

PUBLIC DEFENDER OF GEORGIA

**WOMEN'S
RIGHTS AND
GENDER
EQUALITY**



2016



PUBLIC DEFENDER
(OMBUDSMAN) OF GEORGIA

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ევროკავშირი
საქართველოსთვის
The European Union for Georgia



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WOMEN'S RIGHTS

INTRODUCTION

The grave situation surrounding the legal status of women, and of gender equality more generally, in Georgia remained essentially unchanged during the reporting year. Despite steps taken by the State, challenges remain. Addressing these challenges requires special attention and effort.

One notable problem is the lack of an intersectional perspective in measures taken by the State. This impedes intervention on problems faced by women with different backgrounds and subsequently increases their vulnerability.

In 2016, no effective steps were taken to improve the legal scope of gender equality and protection of women's rights. Moreover, the Parliament did not support legislative initiatives on the topics of gender-based quotas and definitions of sexual harassment and femicide. As assessed by the Public Defender, support for the above initiatives would have been clear steps forward in the process of harmonizing Georgian legislation with international standards and addressing existing challenges in the country.

It is notable that, at the beginning of 2017, the ratification package of the Council of Europe's Convention on "Preventing and Combating Violence Against Women and Domestic Violence" was submitted to the Parliament of Georgia. The Convention includes a number of important guarantees for the prevention of violence, as well as protection and assistance for victims. Unfortunately, the draft law does not contain a definition of sexual harassment, which is an obligation of the Convention and would address important challenges faced by Georgia.

We welcome the fact that new measures have been implemented for preventing domestic violence and violence against women, which had positive impacts on incident reporting rates. However, the increased number of applications has exposed systemic deficiencies that are serious impediments to effectively responding to and eliminating domestic violence and violence against women.

Despite the fact that the number of shelters for victims of domestic violence has increased and a new crisis center has opened, services for victims of violence clearly need improvement, especially in terms of supporting the social and economic empowerment of victims (i.e., supporting victims' independence and employment). Those objectives cannot be achieved only through the functioning of shelters.

The lack of public awareness and indifferent attitudes about early marriage and child marriage remain problems that often result in neglect of the best interests of children and violations of equality. Particularly disturbing were revelations about the practice of female genital mutilation, a problem that has existed in the shadows for many years. The above issues require a coordinated, coherent, and needs-based response from the State.

The existing situation in terms of women's reproductive and sexual health has not substantially improved. Still problematic are gender-based sex selection, lack of the family planning services, and low levels of public awareness about issues.

Through observing the process and results of the 2016 parliamentary elections, it can be concluded that women's representation in political decision-making processes remains critically low. It should be emphasized that the 4% increase of women's representation in the 9th Parliament is incidental and not the result of gender-sensitive political processes.

WOMEN'S PARTICIPATION IN DECISION-MAKING PROCESSES

Women's participation in political life is a necessary precondition for building a democratic system and a pluralistic, representative legislative body. However, it remains one of the main challenges in the field of protection of women's rights and gender equality.

According to the Global Gender Gap Index 2016,¹ Georgia was ranked 114th among 144 countries in terms of women's political participation and representation in the Parliament. According to the data of the Inter-Parliamentary Union², Georgia, as of March 1, 2017, was ranked 124th among 193 countries with 24 women in the Parliament. According to the Global Gender Gap Index 2016³, Georgia was ranked 51st among 144 countries in terms of the number of female legislators and female representation in managerial positions, while in terms of women's representation in ministerial positions, Georgia was ranked 80th among 139 countries.⁴ It should also be noted that after the parliamentary elections, there are only two women among 18 ministers in the executive government, meaning that the situation in this aspect has worsened.

During the reporting period, the Office of the Public Defender of Georgia⁵ assessed the number of employees at the executive government level and conducted a gender analysis of the available data.

1 Information is available at <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=GEO> [last seen on March 15, 2017].

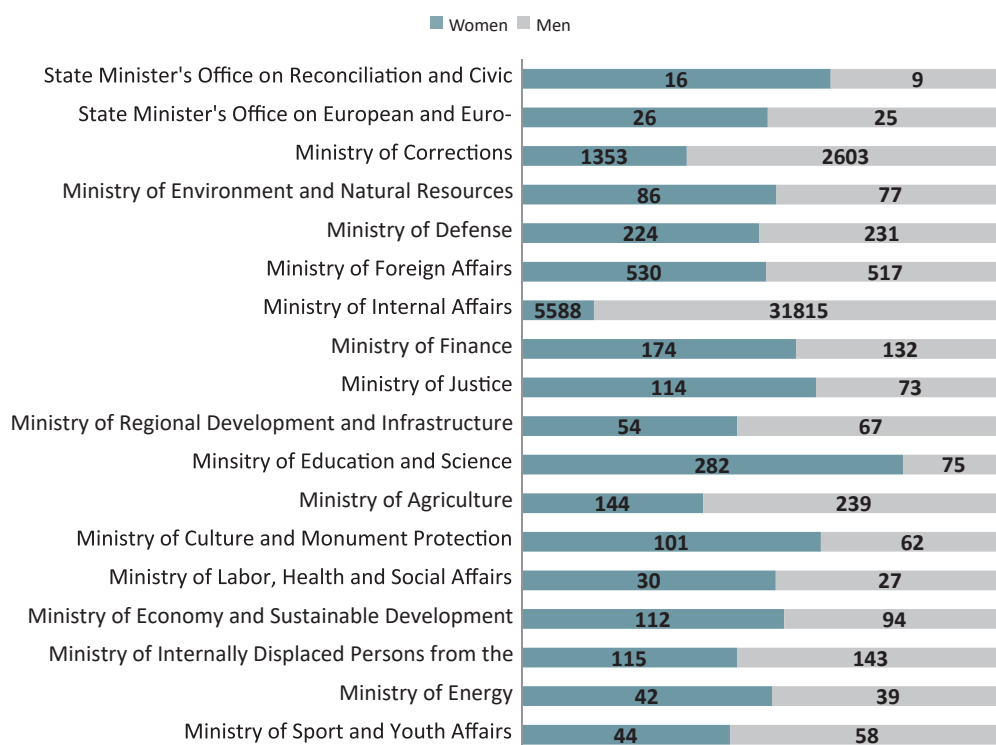
2 Information is available at <http://www.ipu.org/wmn-e/classif.htm> [last seen on March 15, 2017].

3 Information is available at http://www3.weforum.org/docs/GGGR16/WEF_Global_Gender_Gap_Report_2016.pdf.

4 Ibid.

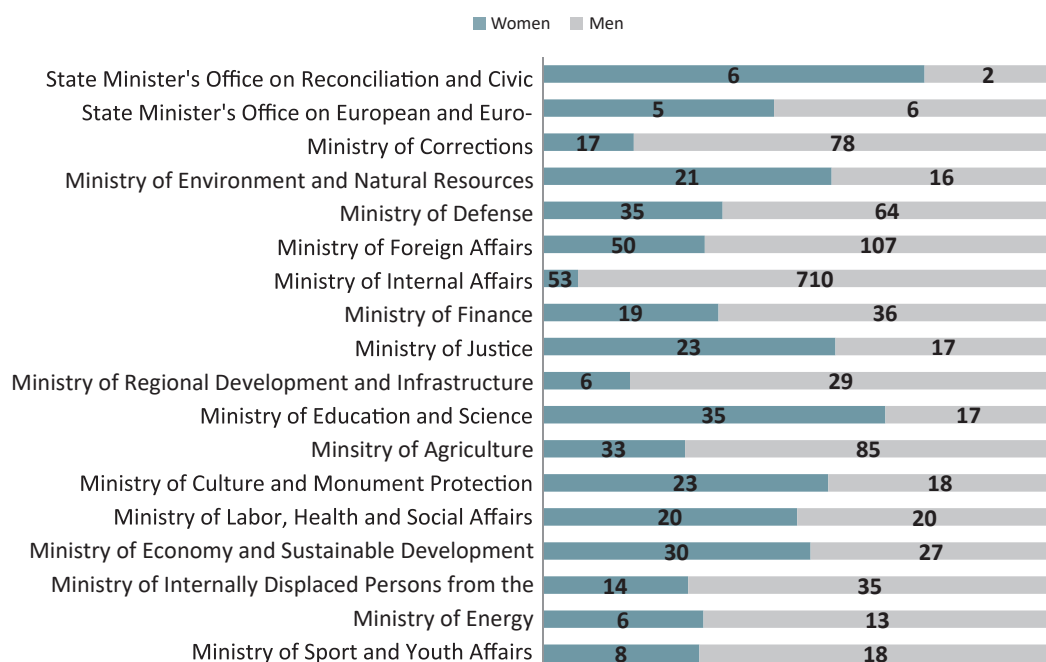
5 The reporting period covers data from 1 January 2016 to 31 December 2016.

Table N1: The Number of Employees in the Executive Government by Gender Composition, 2016



The data reveals that except for in the Ministry of Internal Affairs, where the majority of employees are men, women are (or are close to being) equally represented in executive government ministries. However, data on the number of women in managerial and decision-making positions is alarming.

Table N2: Number of Employees in Managerial Positions in the Executive Government, 2016



It is noteworthy that offices responsible for gender equality issues have still not been created in the ministries. Based on analysis of the requested information, in 44% of the ministries work regarding gender equality is carried out by individuals holding other positions as an additional duty, and in 50% of the ministries no such staff exists. Only one ministry has a specific office responsible for gender equality issues.⁶

Georgia's political culture is closely connected to traditional attitudes, which, in the majority of cases, exclude women from participation in political processes. Additionally, a primary reason for the low rate of women's participation in politics is the lack of effective legislative mechanisms for promoting such participation.

Increasing women's political participation is not a priority issue for political parties. Gender balance, for which legislation has established a financial incentives procedure, was satisfied only by four out of the 25 political parties and blocs who participated in the 2016 parliamentary elections.⁷ This was relevantly reflected in the results of the elections.

Studies have shown that references to issues related to women's rights and gender equality in political parties' election programs tended to be of a rhetorical nature, and stated economic, agricultural, educational, social, and cultural policies were completely void of consideration for the specific problems women face.⁸ For a number of political parties, the

6 Letter # 04/07/893, 18/01/2017 of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia.

7 Information is available at: <https://www.ndi.org/sites/default/files/NDI_Statement_WomensParticipation_Georgia2016_Final_GE.pdf> [last visited on 15 March 2017].

8 Information is available at: <<http://www.feminism-boell.org/ka/proekti-ikitxe-politika>> [last visited on 15 March 2017].

respective election programs did not demonstrate support for attaining gender equality.

It should be noted that according to the results of a study conducted by the National Democratic Institute,⁹ 74% of respondents believe that in elected positions, both women and men perform equally well or women perform better than men, and 70% of respondents believe that a minimum of 30% of MPs should be women. Nevertheless, reality is dramatically different from study results, and women still face numerous obstacles while engaging in political processes.

Given all of the above, it is unfortunate that members of the Georgian Parliament have not adopted the recommendation of the Committee on Elimination of all Forms of Discrimination adopted after reviewing the 4th and 5th periodic reports of Georgia. The Committee, for the purpose of ensuring increased women's political participation, has called for the adoption of temporary special measures.

The Public Defender still considers that adoption of a quota system—especially in advance of the 2017 local self-government elections—is an effective solution to existing unequal conditions.

WOMEN'S PARTICIPATION IN AGRICULTURE DEVELOPMENT PROGRAMS AND IN THE WORK OF CITY ASSEMBLIES (SAKREBULOS)

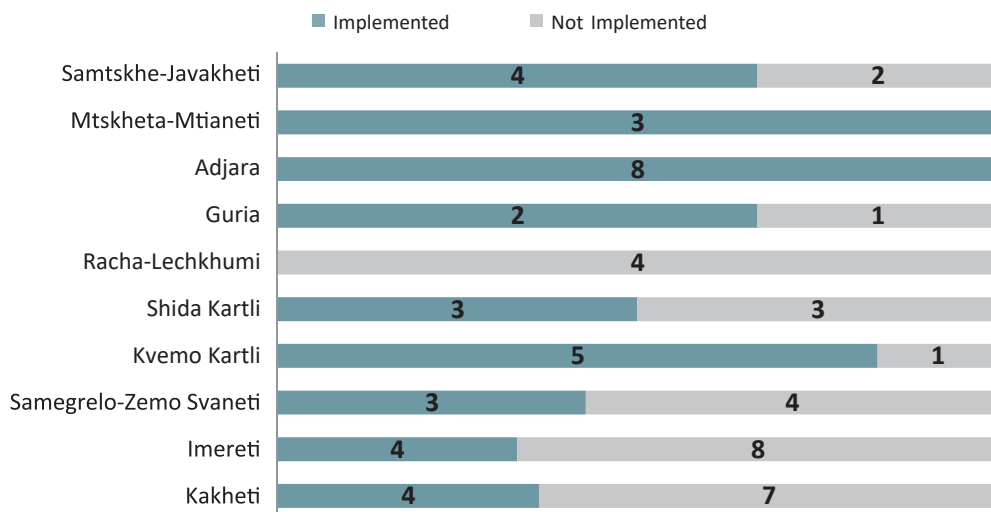
According to the 2015-2020 Strategy for the Agriculture Development of Georgia,¹⁰ empowerment of women participating in agriculture should be a major component of each direction of the strategy. In this regard, based on information received from the Ministry of Regional Development and Infrastructure, the number of municipalities where the women's empowerment programs have been implemented has increased. However, it is unfortunate that some municipalities do not consider it necessary to implement projects specifically aimed at the empowerment of women.¹¹

9 *Ibid.*

10 Information is available at: <<https://matsne.gov.ge/ka/document/view/2733545>> [last visited on 15 March 2017].

11 Letter #08/20 of the Kareli Municipality City Assembly dated 02/02/2017; Letter #19 of the Ambrolauri Municipal Government (Gamgeoba) dated 24/01/2017; Letter #02/639 of the Borjomi Municipal Government (Gamgeoba) dated 26/01/2017; Letter #37/473 of the Samtredia Municipal Government (Gamgeoba) dated 27/01/2017.

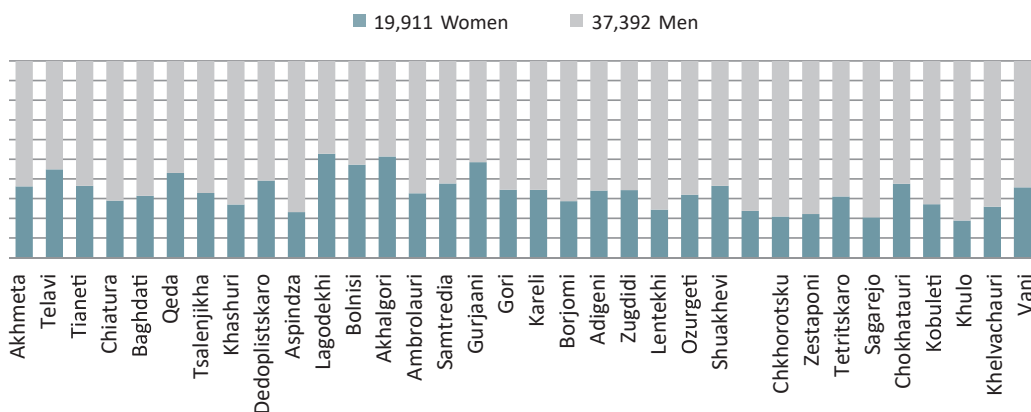
Table N3: Projects on the Empowerment of Women, Implemented in 2016



It is worth noting that the majority of projects on the empowerment of women at the municipal level include the creation of “Women’s Rooms” and the provision of services for women’s reproductive health. Taking into consideration the problems faced by women living in rural areas, it is important to promote the implementation of projects bettering the economic and political rights of women.

Women’s participation in the decision-making process at the local self-government level is still low. In 2016, the number of men participating in the village meetings and various gatherings was almost twice that of the number of female participants.

Table N4: Quantitative Indicators by Gender of Attendance at Village Meetings and Public Meetings, 2016

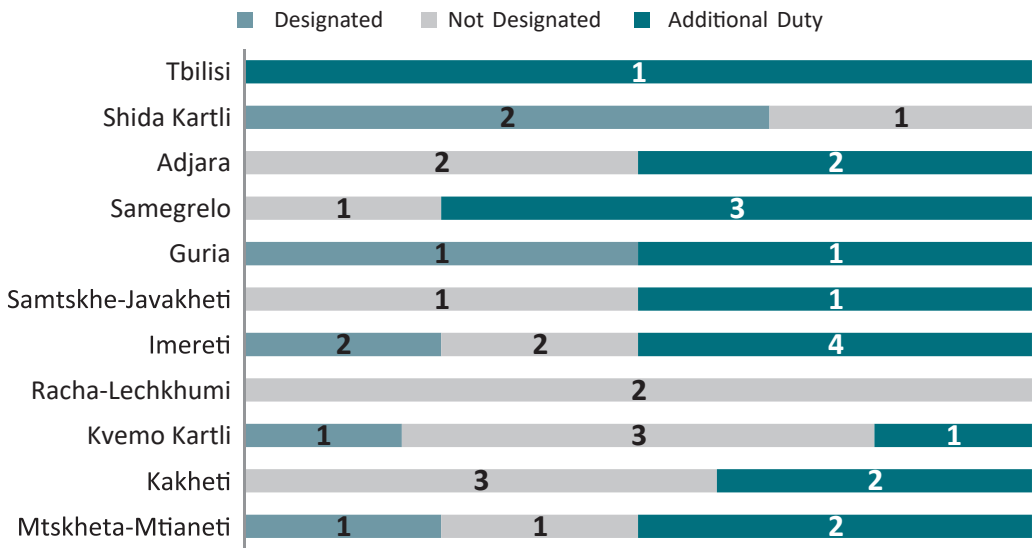


The lack of women’s participation in public spaces and meetings is due to a number of factors. Research and experience of the Public Defender’s Office reveals that in many cas-

es men resist their female family members’ involvement in such activities. Additionally, the individuals responsible for organizing meetings often do not inform women about upcoming meetings.

Analysis of the obtained information demonstrates that in the majority of governing institutions, work related to issues of gender equality and women’s rights is carried out by individuals as an additional duty. Moreover, in a number of municipalities, no person is designated responsible for these tasks. The Public Defender’s Office welcomes that, in comparison to previous years, the number of municipal governments (Gamgeoba) that have a gender advisor has increased. In particular: 20 municipal governments have a person specifically responsible for gender issues; in 11 municipal governments it is an additional duty; and in 25 municipal governments persons responsible for gender issues have not been designated. Data at the city assembly (Sakrebulo) level is as follows:

Table N5: Persons Responsible for Gender Issues at the City Assembly (Sakrebulo) Level, 2016



The information provided by local self-governing authorities clearly demonstrates that women’s participation in decision-making processes is minimal. It is also notable that not a single woman serves as mayor of a self-governing city, and only one woman is a Gamgebeli (City Counselor).¹²

Stereotypical attitudes about the gender roles of women were clearly revealed during a session of the Qedi Municipality City Assembly (Sakrebulo): female members of the Sakrebulo were asked to leave the meeting by the male members, who stated that it was a personal matter.¹³ Alarming is that the above incident took place in a local self-govern-

12 Information is available at: <<http://tianeti.org.ge/?m=3&sm=1>> [Last visited on 24 March 2017].
 13 Statement of the Public Defender dated 31 August 2016 regarding the sexist statements of members of the Qedi Municipality Sakrebulo, available at: <<http://www.ombudsman.ge/ge/news/saxalxo-damcveli-qedis-sakrebulo-sesqisistur-gamonatqvamebs-exmianeba.page>>[last visited on 15 March 2017].

ing body, the work of which should serve the purpose of improving living standards and protecting human rights on the municipal level. It is unacceptable that male MP's perceive the political forum to be a personal space where they can request women to leave the room during political debate.

WOMEN'S ECONOMIC ACTIVITY AND LABOR RIGHTS

The UN 2015 Agenda on further development¹⁴ clearly sets out that sustainable economic development and gender equality are two challenges that should be addressed by states with transitional economies, as the full and effective implementation of the rights of women and girls is a pre-condition for successful economic development.¹⁵ Both factors also intersect in the Georgian reality, where women's engagement in economic activities on an equal basis remains a challenge.

When discussing Georgia's economic condition, it is important to take gender aspects into consideration, as traditional economic instruments are unable to fully reflect women's economic conditions.¹⁶ Considering the fact that women in Georgia lack the unrestricted ability to participate in economic activities, it is important that the State put more effort into supporting women's equal participation—both through legislative guarantees and raising awareness about the role of women in the economy.

According to the Global Gender Gap Report, women's participation in the labor market lags behind that of men.¹⁷ Taking into account the above data, Georgia's position on the index worsened from 2015 to 2016 and it now stands in 90th place out of 144 countries. According to the same report, Georgia is 34th on the index for equal pay for equal work. The respective average incomes of the two sexes do not correspond: the average annual income of a man (12,551 USD) is twice that of a woman (6,072 USD). The index takes into consideration a number of social and cultural factors. However, the main reason for this disparity is a lack of legislative guarantees specifically directed at combatting gender-based mistreatment of employed women, such as prohibition of sexual harassment and regulation of the equal pay for equal work principle.

Still problematic is existence of the so-called “glass ceiling”, which refers to both visible and invisible barriers to women's career growth. Gender-based segregation of professions also belongs to the same category of problems. According to the Global Gender Gap Report, in 2016, 66% of legislators, high-ranking officials, and managers were male. According to the same data, the majority of women (62%) performed technical work.

14 Information is available at: <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2014/unwomen_surveyreport_advance_16oct.pdf?vs=2710> [last visited on 15 March 2017].

15 Information is available at: <http://www.oecd.org/dac/gender-development/Addis%20flyer%20-%20Gender%20Equality_FINAL.pdf> [last visited on 15 March 2017].

16 Information is available at: <<https://www.fraserinstitute.org/sites/default/files/economic-freedom-of-the-world-2016.pdf>> [last visited on 15 March 2017].

17 Information is available at: <<http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=GEO>> [last visited on 15 March 2017].

Unequal economic participation is also a result of the unequal distribution of care. In a number of cases, in addition to paid work, women perform unpaid work such as house-keeping and childcare. The Organization for Economic Cooperation and Development (OSCE) calls on states to measure and assign monetary value to women's unpaid work. Such measurement is an important instrument for women's empowerment by quantifying and recognizing their contribution to economic output.¹⁸ According to the data of the Global Gender Gap Report, the vast majority of individuals employed in the household sector are women (a ratio of 2.48:1). Based on the results of a 2014 study on agriculture and food safety, 93.8% of women living in rural areas are primarily occupied with house-keeping and childcare.¹⁹

The Public Defender welcomes the provision of free nursery services by the State. However, the lack of infrastructure supporting mothers of infants is still problematic and to a large extent limits women's participation in the public sphere.

To achieve equality in women's economic participation it is necessary to regulate leave for pregnancy, childbirth, and childcare. Despite numerous promises to the contrary, the regulation established by the Order of the Minister of Labor, Health and Social Affairs of Georgia that allows the State only to compensate women for family leave due to pregnancy, childbirth, and childcare, still has not been changed.

SINGLE MOTHERS AND MOTHERS WITH MULTIPLE CHILDREN

Still problematic is the legal status of single parents and families with multiple children. When combined with social and economic disadvantages, mainstream public opinion about single mothers increases their vulnerability. Moreover, effective steps have not been taken to support families with multiple children.

Despite almost two years having passed since the legal status of single parents was defined, no results have been achieved in terms of social support. The Public Defender has on numerous occasions responded to the need to grant status and change the cancellation rule, as the current wording (despite its name) excludes the possibility of legal existence of a single father. In addition, single parent status is only granted when there is no record of a mother/father in the child's birth certificate. Therefore, in all other cases the parent is excluded from eligibility to receive single parent status while caring for the child alone.²⁰

Also problematic is that entering into a registered marriage is grounds for cancelling single parent status, as the law does not regulate how such status can be regained or how responsibility for childcare (for instance, alimony) is distributed following the divorce of the parents. In addition, a single parent, even when married, is required to handle alone

18 Information is available at: <https://www.oecd.org/dev/development-gender/Unpaid_care_work.pdf> [last visited on 15 March 2017].

19 Information is available at: <<http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=GEO>> [last visited on 15 March 2017].

20 Information is available at: <<https://www.matsne.gov.ge/ka/document/view/2875417>> [last visited on 15 March 2017].

all legal relations that stem directly from the obligation to care. The Public Defender's Office welcomes that in regard to this issue, the Legal Committee of Parliament supports the solution suggested by the Public Defender. Accordingly, the Committee resolved to establish a working group to discuss legal problems stemming from the issue.²¹

According to information provided by the LEPL Public Service Development Agency, from 2015 to 14 March 2017, 1,417 applications to grant single parent status were fully satisfied and 24 were partially satisfied.²² Fourteen individuals lost single parent status due to marriage. Additionally, it is noteworthy that, according to the provided information, all single parents are women. No father has yet been granted single parent status.

According to information received from the Ministry of Justice, in 2016, 11,955 women became mothers of three or more children.²³ Nevertheless, the issue of mothers with multiple children is not addressed by legislation, as provisions for granting such status do not exist. Consequently, the State is prevented from keeping statistics on mothers with multiple children and from supporting such mothers by providing relevant social and economic services.

Based on the provided information, 4,379 single mothers were identified during assessment of the social and economic conditions of socially-vulnerable families.²⁴ The decrease in the number of single mothers and socially-vulnerable families (households)²⁵ with legal status clearly demonstrates that preconditions for granting single parent status do not reflect the actual number of single parents. The Public Defender finds it necessary to improve rules for granting single parent and multi-children parent statuses and for keeping relevant statistics, the analysis of which would give the State the possibility of preparing a gender-sensitive program for supporting children and parents.

RIGHTS OF FEMALE HUMAN RIGHTS DEFENDERS

The Declaration on Human Rights Defenders recognizes the special role of human rights defenders.²⁶ Female human rights defenders are designated as a special group,²⁷ and the UN Special Rapporteur welcomes in her report the activeness of women human rights

21 Letter of the Bureau of the Parliament of Georgia #2031/4-10, 17/02/2017.

22 According to the letter of the Public Service Development Agency of the Ministry of Justice (#01/69380, 15/03/2017), partial satisfaction of the application for single parent status comprises cases when an individual requests determination of the status toward several children, while the authorized unit determines this status toward some but not all requested children.

23 Letter of the Ministry of Justice of Georgia #08-3/1782, 07/02/2017.

24 Letter of the Ministry of Labor, Health and Social Affairs of Georgia #01/4055, 24/01/2017.

25 The number of single fathers in socially-vulnerable families is unknown, since the rule for determining single parent status and keeping records of relevant individuals does not contain a similar statement. Information is available at: <<https://matsne.gov.ge/ka/document/view/2667586>> [last visited on 26 March 2017].

26 Information is available at: <<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>> [last visited on 15 March 2017].

27 Information is available at: <http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/16/44> [last visited on 15 March 2017].

defenders and the empowerment of civil society. At the same time, however, she expresses concern about the fact that human rights defenders often become victims of physical, psychological, economic and social violence.²⁸

Instances of harassment and threats against female human rights defenders are not unknown in Georgia. The Gender Equality Department of the Public Defender's Office of Georgia reviewed several cases last year in which women human rights defenders were threatened because of their work. Study of these incidents demonstrates that representatives of law enforcement bodies face difficulties in properly evaluating threats and risks faced by female human rights defenders.

Although the Public Defender of Georgia, in his 2015 Parliamentary Report, called for policy documents to reflect the issues identified by the Resolution on Women Human Rights Defenders²⁹ and the need to instill proper attitudes in law enforcement representatives, implementation of the above issues remains to be fulfilled.

THE ROLE OF THE MEDIA IN ACHIEVING GENDER EQUALITY

The media can play a significant role in eliminating gender inequality and discrimination. Therefore it is necessary to provide members of the media with comprehensive information about gender equality and women's rights to enable them to report on these issues to the public.

The Public Defender's Office of Georgia pays great attention to the training of journalists and recognizes their role and importance in forming public opinion. To this end, in 2016, as part of the framework of the Human Rights Academy of the Public Defender, three training sessions were held on gender equality and women's issues with the participation of 50 journalists from national and regional media.

It is noteworthy that the Law of Georgia on Broadcasting obliges the Public Broadcaster to reflect in its programs the ethnic, cultural, linguistic, religious, age, and gender diversity that exists in society.³⁰ In addition, regarding the reflection of diversity, paragraph 7 of Chapter 15 of the Code of Conduct of the Public Broadcaster³¹ clearly states that when discussing women, sexist expressions, assessments, and comparisons should not be made.

28 Information is available at: <<https://phrgeorgia.wordpress.com/2017/03/06/phr-32/>> [last visited on 15 March 2017].

29 Information is available at: <http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181> [last visited on 25 March 2017].

30 Information is available at: <<https://matsne.gov.ge/ka/document/view/32866>> [last visited on 15 March 2017].

31 Information is available at: <<http://gpb.ge/files/documents/2006/04/b80766114bede8515fda6da-b805e19e5.pdf>> [last visited on 15 March 2017].

Nevertheless, in the reporting year, the Public Defender of Georgia issued a number of statements on sexist programs and commercials,³² including a commercial for the Public Broadcaster's program "Katsebis Dro" ("Men's Time"), which expressed sexist and discriminatory messages. The Public Defender deemed that the commercial promoted gender-oppressive practices and the reinforcement of gender stereotypes on the professional capabilities and development of women.

The role and importance of media is also reflected in the report of the Special Rapporteur on Violence against Women, its Causes and Consequences. In particular, the Special Rapporteur found that sexist statements and stereotypes regarding gender roles spread in the media can harm women's career opportunities, professional development, and participation in political and public life with equal rights.³³

According to the recommendation of the Committee of Ministers of the Council of Europe member states,³⁴ media sources should promote the development of internal codes of conduct and ethics and procedures for internal monitoring as well as standards to support gender equality in media coverage. These measures would create consistent media policies and working conditions to ensure equal access to, and representation in, media on the part of women and men, including in fields where women are currently not represented.³⁵

WOMEN, PEACE AND SECURITY

Implementation of the Agenda put forth by the UN Security Council Resolutions on Women, Peace and Security has major significance for Georgia. The legal status of women victims of conflict and women living in the occupied territories³⁶ remains a major challenge. In addition, women's participation in decision-making processes is lacking and rights violations, such as domestic violence and lack of access to services, are frequent.

In 2016, the Government of Georgia approved the National Action Plan (NAP) for the implementation of the UN Security Council Resolutions on Women, Peace and Security. The main directions of the NAP were based on existing experience and identified problems. The NAP covered five main directions: participation, prevention, protection, implementation, and monitoring.

32 General Proposal of the Public Defender of Georgia, dated 14 November 2016, on the sexist video of the TV station "Tabula."

33 Information is available at: <<http://www.ombudsman.ge/uploads/other/3/3867.pdf>> [last visited on 15 March 2017].

34 Recommendation adopted by the Committee of Ministers on 10 July 2013 at the 1,176th meeting of the Deputy Ministers; (CM/Reco, 2013).

35 Information is available at: <<http://www.mdfgeorgia.ge/uploads/library/9/file/GENDERMEDIATORI.pdf>> [last visited on 15 March 2017].

36 Information is available at: <<http://ombudsman.ge/ge/reports/specialuri-angarishebi/qalta-da-bavshvta-uflebebi-konfliqtebit-dazaralebul-regionebsi-2014-2016-wlebis-mimoxilva.page>> [last visited on 15 March 2017].

Participation includes promotion of women's participation in security and peacebuilding. Noteworthy is the practice of the Ministry of Defense of Georgia to give special attention to the implementation of gender mainstreaming in employment, training, and peacebuilding processes. Progress in terms of women's participation is evident. However, more effort is needed for proper raising of awareness and elimination of existing stereotypes.

The Public Defender's Office requested from the Ministry of Defense of Georgia statistical data on women's representation. In response, we were informed³⁷ that the number of employees in the armed forces and participants in the peacebuilding missions has a secrecy label "for restricted use." Consequently, the Public Defender's Office lacks the possibility of analyzing indicators of women's involvement in peacebuilding processes, including the number of women in managerial positions. Other than the armed forces and peacebuilding missions, statistics for women's participation in other structural units of the Ministry of Defense are as follows:³⁸

- The Ministry of Defense of Georgia has 455 employees, out of which 224 (49.2%) are women;
- Ninety-nine employees are serving in managerial positions, out of which 35 (35.3%) are women;
- 46% of the employees at the National Defense Academy are women;
- 35% of employees in managerial positions at the National Defense Academy are women; and
- 4% of those in the Cadets Battalion are women.

In addition to raising public awareness about issues related to security and civil defense, prevention includes the reduction of sexual- and gender-based violence and other risks to human security. A study conducted by the Public Defender's Office revealed that the responsible institutions have carried out informational-educational meetings³⁹ with members of the conflict-affected population regarding domestic violence and gender equality topics. However, considering the scale of the problem, these efforts must be strengthened. Moreover, the integration of civil defense issues into formal educational curricula remains a problem. As we were informed by the Ministry of Education and Science,⁴⁰ revision of the basic-level national curriculum is currently being conducted, and integration of the main principles of civil defense into the curriculum is still under development.

Protection includes access to justice for conflict-affected women and girls and ensuring they have access to psychosocial support services. In addition, it covers support for socio-economic empowerment and employment opportunities for conflict-affected women

37 Letter of the Ministry of Defense #MOD 5 17 00082922, 27/01/2017.

38 Letters of the Ministry of Defense #08-3/1491, 02/02/2017 and #08-3/587, 12/01/2017.

39 In 2016, eight meetings were held by the Ministry of Reconciliation and Civic Equality (two in Batumi, two in Niqozi, one in Zugdidi, one in Ganmukhuri, one in Khurcha, one in Imereti); The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees has held meetings with the internally-displaced population in Gori, Zugdidi, and Kutaisi.

40 Letter of the Ministry of Education and Science of Georgia #MES 417 00165867, 22/02/2017.

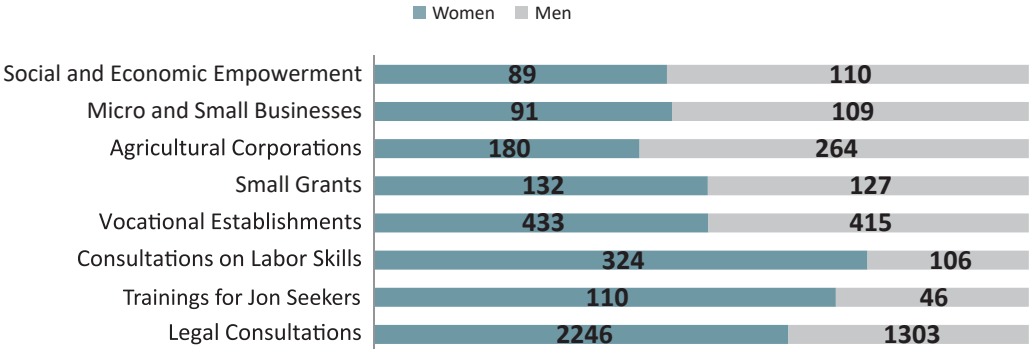
and girls. To this end, in 2016, the Legal Aid Service⁴¹ consulted 1,049 IDPs, including 579 women. At the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, 3,549 individuals were provided with legal consultations, out of which 2,246 (63%) were women. The Office of the Public Defender was informed by a letter of the Ministry of Education and Science of Georgia⁴² that in 2016, 11,374 students started educational programs, of which 849 students have IDP status, including 383 women and 466 men.

The institution responsible for providing psychosocial rehabilitation services is the Ministry of Labor, Health and Social Affairs of Georgia. The above issue has special importance for women and girls affected by conflict. According to the information provided by the Ministry,⁴³ it plans to conduct a needs assessment related to the development of psychosocial services. Based on the results, a concept for psychosocial rehabilitation services will be developed for internally displaced and conflict-affected women. It is noteworthy that the above obligation remained unfulfilled within the framework of the previous action plan.

The State Fund for the Protection and Assistance of Statutory Victims of Human Trade (Trafficking) is responsible for providing effective rehabilitation and assistance to victims of sexual violence, as well as for the development of the State services concept in compliance with international standards and best practices.⁴⁴ The State Fund has prepared guidelines that discuss, in detail, issues of sexual violence including the scale, aftermath and services necessary for assisting victims and addressing current challenges for the protection of victims of sexual violence.

The NAP imposes certain obligations on the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees. It is noteworthy that in 2016, the Ministry approved the gender equality strategy and the NAP⁴⁵ aimed at supporting the implementation of state policy on gender equality and integration.

Table N6: Projects Implemented by the Ministry of IDPs to Address Gender Issues, 2016



41 Letter of the Legal Aid Service #LA 017 00003369, 22/02/2017.

42 Letter of the Ministry of Education and Science #MES 4 17 00165267, 22/02/2017.

43 Letter of the Ministry of Labor, Health and Social Affairs #01/11677; 27/02/2017.

44 Letter of the Government Administration #5860, 23/02/2017.

45 Letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees #04/07/3588; 13/02/2017.

Table N6 clearly demonstrates that women's participation in educational activities is significant. As for the number of individuals enrolled in vocational establishments and complicit grants, women's and men's involvement is almost equal. Compared to men, relatively few women participate in agricultural corporations and social-economic empowerment programs. The same trend was observed in 2016 in projects financed by the State Minister's Office for Reconciliation and Civic Equality. There, out of 57 projects, only nine covered issues related to women's needs.⁴⁶

Taking into consideration the above-mentioned facts, the Public Defender of Georgia deems it important to take necessary steps for effective implementation of the NAP, as well as amend internal institutional documents to reflect the obligations set out by the NAP. In addition, it is necessary to plan and implement specific measures as, in past experience, implementation of the NAP tends to be expressed in non-specific, day-to-day activities.

REPRODUCTIVE AND SEXUAL HEALTH AND RIGHTS

Problems surrounding reproductive and sexual health and rights remain pressing in Georgia. Limited access to information and education, as well as financial, geographic, and cultural barriers, create obstacles for the effective realization of rights, especially for women living in rural areas.

In 2016, the Government of Georgia presented its report within the framework of the 31th session of the Universal Periodic Review. The report noted that caring for the health of mothers and children constitutes a priority issue for the Government.⁴⁷ A report was also submitted by a coalition of NGOs⁴⁸ which paid great attention to issues of protecting sexual and reproductive health and rights. At this stage, significant attention should be devoted to implementing the recommendations adopted in the framework of the Universal Periodic Review in the NAPs and other policy documents.

First and foremost, it is important to raise youth awareness about reproductive health, so that youth have sufficient information about family planning, modern methods of contraception, and the risks associated with early marriage. Unfortunately, education about the above issues is not part of the formal education curricula and informational activities tend not to be implemented on the general educational level.

Integration of reproductive health education into formal education curricula is also mentioned by Dubravka Šimonović, the UN Special Rapporteur on Violence against Women, its Causes and Consequences. She notes in her report on Georgia that the Government

46 Letter of the Government Administration #5860; 23/02/2017.

47 Information is available at: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/169/51/PDF/G1516951.pdf?OpenElement>> [last visited on 15 March 2017].

48 The following NGOs are in the coalition: Tandgoma, Hera XXI, Identoba, and the Human Rights Education and Monitoring Center (EMC).

should ensure the inclusion of education on violence against women and age-relevant sexual and reproductive health and rights issues in education curricula on every level.⁴⁹

MATERNAL AND CHILD MORTALITY

Based on the Declaration on Human Rights, the primary right of mothers and children is that of universal access to high-standard medical services regardless of race, socio-economic status, cultural and religious identity.⁵⁰ Decreasing the mortality rates of mothers and children, along with controlling infectious diseases, constitutes one of the key priorities of the UN Sustainable Development program.

Based on UNDP data, worldwide, six million children under the age of five die annually. Hundreds of women die daily due to complications from pregnancy or childbirth. In the cases of women living in rural areas, only 56% of births are handled by professional doctors.⁵¹

Each year, approximately 16 million girls give birth between the ages of 15 and 19, and one million give birth before the age of 15.⁵² According to the data from the Institute for Health Metrics and Evaluation, the majority of maternal mortality cases occur during or shortly after childbirth.⁵³ In the current situation, it is important to prioritize access to high-standard medical services.

As noted in the National Center for Disease Control and Public Health document Maternal Mortality Trends in Georgia, the country has taken important steps toward protecting the health of mothers. However, the maternal mortality rate remains unacceptably high.⁵⁴

CHALLENGES RELATED TO FAMILY PLANNING AND ABORTION

According to World Health Organization data, the worldwide use of modern contraceptive methods has increased slightly, from 54% in 1990 to 57.4% in 2015.⁵⁵

Obviously, in countries where awareness about reproductive health and rights is lacking, rates of unplanned pregnancy tend to be higher. Currently, women in Georgia lack access

49 Information is available at: <<http://www.ombudsman.ge/uploads/other/3/3867.pdf>> [last visited on 15 March 2017].

50 Information is available at: <http://www.euro.who.int/__data/assets/pdf_file/0012/98796/E90771.pdf> [last visited on 15 March 2017].

51 Information is available at: <<http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-3-good-health-and-well-being.html>> [last visited on 15 March 2017].

52 Information is available at: <<http://www.who.int/mediacentre/factsheets/fs364/en/>> [last visited on 15 March 2017].

53 Information is available at: <<http://www.healthdata.org/maternal-health>> [last visited on 15 March 2017].

54 National Center for Disease Control and Public Health, Mother Mortality Trends in Georgia.

55 Information is available at: <<http://www.who.int/mediacentre/factsheets/fs351/en/>> [last visited on 15 March 2017].

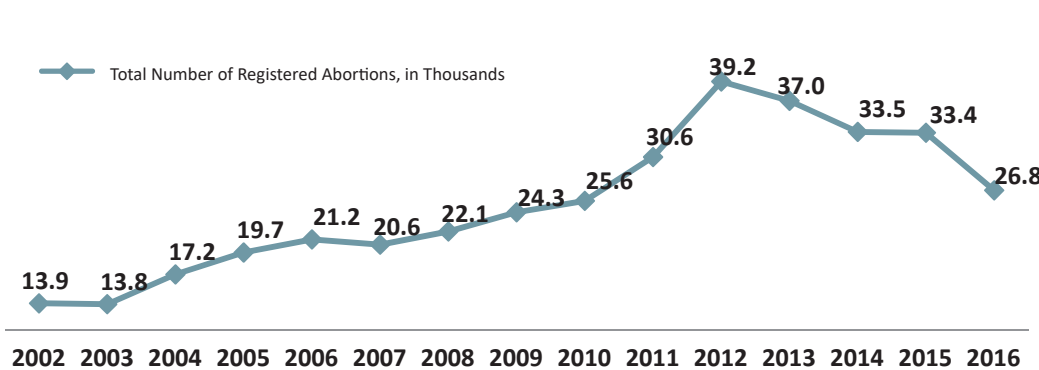
to modern methods of family planning and contraception, as well as various other reproductive health services. Additionally, public awareness about reproductive health issues is limited.

The State Policy, implemented by Georgia’s Health Care System⁵⁶ in 2010, includes an information campaign about modern methods of family planning and available contraception. However, due to the fact that the data has not been updated and a modern study has not been conducted, the current situation cannot be accurately assessed. According to available research, up to 53% of the Georgian population use modern contraception methods, and roughly 33% use traditional methods which tend to be ineffective and often end in abortion. Information about modern contraception methods is incomplete and often misleading, especially about how each method is used.⁵⁷

According to World Health Organization data, globally, approximately 22 million abortions are recorded annually. The majority of those take place in low-income and developing countries.⁵⁸

According to the information provided by the Ministry of Labor, Health and Social Affairs of Georgia, in 2016, 26,838 abortions were conducted in Georgia.⁵⁹ That number decreased in comparison to previous years, a fact which may indicate increased use of modern methods of contraception.

Table N7: Number of Registered Abortions



Also worth noting are abortion statistics broken down by age. In 2015, the majority of registered abortions were performed on women ages 25 to 29 (7,801). The number of abortions performed on girls under the age of 15 increased compared to the previous year.

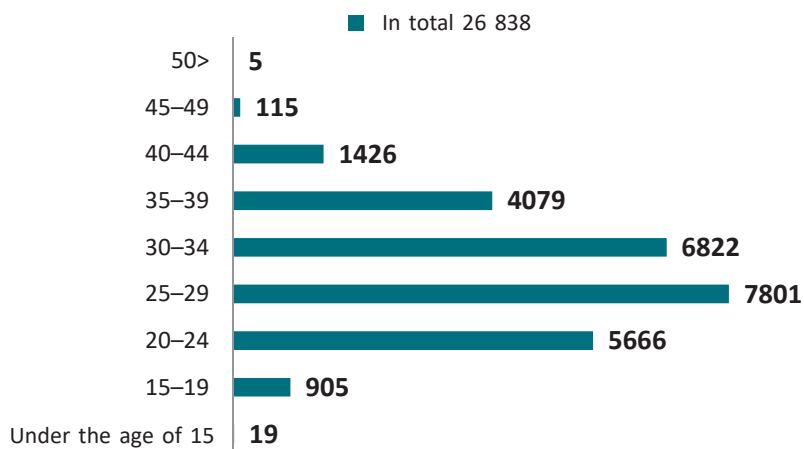
56 National Center for Disease Control and Public Health, Mother Mortality Trends in Georgia. Information is available at: <<https://matsne.gov.ge/ka/document/view/2657250>> [last visited on 15 March 2017].

57 Women’s Reproductive Health Study in Georgia, 2010.

58 Information is available at: < <http://www.who.int/mediacentre/factsheets/fs388/en/> > [last visited on 15 March 2017].

59 Letter of the Ministry of Labor, Health and Social Affairs of Georgia #01/3869; 24/01/2017.

Table N8: Number of Abortions by Age of Mother, 2016



Sex-selective abortion remains a significant issue in Georgia. It is a factor that drives gender inequality and results in a reduced number of girls born annually. According to the Global Gender Gap Report from 2016, Georgia, by sex correlation rate at the time of birth, ranks 137th out of 144 countries and the situation remains essentially unchanged since 2015.⁶⁰ The UN Special Rapporteur on Violence Against Women, its Causes and Consequences calls on the Government to take measures to prevent sex-selective abortions and to ensure the regular publishing of birth registration data by sex and by region in order to raise public awareness about the negative long-term effects of the practice.⁶¹

HUMAN TRAFFICKING

Human trafficking is a modern form of slavery and a gross violation of human rights. Women and children often become victims of human trafficking for both labor and sexual exploitation. According to a joint 2016 by the European Parliament and Council of Europe, 95% of victims of sexual exploitation worldwide are women.⁶² Trafficking offenders primarily take advantage of the vulnerability of victims. In the majority of cases, vulnerability stems from factors such as poverty, discrimination, gender inequality, violence against women, and lack of access to education.

The Public Defender's Office welcomes that, in the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia, a unit has been created to fight trafficking and

60 Information is available at: < <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=GEO> > [last visited on 15 March 2017].

61 Information is available at: < <http://www.ombudsman.ge/uploads/other/3/3867.pdf> > [last visited on 15 March 2017].

62 European Parliament of Council of Europe Report on the Progress of Fight Against Human Trade (Trafficking), 2016.

illegal migration by directly investigating trafficking cases. However, initial identification of possible trafficking cases by regional bodies of the Ministry of Internal Affairs of Georgia remains a problem.

In 2016, investigations were carried out on 20 alleged cases of trafficking: 15 cases of sexual exploitation, four cases of forced labor, and one case involving both forced labor and sexual exploitation. In 2016, two women were granted the status of victim and another was granted victim status based on the fact that sexual exploitation was committed against her. In 2016, indicators of individuals using related services are as follows:

Table N1: Data on Services for Victims of Human Trafficking	Individuals
Using a shelter based on the status of a standing group	1
Using a shelter based on victim status	3
Number of individuals using hotline consultations	123
Number of individuals who received compensation	2

THE CASE OF M.P.

The Gender Equality Department of the Public Defender’s Office of Georgia was informed that an alleged victim of trafficking, M.P., was living with a family with which she had no family ties. According to the information provided, the family allegedly was exploiting her grave socio-economic situation. Allegedly, M.P. was forced to have sexual intercourse with the men living in the household.

Unfortunately, the regional bodies of the Ministry of Internal Affairs and the LEPL Social Service Agency studied the situation incompletely and have not taken measures to identify the alleged offender. Information about the alleged acts of violence and exploitation were left to the attention of central governmental institutions. An investigation into the above case was launched only on the recommendation of the Public Defender of Georgia. It is still ongoing.

RESULTS OF MONITORING OF SHELTERS

In 2016, the Gender Equality Department of the Public Defender’s Office conducted monitoring of the shelters for victims of human trade (trafficking). No trafficking victims were present at the shelters during the monitoring, therefore, the results were based on information provided by shelter administration and on visual examination of the shelter’s physical environment.

The monitoring results demonstrate that the overall existing situation in the shelters is favorable. However, a number of problematic issues were revealed, the resolution of which will significantly improve the quality of shelter services. It should be noted that the issue

of receiving beneficiaries with infectious diseases has been resolved at the shelter in Tbilisi. However, no such resolution exists at the Batumi shelter.

The monitoring also uncovered problems in monitoring the health conditions of beneficiaries. Based on the information obtained, medical examinations of each beneficiary are conducted when they are accepted to the shelter. This examination is based on an interview with the beneficiary. These examinations are based on an interview with the beneficiary. Given the fact that a person may not be aware they have an infectious disease, it is important for the protection of the interests of other beneficiaries to conduct necessary medical examinations while accepting beneficiaries to the shelters. The Tbilisi shelter faced problems when it was revealed, seven months after placement in the shelter, that one of the beneficiaries had tuberculosis in an active, contagious form.

The monitoring revealed that persons with disabilities still face problems accessing shelters. The shelter yards are ill-equipped for accommodating persons with disabilities. Additionally, the Batumi shelter cannot satisfy safety standards due to its location. Rehabilitation and educational services for beneficiaries also need improvement in order to give victims the possibility of better re-integration into society.

VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN GEORGIA

Violence against women and domestic violence remain grave problems in Georgia. Given the increased rate of case identification, more importance should be placed on state efforts to ensure victims have access to effective services and are protected from repeat acts of violence. In addition, it is important that state measures are planned, coordinated, and consistent in order to achieve tangible results.⁶³

Unfortunately, Georgia remains a society where gender stereotypes are deeply rooted. That fact heightens the risk and scale of violence against women and domestic violence.

The cases studied and analyzed by the Public Defender's Office reveal that domestic violence has a particularly grave impact on women with little or no income, juveniles, ethnically non-Georgian women, and women with disabilities. One reason for their increased vulnerability is that it is particularly difficult for law enforcement authorities and the Social Service Agency to detect violence in such cases and respond accordingly.

It should also be noted that problems with involving social workers in the process of studying domestic violence cases are still acute. Given the lack of social workers and their overloaded working conditions, proper responses to cases of domestic violence and provision of effective social services are difficult to achieve.

Despite numerous recommendations by the Public Defender of Georgia, the State still does not keep joint statistics and analysis on violence against women and domestic violence. Such statistics would give the State the possibility of providing needs-based re-

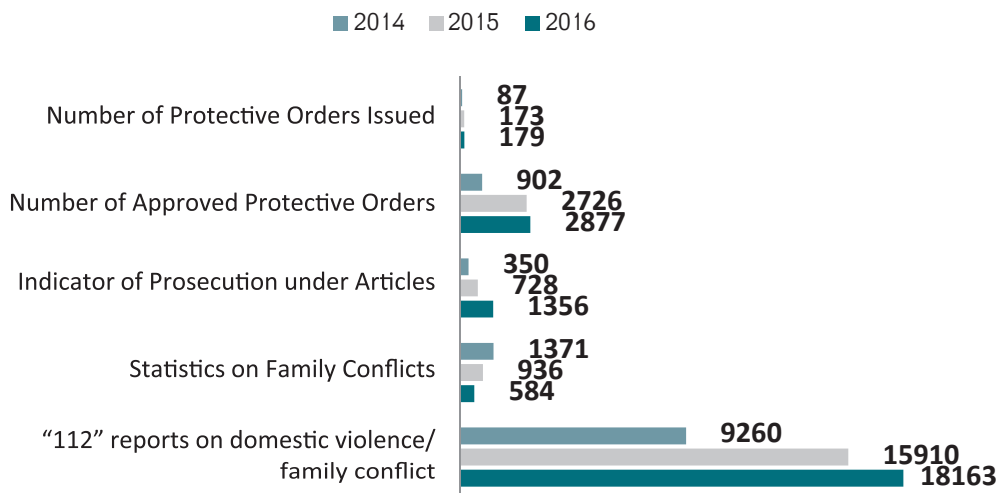
63 Information is available at: <<https://www.un.org/ruleoflaw/blog/document/not-a-minute-more-ending-violence-against-women/>> [last visited on 15 March 2017].

sponses. Additionally, it would significantly support the work of organizations devoted to the issues discussed above and the work of service provider organizations in taking evidence-based measures.

It is noteworthy that, unlike in 2015, during preparation of this report the Public Defender’s Office was not immediately provided with the requested information. It was noted during correspondence with the Ministry of Internal Affairs of Georgia that the relevant authorities were tasked with processing and analyzing the requested statistical data, which was time-consuming. The related delay highlights the fact that the keeping of statistics does not constitute part of the regular working process and attention is not paid to statistical trends during day-to-day activities.

Statistical data on the issues of domestic violence are as follows:

Table N9: Cases of Domestic Violence



A noted trend is the refusal of victims to continue legal proceedings after reporting incidents of violence perpetrated by their intimate partners. According to the applications submitted to the Public Defender’s Office, the reasons for that are numerous: lack of trust in law enforcement authorities; fear of intensified violence; uncertainty in the effectiveness of existing mechanisms; lack of economic independence and future perspectives; and problems related to the housing, among others. As a result, the above described trend reinforces the prevalence of unidentified and unrecorded cases of violence, which are thus left outside the State’s capacity to respond.

Different countries rely on different strategies to overcome the problem of domestic violence. For instance, in Germany,⁶⁴ a special group was established under the main law enforcement body to record and document all details from cases of domestic violence. The victim, after being properly empowered, submits the evidence to the relevant body.

64 Information is available at: <<https://www.bmfsfj.de/blob/93938/7da570051cb2af391592774ca0dedcbe/gemeinsam-gegen-hauesliche-gewalt-englisch-wibig-data.pdf>> [last visited on 15 March 2017].

As a result of that and similar practices, it is possible to prevent incidents of violence from escaping the State's attention in Germany.

While applying to the Public Defender of Georgia, victims of domestic violence often reference stereotypical attitudes on the part of law enforcement. According to the same information, law enforcement officials often express solidarity with offenders and make victims feel uncomfortable for having filed a complaint against a family member. Thus, some victims lose the desire to submit complaints to the police unit and instead seek alternative ways to protect themselves. The above facts indicate the need for greater awareness raising among law enforcement personnel and for the use of gender sensitive measures when responding to domestic violence cases.

It should be noted that detecting violence against people with disabilities poses a challenge for law enforcement authorities, especially in cases concerning mental health. The problem was revealed in a case studied by the Public Defender. In that case, the police interviewed the abuser, who indicated the victim's mental health problem and denied having committed acts of violence. The question of the abuser's responsibility was raised only after the Public Defender issued a proposal requesting the Chief Prosecutor's Office launch an investigation.

It is noteworthy that the output of the working group devoted to the legal status for domestic violence victims has been positively reflected in the increased identification of domestic violence cases and in victims having greater access to available services. In a number of cases, victims of domestic violence are reluctant to contact law enforcement authorities for a number of reasons, but having legal status increases their access to shelter, legal aid, and medical services.

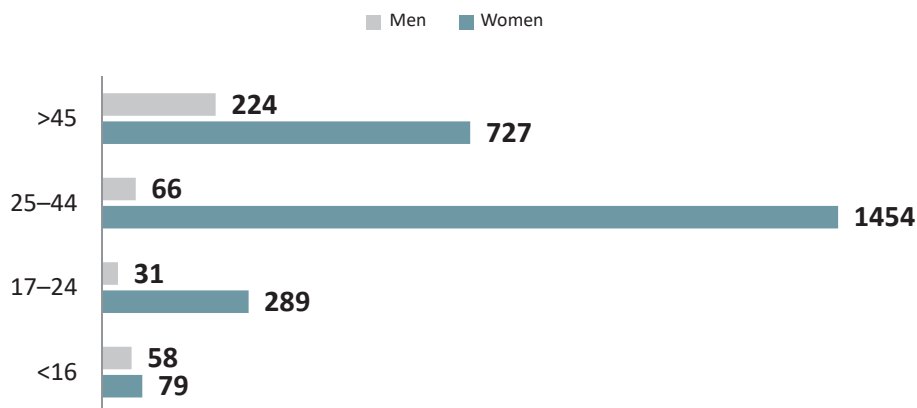
In 2016, the working group devoted to domestic violence victim status studied 38 cases, and victim status was granted to 32 individuals. Five applicants were refused and one case was not considered because it did not satisfy the basic criteria for consideration.

ASSESSMENT OF MECHANISMS FOR THE PREVENTION OF DOMESTIC VIOLENCE

According to Ministry of Internal Affairs data on restraining orders issued in 2016, cases of violence affected 3,012 families and 5,667 people in total. Of those cases, 2,877 restraining orders were approved. According to data on abusers and victims, 92% of the abusers were men and 87% of the victims were women.

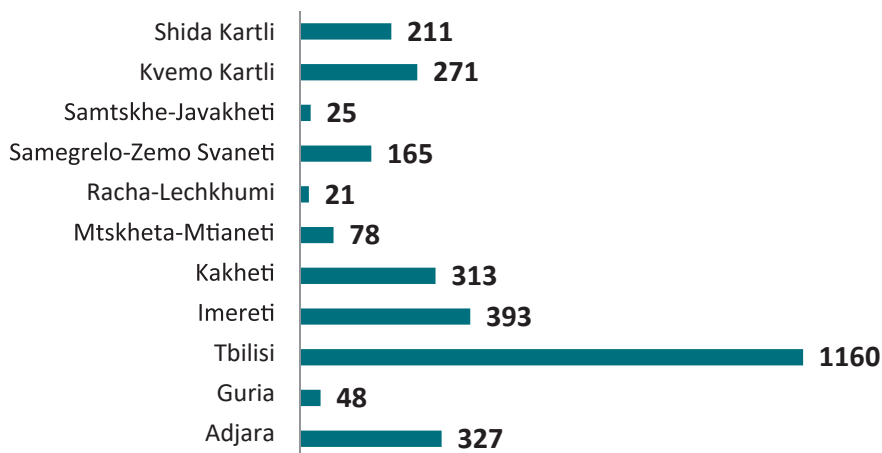
By age group, the most at-risk group was women between the ages of 25 and 44 (57% of total cases with female victims) and men over the age of 45 (59% of total cases with male victims). According to the number of issued restraining orders, the number of victims under the age of 24 remains low.

Table N10: Age Distribution of Victims (Based on Restraining Orders)



Another problem is the low rate of referral of domestic violence cases in Georgia's regions. The statistic is especially low in the Racha-Lechkhumi, Samtskhe-Javakheti, Guria, and Mtskheta-Mtianeti regions. Due to chronically-low referral rates in the above regions over several years, it is necessary to study the reasons behind the data and to develop special measures for raising awareness.

Table N11: Issued Restraining Orders by Region



As for responding to cases of domestic violence similarly to criminal offenses, according to the Prosecutor's Office, in 2016, criminal proceedings were launched against 1,356 individuals under Articles 11¹ - 126¹ of the Criminal Code of Georgia. The Public Defender's Office welcomes that, in comparison to past years, the rate of response to instances of domestic violence nearly doubled,⁶⁵ indicating that discussions about domestic violence are gradually shifting from the private to the public sphere.

⁶⁵ In 2015, criminal prosecution proceedings were initiated against 728 individuals under Articles 11¹ and 126¹ of the Criminal Code of Georgia; Information is available at: < <http://www.ombudsman.ge/uploads/other/3/3891.pdf> > [last visited on 15 March 2017].

The Ministry of Internal Affairs and the Analytical Department of the Supreme Court do not classify restraining and protective orders stemming from domestic violence and violence against women by different forms of violence.⁶⁶ Therefore, the Public Defender deems that law enforcement authorities lack the ability to analyze prevalent forms of violence and to plan and implement relevant protective measures. Moreover, the Public Defender's Office is deprived of the opportunity to assess the effectiveness of measures taken in response to incidents of violence against women.

It is noteworthy that a court decision to reject a restraining order request does not indicate whether the court, when considering the domestic violence incident, discussed abuse interests of a juvenile, despite the fact that the risk is high in all similar cases. In addition, it is not indicated whether a social worker was brought in to study the conditions facing the juvenile.

POSSIBLE IMPACT OF WOMEN'S ECONOMIC INDEPENDENCE ON DOMESTIC VIOLENCE

In 2016, the Public Defender considered roughly 20 cases of domestic violence in which the applicants directly referred to lack of economic independence as a main factor keeping them in situations where they endure repeated acts of violence.

The problem was also emphasized by data published in the Global Gender Gap Report, which covered women's access to property in Georgia. According to the study, women are two times less likely than men to inherit property. Additionally, women are two times less likely than men to use, own, or dispose of movable property or real estate.

According to analysis of the State Policy on Homelessness,⁶⁷ gender inequality in familial relations is mostly reflected in women's housing conditions. This is related to unequal access to familial property, domestic violence against women, and unequal distribution of domestic labor between men and women.

The cases studied by the Gender Equality Department of the Public Defender's Office confirm that, in a number of cases, women endure violence from their spouses because of a lack of financial resources or a lack of support from immediate family members. In this regard, temporary shelters do not provide a long-term solution to victims of violence, meaning that lack of access to housing and independent financial resources remain permanent problems for victims. Analysis of cases revealed that, in many instances, women are forced to sell or relinquish ownership of property in favor of male family members due to violence or threats of violence.

In such cases, law enforcement authorities face difficulties in identifying cases of economic violence and considering the importance of gender in such cases. The identification of

66 Letter of the Supreme Court of Georgia #3-46-17; 08/02/2017 and letter of the Ministry of Internal Affairs of Georgia # MIA 7 1700314132; 08/02/2017.

67 Information is available at: <<https://www.scribd.com/document/329069739/კვლევა-უსახლკარობა>> [Last visited on 15 March 2017].

victims and abusers becomes immensely complicated in cases involving economic violence against women with disabilities. In such cases, social workers face difficulty providing adequate services and assistance to women with disabilities.

CASE OF T.K.

The Public Defender’s Office was made aware of a case of domestic violence against T.K. According to the information provided, T.K. was systematically subjected to physical and psychological abuse by her spouse. Due to the abuse, T.K., together with her four children, left her husband’s house and moved in with her parents. Unfortunately, instead of supporting her, her parents sheltered her abusive husband when he came to reconcile with T.K. Due to that, T.K. and her children were forced to leave her parents’ house and seek shelter in a dormitory that did not have adequate living conditions for her and her children.

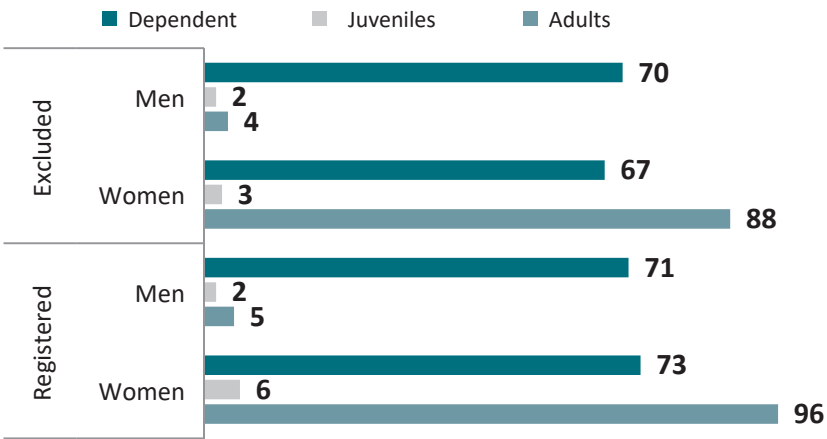
CASE OF N.I.

According to information provided to the Public Defender’s Office, N.I. was the victim of systematic domestic violence. In particular, her brother subjected her and other family members to psychological abuse. Her brother requested that property be transferred to him, and that family members take out a loan and transfer the money to him. Both the LEPL Social Service Agency and the Ministry of Internal Affairs of Georgia were informed about the abuse occurring in N.I.’s household. The Ministry of Internal Affairs of Georgia issued several restraining orders; however, that has failed to prevent further abuse.

ASSESSMENT OF SERVICES PROVIDED TO VICTIMS OF DOMESTIC VIOLENCE

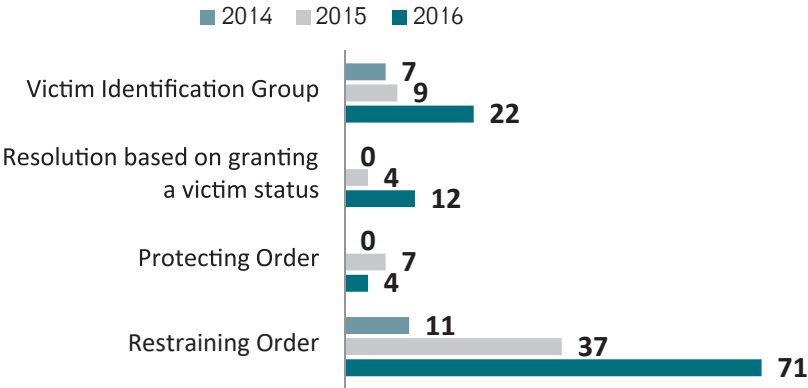
In 2016, five state shelters were functioning in Georgia to serve victims of violence. Ninety-one women and five men benefited from their services.

Table N12: Issued Restraining Orders by Region



The most common legal grounds for admission to a shelter is placement based on a restraining order or domestic violence victim status. The utilization rate of restraining orders remains low.

Table N13: Legal Basis for Admittance to Shelters



In 2016, the Gender Equality Department of the Public Defender’s Office of Georgia, with support from UN Women, conducted monitoring of shelters for victims of domestic violence and trafficking. The monitoring aimed to assess existing conditions in the shelters.

The monitoring results demonstrate that beneficiaries tend to feel safe and to positively assess the performance of personnel working at the shelter. However, it was revealed that proper realization of the beneficiaries’ capacities, empowerment, and psychosocial rehabilitation were not taking place in the shelters. Thus, after leaving the shelters, beneficiaries face difficulties establishing independence and, accordingly, are often forced to return to abusive environments for economic support.

The existing infrastructure and diversity of services offered at shelters are still lacking. It is important for shelters to pay more attention to beneficiaries’ health. Moreover, it is necessary to conduct regular, scheduled medical examinations of the beneficiaries and to subject them to tests upon admission to the shelter in order to reduce the spread of infectious diseases. In addition, it is necessary to improve procurement practices. Accordingly, internal regulations and supervision practices must be improved.

It should also be noted that nearly all shelters currently operating in Georgia are located in cities, which limits accessibility to women living in rural areas. That problem is emphasized by Dubravka Šimonović, Special Rapporteur on Violence Against Women, its Causes and Consequences, in her 2016 report,⁶⁸ Violence against Women, its Causes and Consequences.

68 Information is available at: < <http://www.ombudsman.ge/uploads/other/3/3867.pdf> > [last visited on 15 March 2017].

FEMICIDE AND SUICIDE

Despite numerous recommendations by the Public Defender of Georgia, analysis of cases of gender-motivated killings of women and incitement to suicide—including the collection and maintenance of accurate statistics—has still not been carried out.

The respective datasets provided to the Public Defender of Georgia by the Ministry of Internal Affairs and the Chief Prosecutor's Office are incomplete and, in a number of cases, contradictory.⁶⁹ According to the Ministry of Internal Affairs data,⁷⁰ in 2016, 21 murders were committed as a result of domestic violence. However, the total number of women killed is not clear from the data. The Chief Prosecutor's Office also provided incomplete information⁷¹ due to the fact that the Analytical Department of the Chief Prosecutor's Office was unable to process and analyze the data during the requested time period. The Public Defender's Office requested statistical data from 2016 during the period of February-March 2017.

Due to the above, the Public Defender lacks the ability to provide detailed analysis and assessment related to femicide in Georgia. It is noteworthy that the Public Defender's call to record cases of femicide and the request of the Special Rapporteur on Violence Against Women, its Causes and Consequences to create an effective system of analysis have not been satisfied.

The cases of murder and attempted murder of women reviewed by the Public Defender demonstrate that violence between partners or former partners constitutes the bulk of femicide cases. In addition, significant attention should be paid to cases of suicide when systematic domestic violence is involved. It is necessary that law enforcement authorities investigate all cases of incitement to suicide and uncover the motive of violence in each case.

From 2014 to the present, the Public Defender has been reviewing the cases of alleged incitement to suicide of Kh.J. and M.D. The investigation into the alleged incitement to suicide of Kh.J. has been ongoing for roughly three years. However, criminal prosecution has yet to be launched against any individual connected to the case. A similar situation exists with regard to the case of alleged incitement to suicide of M.D. No concrete results have been achieved during three years of investigation. Unfortunately, the protracted nature of the investigations clearly indicates the ineffectiveness of law enforcement authorities in investigating cases of alleged incitement of women to suicide.

The Public Defender blames the high number of femicides on the lack of monitoring and risk assessment systems for cases of violence against women and domestic violence. In 2016, the Gender Equality Department of the Public Defender's Office reviewed cases of murder, attempted murder, and damage to women's health resulting from domestic violence, and in which the Ministry of Internal Affairs was informed of ongoing domestic violence prior to the crimes being committed.

69 According to the information of the Ministry of Internal Affairs of Georgia, criminal proceedings were launched in 18 cases. Criminal proceedings were launched in 16 cases further to data provided by the Chief Prosecutor's Office of Georgia.

70 Information is available at: <<http://police.ge>> [last visited on 15 March 2017].

71 Letter of the Chief Prosecutor's Office of Georgia #13/16346, 13/03/2017.

The reviewed cases demonstrate the difficulty of law enforcement authorities in identifying gender-based violence and, in particular, in detecting instances of psychological abuse and threat. The authorities tend to focus only on visible signs of physical damage and respond only after the abuser has already killed or physically abused the victim. One particularly disturbing finding was an incident in which a woman was murdered just hours after police were informed about her being subjected to ongoing domestic violence. Despite that, the crime was not prevented.

According to the information requested from the Ministry of Internal Affairs, in a number of cases, the failure by law enforcement to respond stemmed from the fact that victims retracted their criminal reports. In these cases, law enforcement was not interested in why victims retracted their reports; for example, if they did it upon threat from the abuser. Special attention should be paid to cases in which victims report to law enforcement agencies several times and in which responses have been made. In situations when a victim informs the authorities about abuse and later cancels the report, the law enforcement agency does not study the case further. The above factor shows that each abuse report is treated as a separate case by law enforcement. Accordingly, the systematic and chronic nature of domestic violence is not taken into consideration.

It is important to note the role of district inspectors in domestic violence prevention, as inspectors are responsible for periodically monitoring affected families. The Public Defender's review revealed that, in many cases, district inspectors fail to observe that duty.

The above-mentioned problems were revealed in several cases reviewed by the Public Defender during his own initiative based on Article 12 of the Organic Law of Georgia on the Public Defender of Georgia.

CASE OF K.I.

On 13 July 2016, an investigation into K.I.'s murder was launched by the first department of detectives division of the Tbilisi Police Department of the Ministry of Internal Affairs of Georgia. The investigation was launched under Articles 11¹-108 of the Criminal Code of Georgia. K.I.'s spouse was detained as a suspect.⁷²

Shortly before the murder (at 18:59), a notice was received at the LEPL 112 of the Ministry of Internal Affairs: the caller (the grandmother of the deceased) reported physical abuse against her grandchild and asked for help. Later that day (at 23:33) the authorities received a call from K.I.'s spouse, who admitting to murdering K.I. and expressed a desire to surrender to the police.

72 Letter of the Administration of the Ministry of Internal Affairs of Georgia #2072147; 18/08/2016.

CASE OF M.PH.

On 31 March 2016, an investigation was launched into the case of M.Ph.'s murder by the Urekhi Police Department of Khelvachauri Regional Division of the Ajara Autonomous Republic of Georgia's Ministry of Internal Affairs. The victim's ex-spouse was charged under Articles 11¹, 19-108 of the Criminal Code of Georgia.⁷³

Seven notifications were recorded by the law enforcement agency prior to the crime. According to the information provided, because none of the notifications included references to criminal offenses, no response was made by law enforcement authorities.⁷⁴

The Public Defender's review also revealed shortcomings in coordination between the LEPL Social Service Agency and the Ministry of Internal Affairs of Georgia. In a number of cases, both institutions considered cases of abuse; however, the responses and results differed. Despite the fact that the Social Service Agency managed to identify cases of abuse, the police chose not to share the information they had obtained about those cases with the Social Service Agency.

It is important to note that diversion mechanisms often fail to protect victims. In many cases, victims of violence have to leave their homes and move into shelters. Generally, abusers are diverted by employees of the relevant unit of the Ministry of Internal Affairs, in order to immediately defuse the threat of further abuse. However, such mechanisms fail to prevent repeated violence in the long-term.

Currently, the Ministry of Internal Affairs does not keep statistics on the number of diversions conducted in cases involving domestic violence. While obtaining data on domestic violence, it is important that the Ministry of Internal Affairs obtain and record information on whether a given victim and abuser lived together when the incidents of violence occurred and whether diversion of the abuser took place. This would enable the institution to properly plan monitoring measures.

FEMALE GENITAL MUTILATION

Female genital mutilation constitutes an extreme human rights violation that violates women's health, safety, physical integrity, prohibition of torture, and implementation of other rights.

In 2016, incidents of female genital mutilation were revealed in one region of Georgia. There, the practice of female genital mutilation was established as part of a "baptism" ritual involving cutting off a small part of the clitoris. The ritual is performed under home conditions.

The information obtained by the Public Defender of Georgia reveals that the local population is not aware of the complexity, risks, and complications inherent to female genital

73 Letter of the Khelvachauri Regional Division of the Ajara Autonomous Republic of Georgia's Ministry of Internal Affairs #MIA 5 16 00959424; 18/04/2016.

74 Letter of the Administration of the Ministry of Internal Affairs of Georgia #1859144; 26/07/2016.

mutilation. In addition, the purpose of the practice is not uniformly understood. Many members of the population relate it to tradition and/or religious custom.

In order to analyze the significance and scale of the problem, the Public Defender of Georgia requested information from relevant institutions on work conducted regarding female genital mutilation. According to the responses received from the Ministry of Internal Affairs and the Chief Prosecutor's Office,⁷⁵ steps taken to prevent female genital mutilation mainly include studying the facts and conducting public meetings aimed at raising the population's awareness of the practice's illegality.

According to the information provided by the Ministry of Labor, Health and Social Affairs of Georgia,⁷⁶ the Ministry organized two inter-agency meetings, after which it printed an informational leaflet called "Dangerous and Hazardous to Health Practices." In addition, based on the information provided by the Ministry, it took into consideration resistance of a specific community to discussion of the above topic and, therefore, abstained from meetings with that community. However, as of Spring 2017 the Ministry is planning to continue work on the above issue. The development of an inter-agency action plan is also planned.

The Public Defender welcomes the fact that after approval of the package of amendments prescribed by the Istanbul Convention, Georgia's legislation will be amended to include a definition of female genital mutilation. Additionally, it is necessary to strengthen efforts to raise public awareness of the issue. Particularly important is the timely development of an inter-agency action plan for implementation of intervention measures. The action plan should be based on best practices and be prepared with the coordinated involvement of various institutions. The work should be based on an in-depth study of the practice that takes into account the intersection of various important factors such as gender, the ethnic identity of the victims, social stigma and risks of repeated trauma.

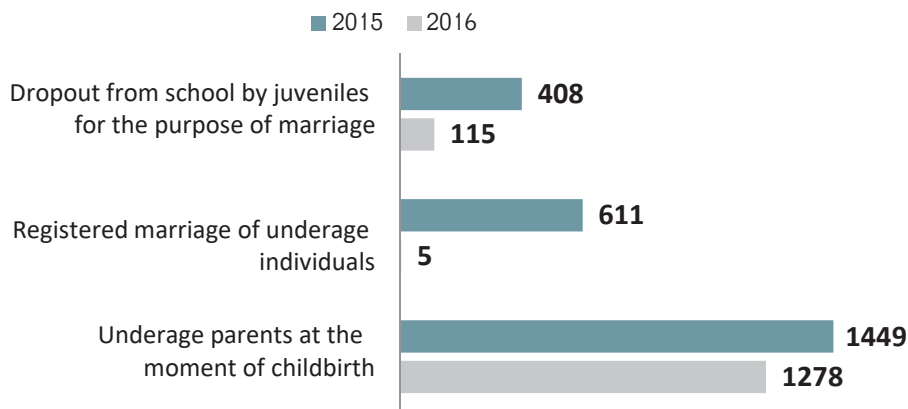
EARLY MARRIAGE AND CHILD MARRIAGE

Early marriage and child marriage still constitute some of the most disturbing manifestations of gender inequality in Georgia. Analysis of the cases reviewed by the Public Defender in 2016 revealed that instances of actual cohabitation have decreased. However, the rate of engagement has increased, something which is no less harmful to the rights of the juveniles and has a negative impact on their personal development, opportunity to receive education and freedom of choice.

75 Letter of the Ministry of Internal Affairs of Georgia #MIA 2 17 00353071; 13/02/2017 and letter of the Chief Prosecutor's Office of Georgia #13/4355; 23/01/2017.

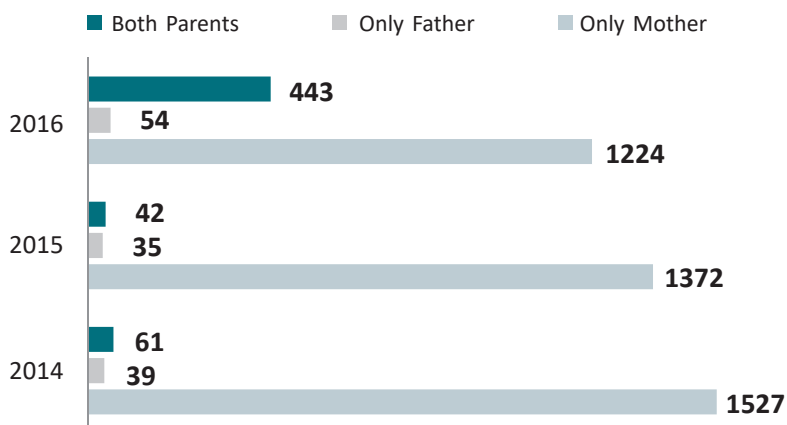
76 Letter of the Ministry of Labor, Health and Social Affairs of Georgia #01/4252; 25/01/2017.

Table N14: Data on Early Marriages



According to the information provided by the Ministry of Justice of Georgia, in 2015, 611 juvenile marriages were registered. In 2016, there were only five. The decrease is a result of amendments to the Civil Code of Georgia initiated by the Public Defender and is direct evidence of the fact that the state can play an important role in regulating gender-related issues. The number of parents who were still juveniles when registering the birth of a child also declined from 1,449 in 2015 to 1,278 in 2016.⁷⁷ Unfortunately, figures for the number of juvenile parents having children considerably exceed the figures on early marriage.⁷⁸

Table N15: Parents who are Underage at time of Childbirth



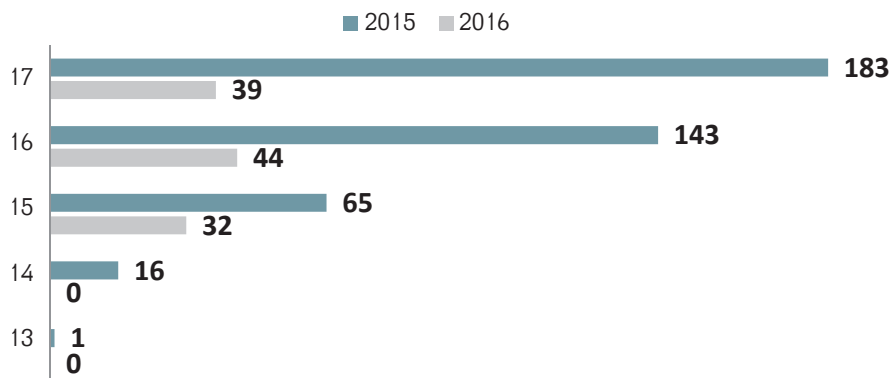
Juvenile marriage is closely connected to access to education. Unfortunately, juveniles who marry often abandon their studies. Such practice affects women's economic independence and increases their susceptibility to domestic violence. According to information provided by the Ministry of Education and Science of Georgia,⁷⁹ in 2016, 115 schoolchildren between the ages of 13 and 17 left school. In 2015, 408 schoolchildren terminated their studies.

⁷⁷ Letter of the Ministry of Justice of Georgia #01/19266; 23/01/2017.

⁷⁸ While assessing this trend, it should be taken into consideration that a short period of time has passed for assessing the legislative amendments. The amendments covered the second half of 2016.

⁷⁹ Letter of the Ministry of Education and Science of Georgia #MES 3 17 00047276; 20/01/2017.

Table N16: Number of Students Leaving School due to Early Marriage



Despite the sharply-reduced number of registered marriages, implementation of a response to actual cohabitation remains a problem to be addressed. The case study conducted by the Public Defender revealed shortcomings in the measures taken by law enforcement authorities, the Social Service Agency, and educational institutions. According to the information provided by the Social Service Agency,⁸⁰ it reviewed 79 cases of early marriage in 2016.

Still problematic is the lack of inter-institutional coordination on cases of early marriages. Despite the fact that a number of cases early marriage are followed by sexual assault, abandonment of studies, and parental neglect, the above circumstances are not perceived as rights violations by state agencies and law enforcement authorities. Authorities often point to the voluntary nature of marriage or traditional attitudes, declining to take effective measures to ensure the best interests of children.

In cases of early marriage, even when they involve abuse of an underage individual, the Social Service Agency usually chooses not to separate a child from their family. In such cases, the Social Service Agency abets in covering up problems within families. Unfortunately, alarming cases of early marriage have been revealed when the Social Service Agency, in order to create formal justification for leaving the juvenile in the family, appoints the mother of the alleged abuser as legal guardian. In addition, a case was revealed when the Social Service Agency assessed the existing family environment as favorable and non-violent for the underage individual in question. In reality, the victim's spouse was found guilty of sexual offenses, about which the Social Service Agency had been informed.

Article 140 of the Criminal Code mandates punishment by imprisonment for a term of seven to nine years for sexual intercourse with a person under the age of 16 year. There are no exceptions to the above. According to information provided by the Chief Prosecutor's Office of Georgia,⁸¹ criminal proceedings have been launched against 183 individuals under Article 140, the majority of which (161) were involved in family-related crimes (88%).

⁸⁰ Letters of the Ministry of Labor, Health and Social Affairs of Georgia #01/4054, 24/01/2017 and #01/62049, 12/08/2016.

⁸¹ Letter of the Chief Prosecutor's Office of Georgia #13/16346, 13/03/2017.

Unfortunately, the case study revealed that in cases of marriage between adult males and girls under the age of 16, law enforcement authorities tend not to be interested in investigating alleged sexual offenses. In such cases, it is enough for the couple to declare that they do not have or will not have sexual intercourse until the girl turns 16. An investigation into sexual offense is launched only if the girl is found to be pregnant.

Awareness about the details of early marriage, including issues of crime and punishment, is low in Georgia. In cases when the couple starts a family, the sentencing prescribed by Article 140 of the Criminal Code of Georgia is not handed down and the offender is offered a plea bargain. Unfortunately, the plea bargain often results in a mere fine for marrying an underage girl and in some cases, despite awareness of criminality, it is acceptable for financially well-off men to simply pay the fine in exchange for marrying a young girl.⁸²

As for actions punishable under Article 143 of the Criminal Code of Georgia, unlawful imprisonment (including abduction with the purpose of marriage), 27 investigations were launched in 2016 according to information provided by the Ministry of Internal Affairs.⁸³ According to data provided by the Chief Prosecutor's Office,⁸⁴ criminal proceedings under the same article were launched in 20 cases.

Based on the above-mentioned facts, steps taken by the State to combat the practice of early marriage are effective but insufficient. Effective steps have not been taken for raising awareness on the above offense, something important both for crime prevention and for reducing instances of early marriage.

In 2016, several cases were revealed in which educational institutions violated the requirements stipulated by referral documents by failing to inform the relevant authorities about cases of early marriage. Cases of violation of the requirements of the referral documents by the Ministry of Internal Affairs were also revealed. The above cases underline the need to raise awareness among educational professionals and representatives of the Ministry of Internal Affairs about issues related to early marriage.

CASE OF M.J.

The Public Defender of Georgia was addressed by M.J., who reported violence committed against her child. According to the information provided, M.J., at 15 years old, married a 27-year-old man. Throughout their marriage the girl was the victim of physical and psychological abuse by her spouse. During the Public Defender's review of the case, it was revealed that both the Ministry of Internal Affairs and the relevant educational institution were aware of the early marriage. The Ministry of Internal Affairs did not respond, as the couple's declaration that they would not have sexual intercourse until M.J. turned 16 was deemed sufficient. The police only reacted when, a few months after the marriage, it received notification about domestic violence perpetrated by the husband. Not a single institution informed the Social Service Agency about the domestic violence.

82 Information meetings held by the Public Defender on issues of early marriage in 2015-2016.

83 Letters of the Ministry of Internal Affairs of Georgia # 201943,26/01/2017 and # 2050756, 16/08/2016.

84 Letters of the Chief Prosecutor's Office of Georgia # 08-3/506, 11/01/2017 and # 13/53405, 15/082016.

In addition to early marriage, engagement involving underage girls is a problem. Unfortunately, less attention is paid to such cases by childcare institutions and representatives of law enforcement agencies. In such cases, the authorities prefer that the engaged girl remains with her biological family. That was confirmed by information received from the Chief Prosecutor's Office regarding investigations launched under Article 150¹.⁸⁵ In 2016, investigations under this Article were launched in only three cases.

LEGAL STATUS OF LGBTI PERSONS

Specifically grave is the legal status of LGBTI persons in Georgia. In response to the existing homophobic and transphobic attitudes, steps taken by the State for improving the legal status of LGBTI persons are still minimal and only formal in nature.

LGBTI persons feel unsafe due to the great amount of hate expressed by the public against them. Additionally, there are gaps in legislation which deprive LGBTI persons of equal rights and protections guaranteed by Georgia's constitution.

Despite the fact that during the last decade a number of legal amendments have been adopted in the country, the practical implementation of the relevant laws is insufficient and ineffective. Homophobic attitudes remain prevalent and so-called "political homophobia", the use of homophobic hate speech by politicians, remains problematic. The above factors are reflected in the diminished legal status of members of the LGBTI community.

LGBTI persons in Georgia are victims of systemic abuse, harassment, persecution, intolerance, and discrimination in all aspects of life. Violence and discrimination against them often occurs within the family, in public spaces and in various institutions, and is manifested in physical and psychological abuse, marginalization, bullying and social exclusion.⁸⁶ Unfortunately, LGBTI persons are prevented from developing an agenda to promote their rights and legal status.

The State remains unable to ensure creation of an education system that is free from homophobic and transphobic perspectives that promotes the instilling of tolerant values in schoolchildren from an early age. Homophobic attitudes in teachers are frequently evident, which encourages indifference toward acts of violence. In terms of exercising the right to education, homophobic and transphobic attitudes remain pervasive in Georgia's public schools and universities. This limits the extent to which members of the LGBTI community can exercise their right to education, creates a hostile environment and leads to exclusion from educational spaces.⁸⁷

The grave legal status existent in the country is most starkly reflected in the status of the most vulnerable sub-groups within the LGBTI community: lesbian, transsexual and trans-

85 Letters of the Chief Prosecutor's Office of Georgia # 1353405, 15/08/2016 and # 13/6254, 30/01/2017.

86 Declaration on Elimination of Discrimination based on Sexual Orientation and Gender Identity (SOGI) and Achievement of Equal Legal Status for the LGBTI Persons, 2016.

87 Legal Status of LGBTI persons in Georgia, Human Rights Education and Monitoring Center (EMC), 2016.

gender women. Homophobic attitudes expressed toward these sub-groups generally extend from the grave situation in terms of the legal status of women in Georgia. As a result, the number of lesbian, transsexual, and transgender women who have been victims of violence in three or more instances exceeds the number of gay, bisexual and transgender men who have suffered the same experience.⁸⁸ Nevertheless, not a single case concerning physical abuse of lesbian or bisexual women was submitted to the Public Defender's Office during the reporting period, which in itself indicates the low visibility of the problem within the community. In such cases, we can assume that lesbian and bisexual women are left beyond the space regulated by the State and are thus more vulnerable in comparison to other social groups.

As for transgender women, the scale of violence committed against them is so large that law enforcement authorities are often forced to intervene. However, considering the increased number of incidents that occurred in 2016, it is clear that police do not have a strategy for preventing this kind of violence, and are limited to responding to certain incidents. In short, the authorities are unable to address the systemic nature of the problem.

CASE OF 17 MAY 2016

According to the statement of an independent group of LGBTI activists, they refused to hold a public event in 2016 due to possible threats and the State's inability to guarantee their safety. That is a step backwards in terms of protecting freedom of expression.

In the early morning of 17 May 2016, 10 LGBTI activists were detained. Three of them were detained at the Freedom Square metro station and seven near a building owned by the Orthodox Church of Georgia. They were detained for painting stencils and failing to comply with the lawful requests of police. The detainees notified the trustees of the Public Defender of Georgia that their detention was carried out aggressively, without any explanation, and with the use of homophobic language. LGBTI activists indicated that they were arrested by persons wearing plain clothes. Additionally, they were not transported in police cars. The location of the detainees was unknown for several hours. The detainees noted that they were not informed of their rights during detention and were not allowed to contact their families. The trustees of the Public Defender had difficulties in even obtaining the above information.

It is alarming that the situation has deteriorated since 2015. That year, after certain security measures were taken by the State, LGBTI activists celebrated the International Day Against Homophobia and Transphobia, despite the fact that demonstrations were limited in time and space.

The Public Defender deems that governmental bodies should support to the maximum extent possible the prevention of hate-based violence and the elimination of homophobic acts. Additionally, the State should ensure unconditional observance of the rights and freedoms of LGBTI persons guaranteed by the Georgias constitution.

⁸⁸ Information is available at: < <https://ge.boell.org/ka/2016/06/17/cinascargancqobidan-tanascorobamde> > [last visited on 15 March 2017].

THE TRANSGENDER COMMUNITY'S ACCESS TO STATE SERVICES

The lack of legal recognition still constitutes a major challenge for transgender individuals.⁸⁹ Due to the fact that transgender people lack the possibility of changing their legal gender recognition in civil records based on their own gender identity, risks of discrimination, ill-treatment and abuse increase when using documents that do not match their gender identity.

Although procedures for changing one's legal gender recognition are not regulated at the legislative level, the established practice of the Ministry of Justice of Georgia is to treat an anatomical sex change surgery certificate as grounds for changing legal gender recognition. This contradicts international standards, according to which the State should give transgender persons the possibility to change their name and legal gender recognition in official documents in a fast and easily-accessible way, whether or not an anatomical sex change has occurred. In addition, great importance should be placed on eliminating unjustified restrictions and invisible/visible barriers surrounding procedures for changing one's legal gender recognition.

In 2015, the Public Defender of Georgia addressed the Ministry of Justice with a proposal to develop and approve procedural rules in civil acts for changing legal gender recognition. Despite the proposal, existing practices have not changed and the legal status of transgender persons has not improved in this regard. In addition to the proposal, an *amicus curiae* was prepared during the reporting period, which also referred to legal gender recognition.

The *amicus curiae* emphasizes that legislation and legal practice of different countries is directed at ensuring that states offer transgender persons the possibility to change their name and legal gender recognition in official documents in a fast and easily-accessible way. In addition, great significance is given to eradicating unjustified restrictions accompanying procedures for amending legal gender recognition. For instance, a poll conducted by the European Agency for Fundamental Rights demonstrated that transgender persons are subject to more discriminatory treatment, especially when seeking employment, than lesbian, gay, and bisexual persons. Almost one-third of interviewed transgender respondents (30%) experienced discrimination in the workplace, twice the rate of discriminatory experiences in the lesbian, gay and bisexual communities.⁹⁰

As for the utilization of health care services, a 2015 study of the experiences of transgender persons found that the majority of respondents consider doctors in Georgia to have negative attitudes towards transgender persons. That constitutes one barrier to transgender persons receiving high-quality health care services.⁹¹

The Public Defender deems it important to reach a timely and effective solution to the problem, one which includes separation of medical procedures from legal gender recognition. Changing legal gender recognition should be independent of sex change surgery and hormonal and drug therapy.

89 Information is available at: < <http://www.ombudsman.ge/uploads/other/3/3720.pdf> > [last visited on 15 March 2017].

90 Study of LGBT Persons in Europe, 2014, Key Findings, p. 29.

91 Information is available at: <http://women.ge/data/docs/publications/WISG_Transgender_survey_2015.pdf> [last visited on 15 March 2017].

GENDER-BASED VIOLENCE AGAINST THE LGBTI COMMUNITY

Applications studied by the Office of the Public Defender of Georgia clearly demonstrate the grave reality facing LGBTI persons. This study showed that attitudes towards LGBTI persons are not merely worsening, but are being reflected in mass violence against the members of the group.⁹²

It is widely recognized that an abusive, homophobic, and transphobic environment marginalizes the LGBTI community and directly harms not only the well-being and health of individuals, but also prevents self-realization on individual, inter-personal and political levels.⁹³

Research on instances of domestic violence was a key component of the 2014 survey conducted by the European Agency for Fundamental Rights (FRA).⁹⁴ Seven percent of respondents noted that serious incidents of violence were being perpetrated by family members against LGBTI individuals. Additionally, female respondents indicated more incidents of domestic violence than did male respondents. Only 5% of the respondents identified as gay or bisexual men. The monitoring of shelters for victims of domestic violence conducted by the Public Defender's Office in 2016 revealed that personnel do not possess the relevant knowledge and experience for communicating with LGBTI victims, and the awareness-raising training activities that are held mainly focus on issues of domestic violence and trafficking in the LGBTI community.

Of the applications submitted to the Public Defender's Office in 2016, only one case related to domestic violence, according to which an underage individual was subjected to violence from their parents due to their sexual orientation. The Social Service Agency took the underage person out of the family and placed them in foster care.

In a number of cases studied by the Office of the Public Defender, representatives of the LGBTI community referenced acts of alleged misconduct by police officers. In many cases, that misconduct included humiliating treatment, homophobic attitudes, verbal and physical abuse, and indifference. In applications indicating abuse of power by representatives of the police, the Public Defender's Office has appealed to the Prosecutor's Office to respond appropriately. Currently, investigations into the alleged criminal actions are ongoing.

In some applications, representatives of the LGBTI community referenced alleged violations committed during administrative detention. In particular, applicants noted that in a number of cases, they were not informed of their rights during detention nor were they given the opportunity to contact lawyers or family members. Cases also occurred in which representatives of the LGBTI community were administratively detained, only to have legal proceedings against them terminated after the court decided no administrative offense had occurred.

92 Information is available at: <<https://ge.boell.org/ka/2016/06/17/cinascargancqobidan-tanascorobamde> > [last visited on 15 March 2017].

93 Declaration on Elimination of Discrimination based on Sexual Orientation and Gender Identity (SOGI) and Achievement of Equal Legal Status for LGBTI Persons, 2016.

94 Study of LGBT Persons in Europe, 2014, Key Findings, p. 64.

The termination of administrative proceedings by courts in a number of cases indicates the necessity of training police officers to better identify and confirm the existence of administrative offenses while obtaining evidence. Additionally, police should be made to understand that the power to effect administrative detention should not be exercised in an arbitrary manner.

Prevailing public attitudes encourage violence against members of the LGBTI community. Given the above, taking steps to curb the violence is of the utmost importance. In addition, timely and accountable investigation into crimes motivated by hate and discrimination committed against members of the LGBTI community should be conducted, and punishments prescribed by legislation should be imposed on offenders. Such measures could, to a certain extent, prevent further crimes. The lack of response on the part of law enforcement authorities encourages discriminatory treatment and, resultantly, members of the LGBTI community lose trust in law enforcement agencies.

CASE OF G.T., J.TS., G.U., AND T.M.

The applicant, G.T., noted that a citizen verbally abused transgender persons, after which they called the patrol police. The patrol police detained persons from both parties and accused them of minor hooliganism. The applicant noted that they were not informed of their rights during detention and that they were subjected to verbal and physical abuse by police.

G.T. was released by the police based on a receipt, and administrative court proceedings against the transgender persons J.TS., G.U. and T.M. were terminated (their having committed offenses was not confirmed). An investigation is still ongoing into the alleged abuse of power by the police officers.

CASE OF DETENTION OF TRANSGENDER WOMEN

According to the application, in the late hours of 25 June 2016 in the vicinity of Hero Square in Tbilisi, a transgender woman was attacked and resultantly sustained injuries. The attacker wounded her in her right arm with a nail-studded stick.

According to the reports, the victim called the police. However, law enforcement authorities neither tried to detain the offender nor made any other response. In response to this, other transgender women who were at the crime scene called a different patrol police crew and requested that they respond to the crime. The second police crew actually considered the transgender women's actions to be the offense, detaining four of them and transferring them to the relevant police department. The police accused them of offenses under Article 166 (disorderly conduct) and 173 (non-compliance with a lawful order or demand of a law-enforcement officer). Court proceedings were terminated against two of the individuals (their having committed the offense was not confirmed). The court decision regarding the other two persons is unknown (presumably, proceedings were terminated against them as well; the police did not possess this information when a request was sent to them by the Public Defender's Office).

Investigation of the case regarding the beating of the transgender woman and the alleged abuse of power by the police officers is ongoing.

CASE OF Z.SH.

According to the application, on 14 October 2016, a transgender individual was attacked and suffered multiple injuries in an incident motivated by homophobia. According to the provided information, the injuries were received by side-arms and blunt objects. Z.Sh. died as a result of the sustained injuries. Based on information provided by the Prosecutor's Office, investigative measures were actively taken to detect a motive of hate. However, the motive has not yet been revealed and the investigation is ongoing.

RECOMMENDATIONS

TO THE GOVERNMENT OF GEORGIA:

- Ministries should support the implementation of gender mainstreaming through establishment of a special institutional unit or by designating persons responsible for gender equality issues;
- The Government should support the development and implementation of internal institutional policy documents (strategy, action plan, concept) on gender equality issues;
- Gender statistics related to employment should be maintained and analyzed to identify and eliminate barriers to the career advancement of women;
- In action plans and strategies regarding gender equality issues, measures should be determined for protecting the legal status of women human rights defenders and to address issues related to implementing UN General Assembly Resolution A/RES/53/144 ;
- Work directed towards legislation strengthening women's labor rights should be renewed and legislative guarantees specifically directed against the gender discrimination of women employees should be developed;
- Relevant procedures should commence aimed at signing and ratifying the International Labor Organization's Convention N183 on Maternity Protection;
- The legal status of multi-child parents should be defined and the relevant legislative amendments should be initiated;
- The responsible state institutions should keep comprehensive and detailed statistics and conduct related analyses. Statistical data on the murder and incitement to suicide of women should be kept and the data should be analyzed;
- Regarding the practice of female genital mutilation, the inter-agency action plan should be developed in a timely manner; and

- Governmental strategies and actions plans should comprehensively reflect measures taken by the relevant institutions to eliminate violence based on sexual orientation and gender identity, and the implementation of strategies and action plans should be supported.

TO THE PARLIAMENT OF GEORGIA:

- The recommendations of the Committee on Elimination of All Forms of Discrimination against Women and of the Special Rapporteur on Violence against Women, its Causes and Consequences on introducing an obligatory binding mechanism for gender quotas should be considered;
- A definition of sexual harassment should be determined and a system of adequate sanctions should be developed; and
- The work of the Parliamentary Council on Gender Equality should be strengthened in terms of reflecting gender equality issues in Georgian legislation and promoting effective implementation of international standards and recommendations.

TO LOCAL SELF-GOVERNMENT BODIES:

- The powers, scope of work, and resources of persons responsible for gender equality issues at the level of local executive bodies should be strengthened;
- The establishment and sustainability of an institutional unit devoted to gender equality issues should be supported at the level of City Assemblies (Sakrebulo);
- Statistics on gender and employment should be maintained and analyzed to identify and eliminate barriers to the career advancement of women;
- While drafting local budgets, particular attention should be paid to integrating women's issues into budgets and implementing targeted programs aimed at improving the legal status of women, including programs for single parents, parents of multiple children, and victims of domestic violence; and
- Women's engagement and participation should be ensured at the planning, implementation and assessment stages of rural development programs and community priority projects.

TO THE MINISTRY OF REGIONAL DEVELOPMENT AND INFRASTRUCTURE OF GEORGIA:

- The integration of initiatives aimed at improving the legal status of women should be strengthened in projects targeted at local municipal development; and
- The sharing of best practices and establishment of common approaches among local self-government bodies on issues related to gender equality should be supported.

TO THE MINISTRY OF INTERNAL AFFAIRS OF GEORGIA:

- A more sensitive attitude towards possible violation of the rights of women human rights defenders should be developed, and increased risks due to the nature of their activities should be given special consideration;
- The training of employees of the regional bodies of the Ministry of Internal Affairs of Georgia should be ensured. In particular, the following issues should be included in police officers' training curriculum: trafficking, domestic violence, early marriage, female genital mutilation, sexual orientation, gender identity and gender characteristics;
- A specialized structural unit should be created with direct responsibility for issues related to gender-motivated crimes and cases of domestic violence;
- In cases of domestic violence, sustained performance of duties assigned by legislation to employees of the Ministry of Internal Affairs should be monitored;
- Standards for filling in information in the restraining order protocol should be improved;
- Effective use of protective measures for victims of domestic abuse, including diversion, should be supported. In addition, further monitoring of responses should be carried out;
- Standards of analysis for statistical data on violence against women and domestic violence should be improved. In particular, this refers to: notification for cases of alleged domestic violence and family violence received by the LEPL 112, protective measures, and other incidents of violence;
- Coordination should be strengthened with the LEPL Social Service Agency while reviewing cases of domestic violence and early marriage;
- Guidelines for responding to cases of early marriage should be developed and the role of the district inspector in addressing cases of early marriage and early engagement should be strengthened;
- Cases related to alleged domestic violence by parents or parental neglect should be studied; and
- The Ministry should cooperate with LGBTI organizations and other NGOs and initiative groups working on gender issues in order to support prevention and strengthen trust in the law enforcement system.

TO THE MINISTRY OF JUSTICE OF GEORGIA

- A rapid, transparent and accessible procedure should be established for reflecting gender identity and transgender issues in documents issued by public and non-public institutions. It is important that the procedure be clearly separated from the medical transition process.

TO THE MINISTRY OF LABOR, HEALTH AND SOCIAL AFFAIRS OF GEORGIA:

- Regulations governing maternity, childbirth and childcare leave and associated compensation should be approved in order to prevent cases of discrimination on gender grounds;

- Measures directed towards assisting single parents and parents of multiple children should be introduced, including the incorporation of such persons into the existing system of social allowances. Complete statistical information on single and multiple-children mothers should be kept and analyzed;
- Conflict-affected women and girls should be provided with psychosocial services in a timely manner;
- Measures for raising public awareness about reproductive and sexual health and rights should be planned and implemented, including raising public awareness about the use of contraceptives and family planning services. This should be done with the active involvement of rural clinics;
- Measures to prevent sex-selective abortion, such as holding informational and educational meetings in Georgia's regions, should be planned and implemented;
- Statistics on early marriage should be comprehensively studied and responses prescribed by legislation should be implemented. When analyzing instances of early marriage and engagement, discussions should be held on the responsibilities of parents and the best interests of children;
- In cases of early engagement, families should be informed of the negative aspects of early marriage and psychologists should be involved in order to avoid forced marriage;
- The Ministry should regulate the medical transition process in a way that guarantees that transgender and intersex individuals have effective access to medical services at internationally-acceptable standards. The related accrued costs should be paid within the framework of the public health insurance system;
- The Ministry should adopt and implement international clinical guideline principles focused on the needs of transgender, transsexual, intersex, and gender uncomfortable individuals to ensure their equal access to quality health care;
- It should be ensured, in accordance with the number of cases, that social workers have increased resources, additional training on issues related to gender and sexual violence, and improved working conditions.

TO THE MINISTRY OF EDUCATION AND SCIENCE OF GEORGIA:

- Civil defense studies at general educational institutions should be timely implemented;
- Coursework on basic issues of reproductive and sexual health and rights should be introduced for schoolchildren, and, in cooperation with local medical institutions, seminars on issues of reproductive and sexual health should be organized for schoolchildren;
- Raising the awareness of teachers about existing obligations and obligatory procedures for responding to cases of early marriage and engagement should be ensured;
- Systems for keeping records of why children leave school should be monitored,

especially in regions populated by ethnic minorities and where shortcomings in recording similar cases have previously been revealed; and

- In cooperation with the Social Service Agency, projects should be initiated to re-engage young people in educational processes who have abandoned studies because of early marriage or engagement.

TO THE PROSECUTOR'S OFFICE OF GEORGIA:

- Preventive measures should be undertaken to avoid and reduce cases of femicide, forced marriage, and sexual intercourse with underage individuals. Moreover, effective responses should be ensured in every instance;
- Regular working formats should be created jointly with LGBTI organizations and other groups and organizations working on gender issues aimed at effectively preventing crimes and strengthening trust in law enforcement authorities; and
- The keeping of statistics, as well as analysis and implementation of studies related to cases of violence against women, should be supported.

TO THE STATE FUND FOR THE PROTECTION AND ASSISTANCE OF VICTIMS OF HUMAN TRAFFICKING:

- The health of beneficiaries and their dependents should be comprehensively assessed during placement in the shelters in order to avoid the spread of disease and to ensure timely treatment;
- Conditions in the shelters should be upgraded to serve persons with disabilities and buildings should be adapted to meet mandatory standards to the maximum extent possible;
- The location of shelters should be chosen in a way so as to ensure the protection of confidentiality, private space and safety of the beneficiaries;
- Psychosocial rehabilitation and educational programs offered in shelters should be revised. In particular, more time and resources should be spent on planning and implementing rehabilitation programs and activities, and the above programs should become more inclusive; and
- The Fund should ensure that state shelter personnel are trained on issues of assistance and empowerment for victims of gender-based and sexual violence, as well as on issues of gender identity and characteristics.

TO THE PUBLIC BROADCASTER:

- The importance of women's rights and gender equality should be recognized. When creating programming, sexist and discriminatory content should be avoided.