



Alternative report

To the United Nations Committee on the Elimination of Discrimination against Women
(CEDAW)

Concerning women's rights and domestic violence in Georgia

Prepared by **Association "Merkuri"**

Association „Merkuri“ is non governmental, non commercial organization established in 2004 in Zugdidi (West Georgia). The vision of Association “Merkuri”: support establishing of gender equality as democratic values.

The main goals of the organization are:

- Protect women's rights;
- Education and healthcare of local and IDP women;
- Support socially vulnerable people;
- Supporting the development of Civil society in Georgia.

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Low level of awareness about legal protection mechanisms from domestic violence among rural population.

Law enforcers' non-appropriate level of competencies in the field of Domestic Violence Prevention and Protection of Victims of Domestic Violence.

Rehabilitation and assistance to victims of domestic violence.

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Introduction

Association "Merkuri" has prepared a report on fulfillment of obligations under „The Convention of Eliminating all forms of Discrimination against Women” by Georgia.

In this report, our aim is to evaluate fulfillment of the CEDAW Convention in respect to the Domestic Violence Prevention, based on the implemented work within the project „The Violence Prevention Company in Samegreo Region” (2013-2015, donor FILIA) and the existing condition in Samegrelo.

Positive changes:

After Georgia had received recommendations on the elimination of discrimination against woman from the committee, important actions were carried out in respect to combating violence against women:

- Police has been obliged to supervise the fulfillment of the restrictive and protective orders.
- „Council of Europe Convention on preventing and combating violence against women and domestic violence” (Istanbul Convention) was signed by Georgia on 19 June 2014
- Amendment had been made to second part of the article 1108 of the Civil Code. According to the amendment, the marriage of juvenile person attained the age of 16 is allowed only by the decision of court in case of respectful reasons such as pregnancy and the birth of child. Accordingly, parents and guardians of juveniles attained the age of 16 have the authority to consent their marriage.
- Measures to be undertaken against domestic violence and the protection of victims is envisaged into the Action Plan of the Government of Georgia on the Protection of Human Rights 2014-2015.

We welcome the efforts of Georgian authorities and the progress that has been achieved. All these forward steps are complementary, but it should be noted that the improvement of

legislation and the strategic plan is not enough to eliminate the problems. Violence against women in Georgia is still an acute problem.

It is noteworthy that Istanbul Convention has not been ratified by Parliament of Georgia yet, the Article 8 „Social Services” and the Article 20 “Abusers’ Rehabilitation Centre” of the „Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims” were suspended until July 1, 2016.

By the given report, Association „Merkuri” would like to draw Committee’s attention to the 3 most important problems existing into the country's policy, current legislation and established practice, which is directly connected to the CEDAW Convention.

These problems are:

1. Low level of awareness about legal protection mechanisms from domestic violence among rural population.
2. Law enforcers' non-appropriate level of competencies in the field of Domestic Violence Prevention and Protection of Victims of Domestic Violence.
3. Rehabilitation and assistance to victims of domestic violence.

1. Low level of awareness about legal protection mechanisms from domestic violence among the rural population

On the 30 meetings held in 2013-2015 years in the various rural communities of 5 Samegrelo’s Municipality only 12% of participants knew that domestic violence is punishable under the Georgian legislation and that the legal mechanism is created specifically for protecting victims of violence. As the main sources of this information was named events taken by non-governmental organizations and the social advertising. More than 50% of cases of domestic violence is occurring into regions, outside from capital. Under the public information queried by us from the Ministry of Internal Affairs of Georgia is ascertained that during 2015 year above mention institution has conducted 2 meetings in the public schools of Tbilisi and nine meetings in the public schools of Kvemo Kartli Region for prevention domestic violence. Similar meetings were not held in other regions during 2013-2015 years. Under these data, we can say that the Ministry of Internal Affairs and other governmental Institutions did not carry out any informational campaign for preventing domestic violence.

At the same time under the Order#837 of the Minister of Education and Science of Georgia from the November 12, 2010 it is prohibited to conduct lectures, seminars and training sessions by individuals and legal entities without the consent of the Ministry of Education and Science of Georgia. Communication with the Ministry and the process of receiving permission usually far exceeds the 7-days period predetermined by the rule and take around 6 weeks. Permission is often depends on how the topic of the seminar/workshop is in line with the The National Curriculum. Issues such as domestic violence, women's rights, civil activity, etc are not clearly outlined into the national curriculum, and it is not easy to justify connection of those topics with The National Curriculum. This regulation has hindered the entering of the non-governmental organizations into schools and educational work with teenagers, especially into the mountainous and remote villages. Therefore, girls living in the villages cannot get proper

information about the violence, mechanisms of protecting from it, existing programs for the victims of violence and etc.

All of this is in contrary to the Article V and XIV of the Convention and the " Action Plan of the Government of Georgia about human rights - 2014-2016 " article 14.2.3.

2. Improper competences of law enforcers in the field of Domestic Violence Prevention and Protection of Victims of Domestic Violence

On the round tables held during 2014 into the 5 municipality of Samegrelo region Association "Merkuri" revealed very low quality of communication between the agencies involved into the referral mechanism. In fact, on the meetings we were connecting and mediating between agencies for solving some specific problems, we had a joint discussion around problematic cases and the examples of referrals were created. In many cases the representatives of all the bodies involved in the problem solution (law enforcement, education, social, health) do not have sufficient knowledge and skills in order to ensure effective work of referral mechanism under the individual cases. According to this experience, we can make a conclusion: The weaknesses of cross-sectoral cooperation, which in many cases is related to the low level of awareness/training of the staff, impede fulfillment of the functions and commitments of cooperation contained in the National Referral Mechanism.

In January-June 2015, from the registered in Samegrelo - Zemo Svaneti region 148 domestic conflicts only 29 people were known as victims, and the criminal prosecution has been launched only against 31 persons. Meanwhile in Samegrelo region only 25% of Protective orders, brought into court by the police, was satisfied. The reason for denial of order issue was the insufficiency of submitted evidence, which is directly related to the level of professional competence of the law enforcers.

An objective assessment of the number of staff trained in effectively reacting and prevention on domestic violence in each region is impossible, because The Ministry of Internal Affairs of Georgia has only summarized data about law enforcers trained in gender-based violence and the criminal prosecution issues. That is why it is unfeasible to ascertain amount of trained law enforcers into separate regions.

All of this is not in accordance with the commitments and obligations imposed by the Articles II (sub c and f) and XV of convention and means that articles 14.1.8.7 and 14.2.1.1 from the „Action Plan of the Government of Georgia about human rights - 2014-2015 " are not fulfilled sufficiently.

3. Rehabilitation and assistance to victims of domestic violence

For people having the status of domestic violence victims the length of time they can stay at the shelter is limited. After its expiry women often stay without an accommodation and livelihood, they exceptionally need economic, social and psychological assistance. In many cases

they need to recover their own or children's documents, formalize a divorce; lodge a claim demanding alimony or property legalizing and etc. They have to pay compulsory state levies or the fees for lawyers' services, which they do not have financial resources for. The state does not have regular services available for victims: psychologist, lawyer, social worker, doctor counseling, long-term employment programs, financial assistance, which does not help to the rehabilitation and social reintegration of victims of domestic violence.

Based on the above, the government should be given recommendations in order to ensure effective measures against domestic violence and support of victims in Georgia.

Association "Merkuri" offers to the Committee **recommendations** to be offered to the state:

1.1 Ministry of Internal Affairs may plan informational events in the educational institutions and with the population in all regions of Georgia (especially in rural area) and provide necessary funds into the budget of relevant institution for implementation of these events.

1.2 Named in "The Action Plan of the Government of Georgia" executor authorities should define number and place of events carried out throughout the country so that cover all regions of Georgia; to work out mechanism for an active engagement of non-governmental organizations into this process. (For ex. grants competition)

1.3 To abolish Order # 837 (the date 12.11.2010) of the Minister of Education and Science of Georgia which limits to conduct lectures, seminars and trainings into public schools; or to amend order# 837 and include the list of priority for National curriculum topics to which no restrictions apply (ex. Domestic violence, gender equality, healthy lifestyle, human trafficking).

2.1 Tighten the responsibility of the staff of the agencies involved into the National Referral Mechanism in case of concealing or neglecting information about domestic violence.

2.2 The trainings on domestic violence for law enforcers should be held on the basis the regional distribution (according number of trained staff in each region), and corresponding statistics should be kept.

3.1 People having the status of victims of domestic violence should be exempt from the state tax during the hearing of cases related to the domestic violence (divorce, property division, etc.)

3.2 Allocating cash benefits (single or multiple) into the budget of local government for the victim of domestic violence should become mandatory.