

Response of Government of Georgia to the questionnaire on addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls, pursuant to the HRC resolution 32/L 25

Question 1

Since 2015 the Secretariat of the Inter-Agency Council on Combating Trafficking in Human Beings (*hereinafter* –THB Council) established in 2006 and chaired by the Minister of Justice of Georgia has developed integrated database which consists of the following sections:

- Number of THB cases segregated by number of investigations, prosecutions (prosecuted persons), cases sent to the court, convictions, statutory victims and convicted persons dated from 2010 to 2016 (November);
- Number of prosecuted persons segregated by citizenship, sex and age dated from 2010 to 2016 (November);
- Number of statutory victims¹ segregated by citizenship, sex, age, type of exploitation, destination country of exploitation, services provided by the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter (duration of their staying in shelter and information about the accompanying person), compensation), residence permits provided to the statutory victims (in 2010-2016 (November));
- Number of victims segregated by citizenship, sex, age, type of exploitation, destination country of exploitation, services provided by the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter (duration of their staying in shelter and information about the accompanying person), compensation), residence permits provided to the victims (in 2010-2016 (November));
- Number of convicted persons segregated by citizenship, sex, age and sentences imposed on them in 2010-2016 (November);
- Cooperation within the framework of mutual legal assistance (MLA) on criminal matters - statistics segregated by number and countries of incoming and outgoing MLA and extradition requests in 2010-2016 (November);
- Police Cooperation - statistics segregated by number, countries and form of exploitation of outgoing police cooperation requests in 2013-2016 (November).

Question 2.a

Law of Georgia on Elimination of all Forms of Discrimination

On 2 May 2014 the Law of Georgia on Elimination of all Forms of Discrimination (Anti-discrimination law) was adopted by the Parliament. The adoption of the anti-discrimination law was accompanied with a set of amendments to other legislative acts, including Law on Gender Equality, Criminal Code of Georgia, etc. to harmonize provisions of all relevant statutory acts that serve to elimination of discrimination and ensuring equality.

Purpose of the anti-discrimination law shall be elimination of all forms of discrimination and ensure for every person equal enjoyment of rights prescribed by law irrespective of race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics (Article 1).

The anti-discrimination law also distinguishes between direct and indirect discrimination. The former is defined as “the kind of treatment or creating the conditions when one person is treated less favourably than another person in a comparable situation on any grounds specified [in Article 1 of this Law] or when persons in inherently unequal conditions are treated equally in the enjoyment of the rights provided for by the legislation of Georgia, unless such treatment or creating such conditions serves the statutory purpose of maintaining public order and morals, has an objective and reasonable justification, and is necessary in a democratic society, and the means of achieving that purpose are appropriate” whereas the latter is defined as “a situation where a provision, criterion or practice, neutral in form but discriminatory in substance, puts persons having any of the characteristics specified [in Article 1 of this Law] at a disadvantage compared with another person in a comparable situation, or equally treats persons who are in inherently unequal conditions, unless such situation serves the statutory purpose of maintaining public order and morals, has an objective and reasonable justification, and is necessary in a democratic society, and the means of achieving that purpose are appropriate.”

The important novelty of the anti-discrimination law is the introduction of the **concept of multiple discrimination** previously unknown to the Georgian legal system.

Discrimination shall be prohibited in all spheres, both public and private. The anti-discrimination law obliges all institutions that function within the jurisdiction of Georgia to conduct concrete measures for eliminating discrimination.

¹ Georgian law differentiates status of victim of trafficking and status of statutory victim of trafficking. The status of victim of trafficking is granted to the person by Permanent Group of THB Council within 48 hours based on the questionnaires of mobile group of the State Fund for Protection of and Assistance to Statutory Victims of Trafficking in Persons, while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia (CPC). Both, victims and statutory victims have equal access to the State run services.

However, if an alleged discrimination victim finds that measures undertaken fall short of remedy the violation of his/her right to equality and non-discrimination may submit an application/complaint to an independent body – the Public Defender of Georgia, who is authorized to monitor and control elimination of discrimination and ensuring of equality in Georgia. In case a person who considers himself/herself a victim of discrimination is not satisfied with the outcome of the proceedings before the Public Defender, he/she may still bring a court action against the person/institution which he/she considers to have committed the discrimination and may claim for moral and/or material damages. In such a case the court procedure is regulated by the Civil Procedure Code of Georgia.

Law of Georgia on Gender Equality

One of the most significant and concrete steps taken by the Government of Georgia was the adoption of the Law on Gender Equality (LGE) on 27 March 2010. It aims at ensuring prohibition of all kinds of discrimination in all spheres of social life, creating of appropriate conditions for implementation of equal rights, freedoms and opportunities of women and men, supporting prevention and elimination of all kind of discrimination. The LGE also defines notions of direct and indirect discriminations and introduces the principle of special measure aimed at improving existing discriminatory consequences. The LGE guarantees equality in labor relations, in the sphere of education and science, in access to informational resources, in the sphere of healthcare and social protection, in family relations, etc.

Additionally, the LGE provides legal definitions relating to gender equality and envisages the obligation of the State to take all appropriate measures to provide equal rights and freedoms for men and women in family, society, public institutions or throughout the labor market.

Criminal legislation

Violation of human equality on the grounds of language, sex, age, nationality, origin, birthplace, place of residence, material or rank status, religion or belief, social belonging, profession, marital status, health status, sexual orientation, gender identity and expression, political or other views or of any other signs that have substantially breached human rights is criminalized by Article 142 of the Criminal Code of Georgia (CCG). The measure of punishment for this crime varies from fine or 1-year corrective labour up to fine or 3-year imprisonment with or without deprivation of the right to hold an official position or to carry out a particular activity for up three years.

Discrimination as a separate criminal offence is envisaged by Article 142¹ in Criminal Code of Georgia. This provision prohibits racial discrimination, i.e. any action committed for the purpose of instigating animosity or conflict on ethnic or racial grounds, as well as direct or indirect limitation of human rights based on race, skin, color, social origin, national or ethnic identity, or favoritism of any individual on the above mentioned grounds. Such crimes are punishable by up to three years of imprisonment. Similar actions committed with the use of force, by threatening to use force, by threatening the life or health of individuals, or by use of official capacity, shall be punishable by up to five years imprisonment.

In addition, amendments to Article 53 of the Criminal Code of Georgia adopted on March 27, 2012, strengthened the principle of non-discrimination by introducing a new paragraph stipulating that the motive indicating discrimination on the base of race, skin color, language, sex, sexual orientation, gender identity, age, religion, political or other opinion, disability, nationality, national, ethnic or social origin, financial standing, place of residence or any other bases for intolerance shall be considered as an aggravating circumstance for respective crimes as prescribed by the Criminal Code of Georgia.

Furthermore, the Ministry of Justice has initiated the draft legal amendments to up-to 20 legal acts aiming at harmonization of domestic legislation with Istanbul Convention overcoming challenges related to the violence against women and domestic violence, prevention and elimination of the cases of violence against women and domestic violence, extension of the legal remedies for the women victims of violence.

Additionally, the scope of the law on Elimination of Domestic Violence, Protection and Support of the Victims of the Domestic Violence will be expanded and it will cover measures on both combating violence against women and domestic violence. The draft amendments aim at extending fight against violence against women not only within but also outside of the family environment. The legislative package also provides modification of the definitions of violence against women, victim, family member and perpetrator.

Question 2.b

All citizens in Georgia are equal, so the Georgian legislation on social assistance guarantees protection of human rights of persons equally. The social justice and impartiality are the basic principle of the social protection system of Georgia. In Georgia social protection services are equally accessible for all target groups regardless of race, sex, language, religion, political or other opinion, national, ethnic or social origin and property.

In 2014, for the first time, Georgia has adopted the National Strategy (2014–2020), and subsequent Action Plan of the Government of Georgia on the Protection of Human Rights (initially for the years 2014–2015, renewed in 2016 and covering the period of 2016–2017). The Action Plan of 2016–2017 contains separate chapters on gender equality, combating violence against women and domestic violence as well as on the implementation of UN Security Council resolutions on Women, Peace and Security.

On September 12, 2016 the Government of Georgia adopted the Child Protection (Referral) Procedures by the Decree № 437, which aims to protect children from violence in the family and outside it through creation of child protection (referral) coordinated system. According to the Decree the competent authorities involved in cases of child abuse, as well as the social worker's rights and duties have been increased. It also defines forms of violence against child, determines mechanism of separation of a child from an abuser and roles and responsibilities of the agencies involved in the referral mechanism.

Question 2.d

In close cooperation with EU, new program to fight domestic violence has been launched. The aim of the program is to contribute to the Prevention of Domestic Violence and the Elimination of its Consequences (in accordance with the Human Rights Strategy of Georgia, 2014–2020) by addressing its root causes. In order to further improve public awareness on domestic violence and gender-based violence, Ministry of Internal Affairs of Georgia implements a multi-faceted nationwide Information Campaign on Domestic Violence. By producing and airing TV spots, radio PSAs, distribution of informative printed materials etc. Additional trainings on gender based violence and domestic violence are provided for the law enforcement officials.

Question 3

Civil society organizations advocate the rights, interests and activate participation of vulnerable groups, including children, women and minorities before the executive and the legislature. Representatives of the non-governmental organizations, such as Sapari, Women's Information Centre, Partnership for Human Rights, Georgia's Young Lawyers Association, etc. are actively engaged into parliamentary debates on the women and/or minority rights related law drafts, organization of conferences and round-table to shed lights on the problematic issues, participation alongside with governmental bodies into working groups to debate on women's and minority rights.

In order to increase the number of women in the Parliament, on 7 March 2014 the Law of Georgia on Political Unions of Citizens was amended to provide financial incentives to political parties to include women candidates on their party lists. According to the amendment a political party, who receives the state funding under Georgian legislation, shall receive the supplementary funding with the amount of 30% in case 30% of every ten members in the party list submitted would be of opposite sex.

Question 4

Promotion of raising awareness of general population on violence against women and domestic violence is one of the priorities for the Government of Georgia. In this regard, the representatives of the Ministry of Justice of Georgia permanently organize information meetings for local population, especially for ethnic minorities and those who are living in rural areas. They are informed about their rights to be protected from violence and available state run services for the victims of violence and domestic violence.

Furthermore, the Ministry of Justice of Georgia promotes engagement of civil society organizations in preventive measures on violence against women and strengthens cooperation with NGOs in this field. Therefore, in 2015 the Ministry of Justice issued one-off grant of 15,000 GEL for the local NGO, which conducted different awareness raising activities on violence against women and domestic violence. Within the framework of the grant project information meetings were held in all regions of Georgia, 5000 multilingual leaflets (Georgian, English, Russian, Azerbaijani and Armenian) were produced and disseminated.

In February and March 2016 the series of trainings "What is discrimination?" was held. In sum the trainings were conducted in 6 sets (three in Tbilisi and three in regions) and covered 89 participants.

Furthermore, the legal entity of public law (LEPL) of the Ministry of Justice – the Training Center of Justice implemented the project "Empowerment of Civil Society" in July-September 2016. During these three months in 33 villages of Georgia information meetings were held for the local population. Totally, 352 participants benefited from the trainings, which covered the following topics: rights of minority groups, signs of potential violation of the right to equality, forms of discriminations and mechanisms to redress.

Issues of violence in general, including against girls and women, discrimination on any grounds, oppression and intolerance are reflected in the Social Science subject groups envisaged by the National Curriculum for 2011–2016.

Programs implemented by the Ministry of Education and Science (MoES) equally apply to all pupils, irrespective of religious, ethnic origin and gender.

“Summer Schools Programme” is implemented by the MoES to promote integration of ethnic minority pupils in the society. Within its frames pupils/teachers of non-Georgian schools/sectors are involved in “Multicultural Summer School”. To prevent any kind of violence, including violence against women, the Ministry together with other agencies carries out projects as follows: “Programme of ensuring legal order and crime prevention for public schools” (with the Ministry of Internal Affairs), „ No to Violence!” (with the Ministry of Internal Affairs), “Mock Investigation” (with the Prosecutor’s Office of Georgia), “Programme of Civic Education” and “Programme of Legal Education in Georgia” (with PH International), etc. Civil education clubs are functioning at schools. Pupils have discussions on the issues of children and women’s rights.

“Parent Education and Engagement Subprogramme” is implemented since 2015. One of its aims is prevention of school suspension due to early marriages. Information meetings are regularly held with the parents living in the regions of Georgia with the highest rates of early marriages. Besides, “subprogram of functioning of medical office on the territory of general education institutions (public schools) and school doctor activity” is implemented by the Ministry. One of its specific aims is informing parents, teachers and pupils on the issues of healthcare, including reproductive health and risks emanating from early marriages.

“Georgian Language Preparation Educational Subprogramme for Asylum-seekers and Refugees or Humanitarian Status Holders in Georgia” envisages teaching Georgian to asylum-seekers and refugees or humanitarian status holders under the age of 18 at the level enabling them to carry on their studies at the institutions of general education.

MoES implements a program “Social Inclusion” aiming to support integration of vulnerable groups into the formal education, equally applying to boys and girls. One of the focus groups and beneficiaries of the program are Roma children. The program offers children different kind of support. As an outcome of the program, the number of children studying Georgian language has significantly increased, as well annually grows Roma’s integration into education. Besides these activities, active work is carried out with Roma children parents in order to persuade them send their children to school.

The Ministry of Education and Science of Georgia works in the direction of involving homeless children in the formal education and their integration with the peers in the frames of the programme “Second Chance Education for Out of School Children in Georgia”.

Question 5

Services of the LEPL State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking are available to the (statutory) victims of human trafficking and domestic violence regardless of their race, skin color, language, sex, religion, political or other opinions, national, ethnic, and social affiliation, origin, property or social status, place of residence.

The State Fund is a legal entity of public law under the state control of the Ministry of Labour, Health and Social Affairs of Georgia. It was founded in 2006, on the basis of the law of Georgia on Combating Trafficking in Persons. The aims of the State Fund are the following: Protection, assistance and rehabilitation of the victims of human trafficking; Provision the compensation pursuant to the legislation of Georgia; Ensuring the protection, assistance and rehabilitation of victims of domestic violence; Creating decent living conditions for the elderly, persons/children with disabilities and children devoid of parental care; Ensuring the assistance and rehabilitation of victims of sexual violence.

The State Fund provides the victims of human trafficking and domestic violence with the following free of charge services: Legal assistance (including legal representation in court); Psychological service (including rehabilitation and reintegration programs); Medical service; Shelter service; Support for solution of Social Problems and Hotline service.

The services of the State Fund are also accessible for minor victims of human trafficking as well as for dependent persons. The child victims or accompanied minors placed in the shelters of the State Fund are provided with different services in order to ensure their wellbeing and provide them with proper education (formal/non-formal) through the special programs. Since august 7, 2015 the newly recruited nannies/care-takers in shelters ensure to make more child-friendly environment in shelters.

Under the State Fund operates two shelters for victims of human trafficking: in Batumi (opened in 2006) and in Tbilisi (opened in 2007) and four shelters for victims of domestic violence: In Tbilisi (opened in 2010), in Gori (opened in 2010), in Kutaisi (opened in 2013), in Sighnaghi (opened in 2016).

Hotline services on the issues of human trafficking (2 100 229) and on the issues of domestic violence (116006) are functioning under the State Fund. From 2017, expansion of the advisory hotline on the issues of domestic violence (116006), covering the issues of sexual abuse and human trafficking is envisaged in several languages.

The State Crisis Center has started functioning since September 2016 under the State fund. From this period alleged victims of domestic violence are provided with the service of the crisis center (psycho-social rehabilitation, legal and emergency medical assistance) before obtaining the status of the victim. Crisis center is a place for temporary accommodation of alleged victims and victims of domestic violence. It is intended for psychological and social rehabilitation, primary and emergency medical aid and legal assistance.

On August 10, 2015 Director of State Fund approved the individual rehabilitation-reintegration plan for minor victims/statutory victims of human trafficking and children accompanying their parents who are the beneficiaries of Shelter.

When it comes to the social reintegration of the (statutory) victims of trafficking Georgian authorities facilitate the reintegration of victims of THB in society by providing them with vocational training and access to the labour market.

Question 6

A six-month basic training of police officers takes place at the Academy of the Ministry of Internal Affairs of Georgia (MIA). It covers all categories of police (patrol, district, criminal, border police, coast guards, etc.) and includes: training on human rights, criminal law, domestic violence law, administrative law and procedures, two weeks of field work at a police station in the middle of the course and one week at the end of the six-month course for patrol police. Domestic violence is being touched upon in many of the topics taught during the course including during field work at a police station but is especially taught in a one day (8 hour) course. Some 2,000 police officers annually complete the training.

In parallel, MIA actively cooperates with the local NGO and international organizations. As a result of the joint effort trainings and seminars for law enforcers have been conducted in different regions of Georgia:

In 2011-2013 Project “legal Mechanism on combating Domestic Violence” was implemented jointly by the MIA and NGO - Anti Violence network of Georgia. The project was financed by the UNWOMEN organization in Georgia and US embassy in Georgia. 2 day long trainings were delivered for the police officers throughout the country.

Since 2012 annual regional “Women in Police Conference” is jointly organized by the Bureau of International Narcotics and Law Enforcement Affairs, the US Embassy and MIA. 150-200 female law enforcers attend the event from various countries. Among other issues, discussed at the conference, are family conflicts and domestic violence

Bureau of International Narcotics and Law Enforcement Affairs, U.S. Embassy in Tbilisi, Estonian Academy of Security Sciences and MIA launched the joint project “Creating a Platform for Combating Domestic Violence in Georgia”. The main goal of the project was to develop the capacity of the MIA in the sphere of combating domestic violence with specialized trainings and conference.

UN Women Organization in Georgia funded the project “Regional trainings for Law Enforcement Agencies on Legal Mechanisms for combating Domestic Violence” with the support of local NGO Anti-Violence National Network. In the scope of the project, in 2013-2014, 10 “Open Meetings” were conducted with participation of heads of MIA regional main divisions, regional prosecutors, judges and social services agents.

In order to strengthen the capacity of the police forces to promote and protect women's human rights to life free from violence, especially from domestic violence (DV), UN Women and the MIA, in 2013 signed MOU with the aim of the establishment of DV and gender based violence (GBV) specialized task groups within the police forces in three pilot regions of Georgia. To this end, UN Women and the MIA organized specialized deep training for the defined task group on the legal issues of DV and the interrogation skills of the victims of GBV.

In the scope of EU funded project “Support the Ministry of Internal Affairs in fighting against domestic violence” 6 trainings were conducted for the law enforcers throughout Georgia in 2016.

With financial support of USAID, 247 social workers were trained on the issues of domestic violence by the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking.