in April 2016, the Law on Gender Equality and Code for Local Self-Government was adopted, which aims to establish Gender Equality Councils in municipalities and strives to achieve gender equality at the local level.

The Committee takes note of the introduction of a draft amendment to Election Code to ensure adequate representation of women in electoral lists, but regrets that its adoption has been postponed. It is concerned that women continue to be underrepresented in political and public life, especially at the senior and decision-making levels. In addition, while welcoming the adoption of the Law on Gender Equality and Code for Local Self-Government in April 2016 to achieve gender equality at the local level, the Committee remains concerned at the limited involvement of women in practice. The Committee further regrets insufficient efforts to involve women in the implementation of its action plan on “Women, Peace and Security” and the lack of information on the involvement of women in high-level meetings in this regard. The Committee considers that the State party took some steps to implement the recommendation. The Committee considers that the recommendation **has been partially implemented.**

The Committee recommends that, in relation to paragraph 25 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Adopt the amendment to the Electoral Code, introducing quota in electoral lists and reinforce measures to ensure the full and equal participation of women in political and public life, especially at the senior and decision-making levels, including in local legislative bodies.
2. Involve women in the implementation of its action plan and policies aimed at settling conflicts and promote the active participation of women in high-level meetings in this regard.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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