



PERFORMANCE AUDIT REPORT





„Approved”

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Audit Department
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A handwritten signature in blue ink, appearing to be 'G. Kapanadze', written over a horizontal line.

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**Mechanisms for protection
and prevention of domestic
violence**

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TERMS AND ABBREVIATIONS USED

AOC – Administrative Offenses Code of Georgia

Gender – refers to socially related roles, behaviors, activities and characteristics that society considers appropriate for women and men.

Protective order – is an act issued by a court (judge) of first instance through an administrative proceeding that determines temporary measures for protecting the victim.

Council of Europe (Istanbul) Convention – “Council of Europe Convention on preventing and combating violence against women and domestic violence.”

Shelter – a place of temporary residence for victims, or a temporary accommodation for victims that operates within the system of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia and/or on the premises of a non-entrepreneurial (non-commercial) legal person, which is intended for psychological and social rehabilitation of victims, their legal and medical assistance and protection.

Crisis center – place of temporary accommodation for alleged victims and victims of violence that is intended for their psychological and social rehabilitation, primary and emergency medical care and legal assistance. Persons (or their dependents) may be placed at a crisis center before and after the status of victim has been determined, unless the victim expresses willingness to be accommodated in the shelter and if he/she needs only psychological and social rehabilitation, primary and emergency medical care, and legal assistance without placement at a shelter.

Abuser – a family member who violates the constitutional rights and freedoms of another family member through negligence and/or physical, psychological, economic and sexual violence or coercion. A victim shall also be deemed a family member or any other person, who, in the public or private life, commits physical, psychological, economic and sexual violence or coercion in relation to a woman on the grounds of sex.

Victim – a woman, also a family member whose constitutional rights and freedoms have been violated by way of negligence and/or physical, psychological, economic and sexual violence or coercion and whose status of a victim has been determined by a relevant service of the Ministry of Internal Affairs of Georgia, a judicial body, and/or by a group for determining the status of victim of violence against women and/or domestic violence (**the victim identification group**) within the interagency commission working on matters related to gender equality, violence against women and domestic violence. A victim shall be also deemed a minor whose legal interests have been neglected and whose status of a victim has been determined by a relevant service of the Ministry of Internal Affairs of Georgia, a judicial body and/or the victim identification group.

Domestic violence – violation of constitutional rights and freedoms of one family member by another family member through neglect and/or physical, psychological, economic, sexual violence or coercion.



Law on domestic violence – Law of Georgia “On violence against women and/or elimination of domestic violence, protection and support of victims of violence”.

Alleged victim – a person who considers himself/herself to be a victim, and who, for the purpose of determination of the status of victim, refers to a relevant service/body/the victim identification group.

CCG – Civil Code of Georgia.

Article 11¹ of the Criminal Code of Georgia– Domestic crime – a domestic crime shall mean a crime under Articles 109, 115, 117, 118, 120, 126, 133¹, 133², 137-141, 143, 144-144³, 149-151¹, 160, 171, 187, 253-255¹, 381¹ and 381² of this Code, which is committed by one family member against another family member. The following persons shall be considered family members: a mother, father, grandfather, grandmother, spouse, child (stepchild), adopted child, foster child, adopting parent, adopting parent’s spouse, foster carer (foster mother, foster father), grandchild, sister, brother, a parent of the spouse, son-in-law, daughter-in-law, former spouse, a person in an unregistered marriage and his/her family member, guardian, custodian, supporter, as well as any other persons that maintain or maintained a common household.

Article 126¹ of Criminal Code of Georgia – Domestic violence – violence, regular insult, blackmail, humiliation by one family member against another family member, which has resulted in physical pain or anguish and which has not entailed the consequences provided for by Articles 117, 118 or 120 of this Code. It is punished by community service from 80 to 150 hours or imprisonment for a term of up to one year, with or without restriction of the rights regarding weapons.

According to the amendment of November 30, 2018:

It is punished by community service from 80 to 150 hours or imprisonment for a term of up to two years, with or without restriction of the rights regarding weapons.

Interagency commission – an interagency commission working on the matters related to gender equality, violence against women and domestic violence.

Violence against women – involves all actions, which entail or may entail physical, mental or sexual abuse of women, and which cause or may cause economic damage to women, including the threat of committing such actions, coercion of women or unauthorized deprivation of liberty of women.

Restraining order – is an act issued by an authorized police officer that determines temporary measures for protecting a victim of violence against women and/or domestic violence.

MIA – Ministry of Internal Affairs.



SUMMARY REVIEW AND RECOMMENDATIONS

Domestic violence is an important problem of the society, associated with high human and economic losses. Combating this crime is an international commitment¹ of Georgia, a priority area² for the Ministry of Internal Affairs and one of the key objectives of the UN Sustainable Development Goals³.

The State Audit Office conducted an audit of the effectiveness of the mechanisms for protection and prevention of domestic violence. The audit period covers the period from 2015 to the third quarter of 2018 inclusive.

The auditees are:

- › The Ministry of Internal Affairs of Georgia;
- › LEPL - Social Service Agency;
- › Interagency commission working on the issues of gender equality, violence against women and domestic violence.

Within the framework of the audit, the following were examined: police response to violence and involvement of social workers, access to means of protection and issues related to the level of citizen awareness, which revealed the following shortcomings:

During the audit, a systematic risk assessment mechanism for domestic violence cases was not introduced at the Ministry of Internal Affairs. Consequently, the police issued a restraining order and determined response measures based on individual decisions, which in some cases, failed to provide a coherent and consistent response to the facts of violence.

- › The Risk Assessment Mechanism has been introduced at the Ministry of Internal Affairs since September 1, 2018 and the basis for issuing the order has become more consistent, though, the complete filling by the police of the risk assessment protocol remains a challenge.
- › During the audited period, the Ministry of Internal Affairs did not systematically monitor compliance with the terms of the order.⁴ As a result, the police were only informed of the breach of the terms of the order if the victim reported it. Along with the introduction of the Risk Assessment Tool, the restraining order monitoring rule was introduced, thus increasing the role of the police in the monitoring of the terms of the order.
- › Access to the information required to determine the risk assessment and response measures in case of patrol inspectors and district police officers varies at the individual level. Limited access to the required information creates the risk that the fact of violence by the police is treated as a separate case.

1 The main obligations undertaken by the Government of Georgia in relation to domestic violence are set out in the Council of Europe (Istanbul) Convention, the Recommendations of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) and the 5th purpose of the UN Sustainable Development.

2 The Ministry of Internal Affairs: <http://police.ge/ge/projects/odjakhshi-dzaladoba>

3 UN Sustainable Development Goals, Goal 5.

4 Before September 1, 2018, until the new monitoring rule comes into force.



- › The electronic database⁵ of the Ministry of Internal Affairs reflects only 22% of protective orders issued by the court in 2017, which does not allow for consideration of protective orders in the history of violence and proper supervision of compliance with their conditions.
- › Moving the abuser from the house is often associated with difficulties in practice (at night, when drunk and in case of ownership of the house). As a result, it is often the case that the victim and several dependents are taken to a shelter that causes discomfort to the victim rather than the abuser. The instruction on separation of persons participating in the incident of violence has not been developed in the Ministry, which fails to provide the basis for the proper consideration of the interests of the victim.
- › The current mechanism for responding to economic violence against the elderly is in some cases ineffective and fails to provide their adequate protection.
- › To implement a unified state policy on the prevention of violence against women and domestic violence, the Interagency Commission will develop an action plan that needs to be strengthened by analysis. The Commission monitoring and coordination functions are also weak. As a result, the action plan is partially complied with and there are often cases of postponement of important activities to further action period.
- › In case of issuance of a protective order, the courses foreseen by the Code of Correction of Perpetrator Behavior are not implemented in practice, and the body responsible for their introduction and implementation is not defined. As a result, behavior correction courses are not provided in practice, which reduces the effectiveness of violence prevention measures.
- › Insufficient number of social workers and their limited availability in case of violence determines their inadequate involvement. Social workers do not work on holidays, weekends and off hours; their rights and responsibilities are disproportionate to their number. The workload of social workers is about six times the recommended number of cases per month.⁶

The State Audit Office made the following recommendations regarding these shortcomings:

TO THE MINISTRY OF INTERNAL AFFAIRS OF GEORGIA:

- › In responding to domestic violence cases, in order to make an informed decision and enforce the relevant mechanisms for protection against violence, the Ministry of Internal Affairs should ensure:
 - Access to information (prior history of violence, etc.) required for police officers responding to domestic violence cases, which, as a result of proper assessment of risk, will help to increase the degree of protection for the victim and determine the appropriate response to the offense.
 - Registration of both protective and restraining orders in proper electronic database, which will create a precondition for quick and effective response to offenses.

⁵ Pursuant to Article 10(37)(a.b) of the Law of Georgia "On domestic violence", the Ministry of Internal Affairs shall be required to register in the electronic database only the restraining order.

⁶ The social worker has an average of 120 cases per month; according to the data of the NGO-Association of Social Workers (GASW), the recommended number of cases is 20 cases per month.

- › In order to promote crime prevention and to properly enforce orders, the Ministry of Internal Affairs should prepare relevant instructions for the separation process. It is also advisable that the Ministry consider the possibility of introducing practical means of dealing with the perpetrator.

TO THE INTERAGENCY COMMISSION WORKING ON DOMESTIC VIOLENCE ISSUES:

- › In order to raise awareness on domestic violence prevention and violence issues, the Commission is advised to ensure that data on domestic violence cases is collected, analyzed and made available to the public.
- › In order to facilitate early identification of domestic violence cases, the Commission, in cooperation with the relevant authorities, should develop and implement early detection mechanisms for violence (e.g., within the framework of the mandatory medical examination of children, screening program, etc.).
- › For effective response to cases of economic violence in relation to the elderly, the Commission, through joint effort with responsible agencies (MIA, Social Services Agency), is advised to ensure specification/update (neglecting the elderly or improving response mechanisms to economic violence) of the existing response procedures, which will make state services available to the victim in this regard. It is also important for the Commission to identify the body responsible for conducting behavior correction courses and facilitate their timely implementation.

TO LEPL-SOCIAL SERVICE AGENCY:

- › In order to ensure social worker availability during non-working hours, the Social Service Agency is advised to introduce duty shift mechanisms of social workers to facilitate uninterrupted response to emergency cases of violence on holidays, weekends and non-working hours.



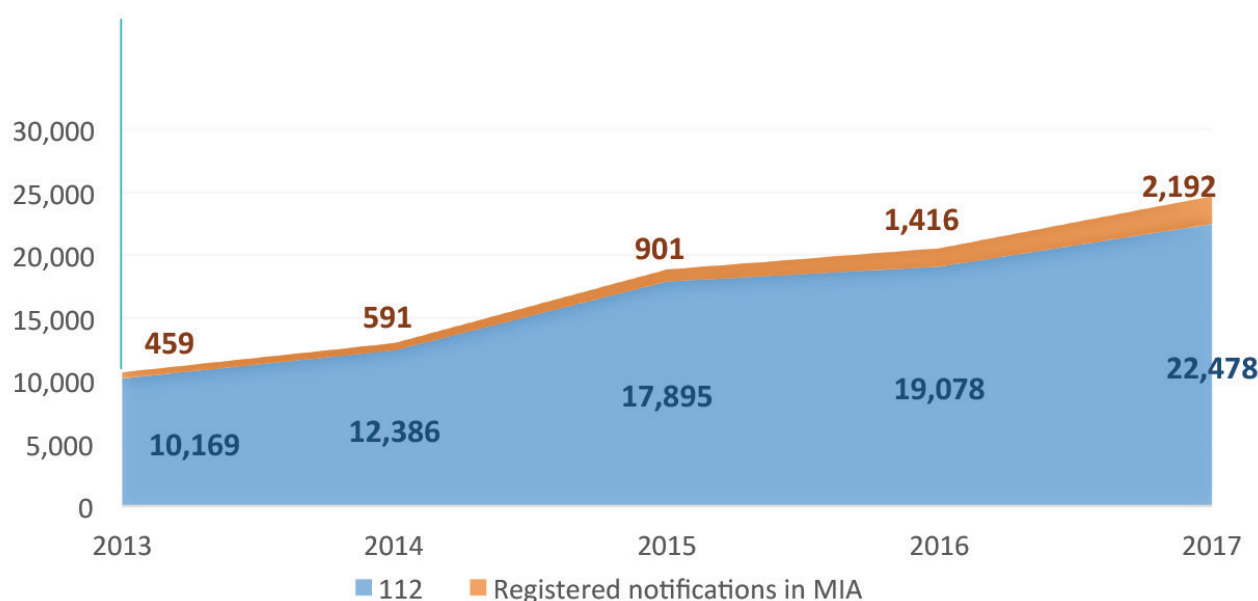
1. INTRODUCTION

1.1 AUDIT MOTIVATION

Domestic violence is one of the most serious and widespread forms of violence that exists in any country of the world and covers all strata of society. Domestic violence is specific and is characterized by low levels of detection, in addition to being continuous in nature and can lead to fatal outcomes.⁷

As the graph shows, the number of reported domestic violence cases has doubled in 2017 compared to 2013. In 2017, there were 22,478 reports on domestic violence cases reported to LEPL “112” and 2,192 cases of domestic violence were registered by the Ministry of Internal Affairs.⁸

Graph 1. Notifications about domestic violence/conflict in “112” and registered cases of domestic violence in the MIA⁹ (2013-2017¹⁰)



Any member of the family can become a victim of domestic violence, regardless of the gender, but analysis of the incident participants shows that a significant segment of the victims, 88% are women and 90% of abusers are men¹¹. Domestic violence is associated with gender-based violence, as women are at higher risk of violence than men.¹²

7 Ministry of Internal Affairs: <http://police.ge/ge/projects/odjakhshi-dzaladoba>

8 The increasing tendency of referrals among other causes may be related to the awareness of the population.

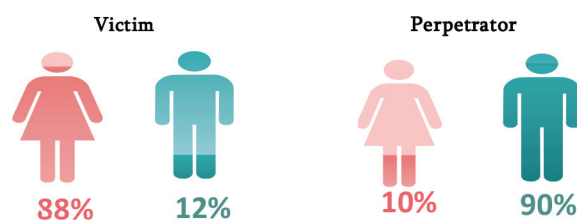
9 Responsibility for these cases was determined under Articles 11'-108, 109, 117, 118, 126, 126' of the Criminal Code of Georgia.

10 Data of LEPL “112” is primary/unprocessed data.

11 Source: „SakStat“: as of data of 2017, 3,599 women and 497 men are victims of domestic violence, abusers-3,492 men, 393 – women. Violence was committed against various members of the family.

12 Convention of the Council of Europe (Istanbul), Preamble.

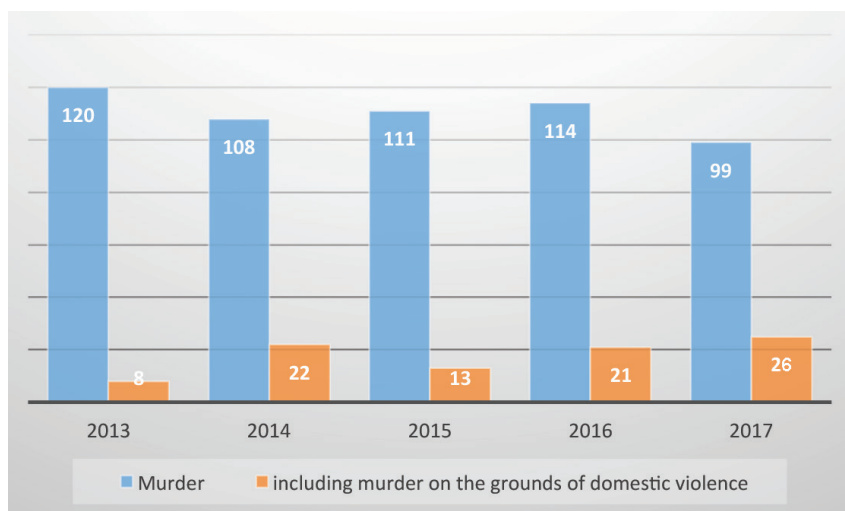
Graph 2. Distribution of perpetrator and victim by gender (2017)



According to various studies, cases of domestic violence are more common than official data indicate. According to the *National Survey of Violence Against Women*¹³ conducted in 2017 by the United Nations Women and the National Statistics Office of Georgia, which surveyed 6,006 women aged 15 to 64 nationwide, it was identified that **1 woman out of 7** has suffered any form¹⁴ of violence from her spouse/partner, which is 14% of the women of the mentioned age group (179,286 women)¹⁵.

In case of domestic violence, it is difficult to see a real quantitative picture of the crime, as the victim often avoids talking openly and refer to the appropriate authority. *According to the above survey*¹⁶, only 18% of those women who experienced physical violence from their spouse or partner applied to the police, while 36% of women did not talk to anyone about the experienced violence. In addition, there is still a high acceptance of violence among the population, in particular, 50% of men and 33% of women believe that domestic violence is a family affair and that no one should interfere.¹⁷

Graph 3. Comparison of murder (Articles 108, 109 of the Criminal Code of Georgia) and murder on the grounds of domestic violence (Articles 11¹ -108,109 of the Criminal Code of Georgia) (2013 – 2017)¹⁸



13 UN Women, GeoStat, National Study on Violence against Women, Summary Report, 2017.

14 Forms of physical, sexual, emotional/psychological abuse.

15 As of SakStat data for 2017, there are 1,255,000 women aged 15-64 in Georgia.

16 UN Women, GeoStat, National Study on Violence against Women, Summary Report, 2017.

17 UN Women, GeoStat, National Study on Violence against Women, Summary Report, 2017.

18 Source: Ministry of Internal Affairs of Georgia.

Compared to 2013, at the background of 18% decrease in murders in 2017, the number of murders on the grounds of domestic violence increased 3 times (the causes of the increase are unknown). **25%** of murders (every forth) registered in 2017, were committed as a result of domestic violence, and **50%** (every second)¹⁹ of women were killed on the grounds of domestic violence. Therefore, combating domestic violence is a top priority for the government and the Ministry of Internal Affairs²⁰.

In addition, combating domestic violence is one of the international commitments²¹ of Georgia and one of the key objectives of the UN Sustainable Development Goals. The 5th goal of the United Nations Sustainable Development, which includes ensuring gender equality, emphasizes the importance of eliminating violence in the public and private sectors.

To prevent domestic violence, the Government of Georgia, has taken several measures in recent years, notably adopting law on domestic violence, criminalization of violence, tightening response measures on the facts of violence²² and establishing a special department in the MIA, which monitors ongoing domestic crime investigations.

Graph 4. Measures taken against domestic violence by years



In addition, to facilitate rehabilitation and reintegration in the society of domestic violence victims, 5 state shelters, 3 crisis centers, psychological, medical, legal assistance services and a 24-hour free counseling hotline were set up.

Despite the above efforts, the information obtained within the framework of the audit indicates to systemic shortcomings in terms of both the adequacy and productivity of the framework/measures aimed against violence.

19 In 2017-26 women were killed, including 14 (54%) on the grounds of domestic violence, 11 (15%) out of 73 men were killed on the grounds of domestic crime.

20 The Ministry of Internal Affairs of Georgia: <http://police.ge/ge/projects/odjakhshi-dzaladoba>

21 Basic obligations of domestic violence undertaken by the Government of Georgia are envisaged by the Council of Europe (Istanbul) Convention, by recommendation of the Committee (CEDAW) on the Elimination of Discrimination against Women and the 5th goal of UN Sustainable Development.

22 Order N45 of the Minister of Internal Affairs of December 9, 2014 "On tightening response measures on the facts of domestic violence". In case of domestic violence, if the alleged victim indicates inflicting physical pain and/or suffering, immediate initiation of investigation and issuance of a restraining order, which caused increase of crime registered under Article 1261 of the Criminal Code of Georgia and the number of issued restraining orders.

1.2 THE PURPOSE OF THE AUDIT

The purpose of the audit is to study productivity and effectiveness of domestic violence prevention and response mechanisms. The audit approach is a combination of system and problem-oriented audit.

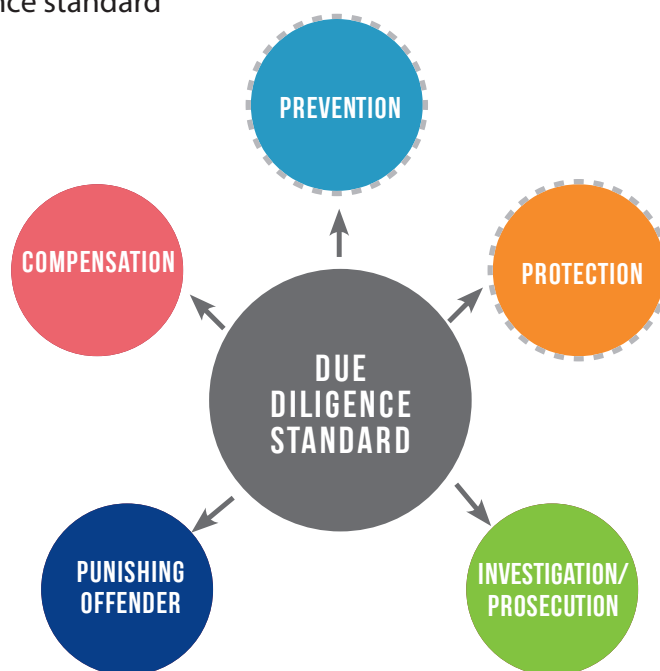
For the above purpose, the following audit questions were identified:

- › How adequate²³ is the response of the authorities to domestic violence cases?
- › How sufficient and effective are the preventive mechanisms against violence?

1.3 EVALUATION CRITERIA

The criterion for evaluation is the internationally recognized principle of the “**Due Diligence Standard**”, which is the mechanism for assessing the response of the state to domestic violence²⁴. According to the due diligence standard, the relevant authorities of the state are obliged to ensure prevention of domestic violence, protect the victim, investigate the case, punish the abuser and provide compensation²⁵.

Graph 5. Due diligence standard



From the issues considered, the audit team considered it appropriate to focus on **prevention** and **protection**. Within this framework, the measures to be taken by the relevant authorities are outlined in Model Legislation developed by the UN Special Rapporteur²⁶, which sets out the

23 For the purposes of the audit, adequate response shall mean responding within the framework of the applicable law (police) to the case of violence to ensure that the physical safety and interest of the victim is protected/envisaged to the greatest possible extent.

24 Lee Hasselbacher, State Obligations Regarding Domestic Violence: The European Court of Human Rights, Due Diligence, And International Legal Minimums of Protection, 8 Nw. J. Int'l Hum., 2010.

25 5 P – Prevent, Protect, Prosecute, Punish, Provide Redress.

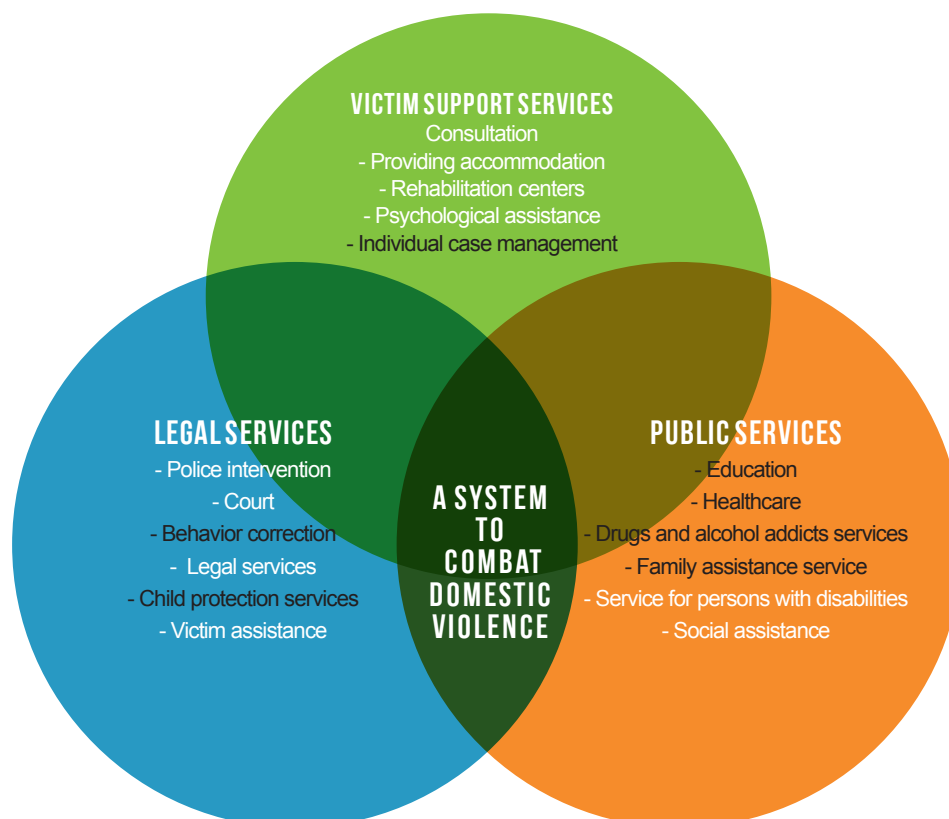
26 Special Rapporteur on Violence against Women, Framework for Model Legislation on Domestic Violence, U.N. Doc. E/CN.4/1996/53/Add.2. Office of the United Nations High Commissioner for Human Rights (OHCHR) appoints Special Rapporteur on violence against women and domestic violence who has special mandate to undertake country visits, submit annual reports, transmits urgent appeals and communications to States regarding alleged cases of violence.

recommended minimum level of legal protection against domestic violence for countries. According to the above it is important that:

- › The police should give equal priority to acts of violence committed by family members and other persons.
- › The applicant is protected, and the offender is moved from the house or detained, if the victim is in danger.
- › There should be a protective/restraining order issuance mechanism that prohibits the abuser from contacting the applicant. As a result, the repetition of violence will create basis for the police to arrest the abuser.
- › The police and the court will monitor compliance with the terms of the order and consider their breach to be an offense that would result in arrest or fine of the abuser.
- › Criminalize domestic violence - effective investigation of facts of violence, criminal prosecution and punishment of the offender.²⁷

It should be noted that the domestic violence prevention system is complex as it requires concerted and coordinated efforts by various state structures. At best, the system consists of the following components:²⁸

Graph 6. A system to combat domestic violence²⁹



27 U.N. Economy & Social Council, Radhika Coomaraswamy, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, U.N. Doc. E/CN.4/1996/53, 1996.

28 State Government of Victoria, Family Violence Risk Assessment and Risk Management Framework and Practice Guides, Australia, 2012.

29 Services in black colour are weak or not provided in Georgia.

Examples of good practice in different countries (Slovenia, Moldova), local and international normative acts are also used as audit criteria:

INTERNATIONAL CONVENTIONS:

- › Convention of the Council of Europe on preventing and combating violence against women and domestic violence (Istanbul Convention (2011)), ratified by the Parliament of Georgia on April 5, 2017 and in force since July 1, 2017;
- › UN Convention on the Rights of the Child (1989), ratified by the Parliament of Georgia and in force since 1994;
- › UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), ratified by the Parliament of Georgia in 1994.

LAWS/ORDERS AND INSTRUCTIONS OF GEORGIA

- › Law of Georgia “On violence against women and/or elimination of domestic violence, protection and support of victims of violence” (2006);
- › Order of the Minister of Internal Affairs of Georgia of July 13, 2018 “On the approval of the restraining order and forms of the restraining order protocol, as well as defining the persons authorized to prepare them”;
- › Order of the Ministry of Internal Affairs of Georgia of July 20, 2018 “On approval of the protocols and instructions of compliance monitoring of the requirements and obligations defined by the restraining order”;
- › Resolution N437 of the Government of Georgia of September 12, 2016 “On the referral procedures for child protection”;
- › Order N04-519/o of the Director of LEPL Social Service Agency of October 11, 2016, “Guidelines for the Social Service Agency on the referral procedures for child protection”.

1.4 SCOPE AND METHODOLOGY OF AUDIT

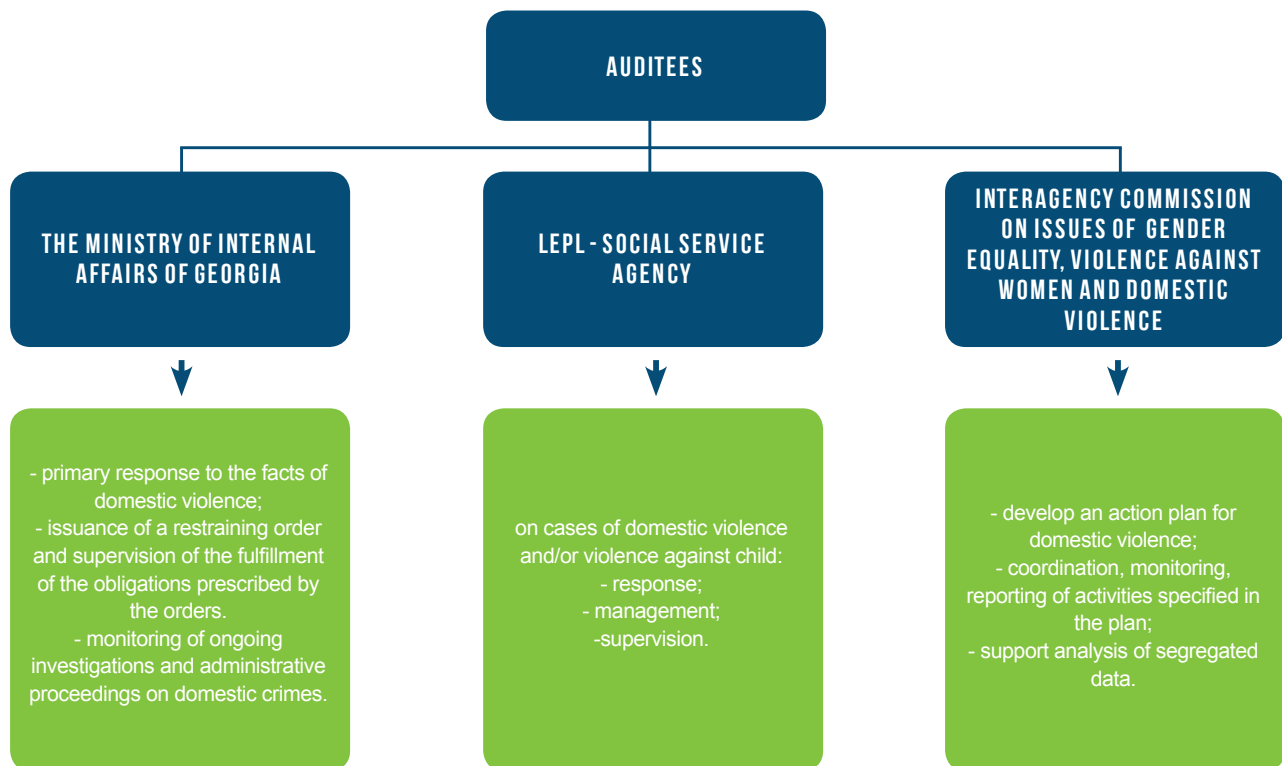
The audit period covers the period from 2015 through the third quarter of 2018. For the purposes of the audit, the information of the previous period is also used.

The scope of the audit includes measures to protect from and prevent domestic violence and does not apply to state services of victim rehabilitation.

Depending on the scale of the audit, the following have been selected as auditees:



Graph 7. Auditees



In order to answer the questions of the audit, basic procedures were developed within the framework of which the existing system of protection against domestic violence, namely, the current practice of responding to cases of violence and protecting victims was studied. The following methods were used in the study of these issues:

- › Understanding and analyzing internationally accepted practice;
- › Analysis of the legal basis and local action plans;
- › Analysis of current practices in the management and administration of procedures for protecting victims of domestic violence;
- › Analysis of databases, documentary and statistical information;
- › Interviews with auditees (relevant responsible persons);
- › Workshops with NGOs and international organizations:
 - Partnership for Human Rights (PHR);
 - Association of Social Workers (GASW);
 - Georgian Young Lawyer's Association (GYLA);
 - Women Information Center (WIC);
 - Women Counseling Center - "House";
 - Ombudsman;
 - UN Women.

- › **Survey of beneficiaries** – the survey was conducted with the beneficiaries of the shelter for victims of domestic violence in Tbilisi and Gori and the Crisis Center for victims of violence in Tbilisi. The purpose of the survey was to identify problems related to the response to violence, access to protection means and awareness level by way of familiarizing with the experience of beneficiaries.

Interviews were made with beneficiaries who took advantage of the services during the survey and who voluntarily agreed to participate in the survey. The survey was conducted with 10 beneficiaries of Tbilisi and Gori shelters and 11 beneficiaries of the Crisis Center of victims of violence in Tbilisi (21 beneficiaries in total).

- › **Survey of professional groups** – the survey was conducted with relevant professional groups, in particular, 4 patrol-inspectors and 4 district inspectors designated by the MIA. The survey served to identify difficulties in responding to domestic violence cases.

In order to answer the audit questions, the audit team carried out the following procedures:

1. HOW ADEQUATE IS THE RESPONSE OF THE RELEVANT AUTHORITIES TO DOMESTIC VIOLENCE CASES?

To assess the adequacy of the response to domestic violence cases, the audit team analyzed the existing information bases, messages recorded in LEPL “112”, it also studied 132 restraining orders received (55 - risk assessment, 50 - recurrence of violence, 27 - response)³⁰. In addition, the audit team interviewed patrol inspectors, site inspectors and beneficiaries of shelters and crisis centers.

2. HOW SUFFICIENT AND EFFECTIVE ARE THE PREVENTIVE MEASURES AGAINST VIOLENCE?

As part of the study of preventive measures for domestic violence, the audit team analyzed awareness-raising measures provided for in the Action Plan³¹ and information on their implementation status. As well as the workload of the Social Service Agency social workers and their geographical distribution. Within the scope of the audit, a comparative analysis of local legislation was carried out with a view to its compliance with the Council of Europe Convention.

30 The study of the selected restraining orders was not aimed at extrapolating them, but rather to illustrate individual systemic failures.

31 Resolution N341 of the Government of Georgia of July 21, 2016 “On the Approval of the Action Plan for 2016-2017 on the Measures to be implemented for Combating Violence against Women and Domestic Violence and Protection of Victims”.



2. GENERAL INFORMATION

2.1 DEFINITION OF DOMESTIC VIOLENCE

The Law of Georgia on Domestic Violence defines domestic violence as a violation of the constitutional rights and freedoms of one family member by another family member through negligence and/or physical, psychological, economic, sexual violence or coercion.³² The law defines six forms of domestic violence:

Figure 8. Forms of violence according to the legislation of Georgia

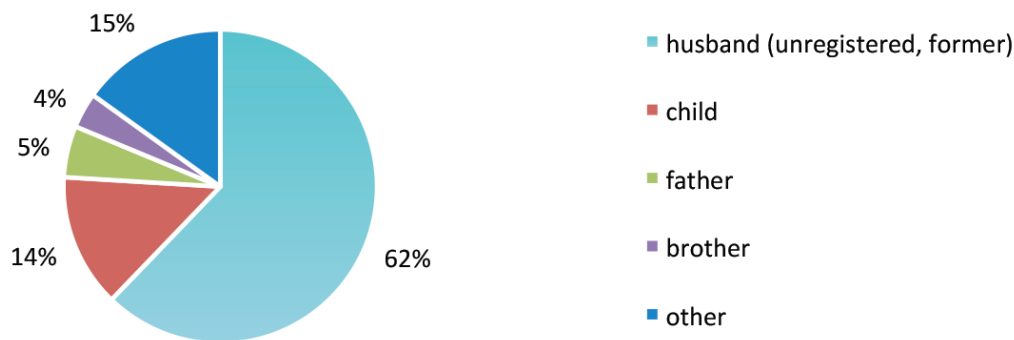
Physical violence	beating, torture, damage to health, illegal deprivation of liberty or any other action that causes physical pain or suffering.
Psychological violence	offence, blackmailing, humiliation, threats, or any other action that violates a person's honour and dignity.
Coercion	compelling a person to carry out or fail to carry out an act and/or tolerate an action carried out against his/her will.
Sexual abuse	sexual act by violence or threat of violence or by taking advantage of the victim's helplessness.
Economic violence	an act, which causes restriction of the right to have food, dwelling and other conditions, to use common property.
Negligence	failure by a parent(s) to satisfy needs of a minor, protect him/her from danger, restrict his/her right to basic education.

The law on Domestic violence applies to the circle of family members, which also includes a former spouse, persons in unregistered marriage, their family members and those who run or ran joint family business.

According to the data of the Ministry of Internal Affairs, 62% of orders are issued against a partner (husband, unregistered marriage, former husband).

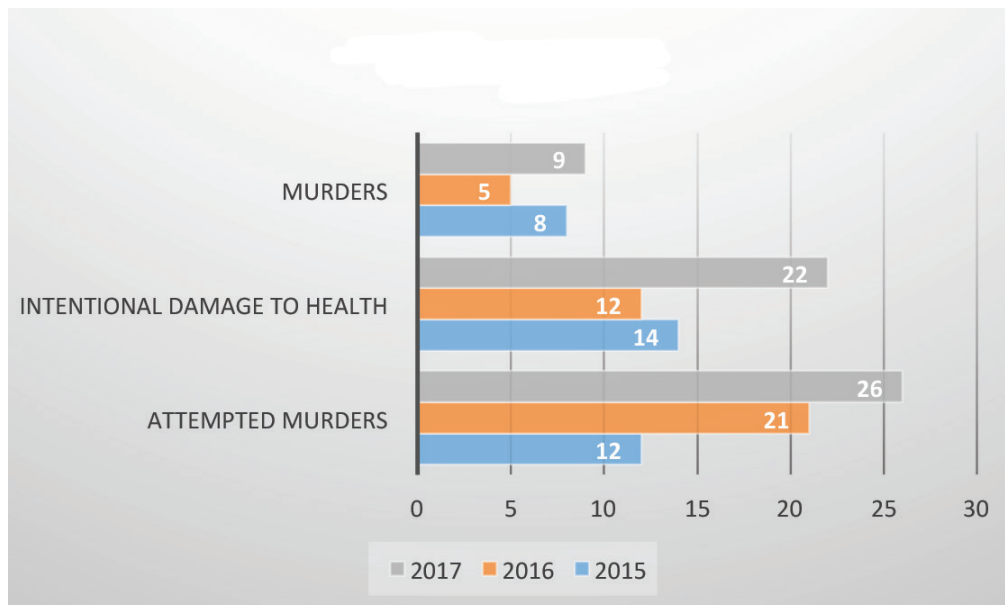
³² Law of Georgia "On Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence", Article 3, 2006.

Figure 9. Family ties of persons according to the issued orders (2017) ³³



The party (abuser) has a material, physical, intellectual or emotional advantage over the other party (victim), thus seeking to subordinate the other party.³⁴

Figure 10. Domestic crimes registered in the Ministry of Internal Affairs (2015-2017)³⁵



Domestic violence is particularly damaging to the health of children, even when violence is not directly addressed to them and they are only witnessing such an act. In many cases, this can lead to health, physical and emotional problems.³⁶

³³ The absolute number of abusers in 2017, based on orders-4,522.

³⁴ Authors Group, Handbook for Police Officers on Domestic Violence, 2010.

³⁵ Deliberate Murder (Articles 111 – 108, 109 of the Criminal Code of Georgia), attempted murder (Articles 11 1 – 19; 108, 109 of the Criminal Code of Georgia), intentional damage to health (Articles 11 1 – 117 of the Criminal Code of Georgia), source: the Ministry of Internal Affairs, as of December 2018.

³⁶ The Ministry of Internal Affairs: <http://police.ge/ge/projects/odjakhshi-dzaladoba>

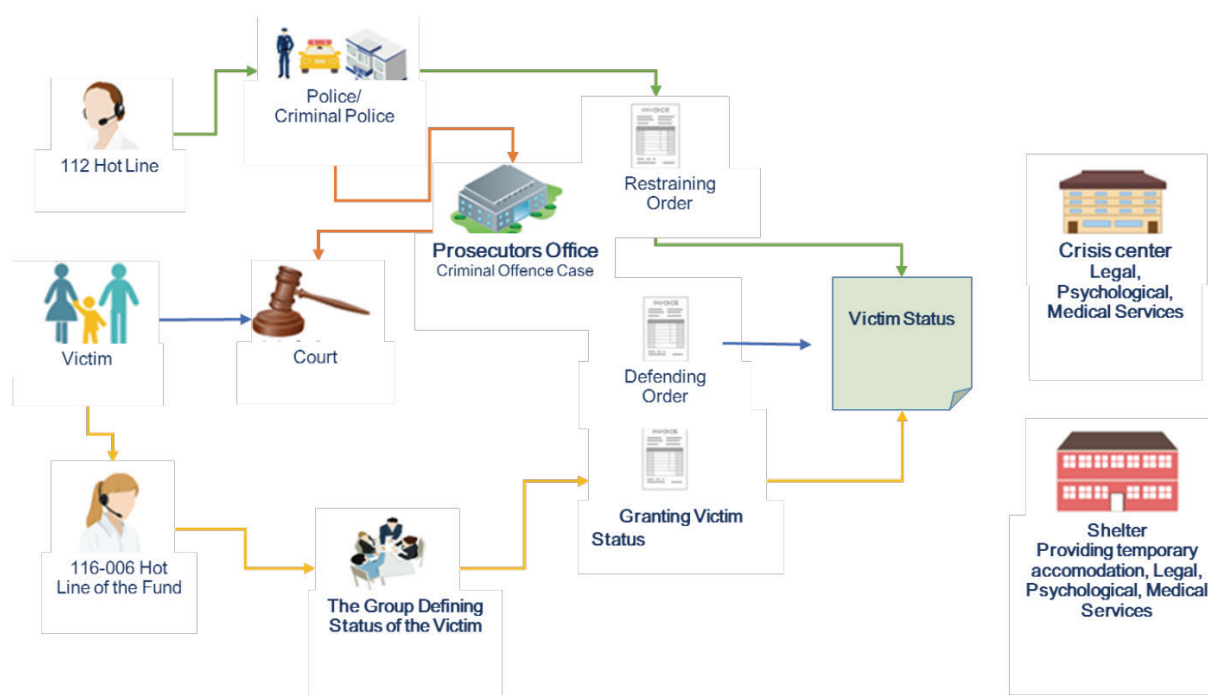
2.2 MECHANISMS FOR PROTECTION AGAINST DOMESTIC VIOLENCE AND PUBLIC SERVICES

Applications on the facts of domestic violence can be registered by calling the unified emergency hotline: 112 and the special hotline: 116 006, which operate 24 hours a day. The applicant may also apply directly to the territorial police department.

MIA developed a mobile application “112” that enables a person to communicate with “112” operators through the SOS button, chat and call. “112” mobile application also provides information on services for victims of violence, contact information of relevant organizations and hotlines.

The applicant may be a victim himself/herself, as well as a representative of medical and educational institutions, a representative of LEPL Social Service Agency and any other entity or person (neighbor, friend, relative).

Figure 11. Current system of protection against domestic violence³⁷



Initially, the relevant department of patrol or criminal police of the Ministry of Internal Affairs of Georgia responds to the facts of domestic violence. If the authority of the patrol police does not apply to the scene of crime³⁸, the district authority-district inspector shall be involved in the case.

³⁷ The sequence presented by the arrow is not fixed and serves only to illustrate the interconnection of the main parties. The victim may go through this process in any other sequence, depending on individual needs.

³⁸ Patrol police covers about 45% of the territory of Georgia, mainly large cities. In other territorial units, patrol functions are delegated to district inspectors/criminal police. In addition, the distribution of incident response varies at the territorial level, such as Mtskheta Patrol Area, but the district inspector responds to domestic violence cases.

In order to protect the victim in case of domestic violence and to limit certain acts of the abuser, the competent authority issues a protective or restraining order. **The protective order** is issued by a court of the first instance according to the procedure of administrative litigation and **the restraining order** is issued by an authorized police officer to respond promptly to domestic violence facts.

The main difference between these orders is in the specifics of the issuing entity, the term of validity, the issues to be considered and the entry into force. See key differences between orders in the figure.

Figure 12. The main difference between restraining and protective orders³⁹

RESTRAINING ORDER	PROTECTIVE ORDER
<ul style="list-style-type: none"> • drawn up by the police officer if a domestic violence case is confirmed • it is forbidden for the abuser to approach the victim, etc. • is issued for the term of up to 1 month • in case of violation, imprisonment for the term of 7 days or corrective labour for the term of up to 1 month 	<ul style="list-style-type: none"> • is issued by the court, based on the application of the victim, within 10 days • envisages victim protection measures • abusers are prohibited from approaching the victim • treatment of the victim by the abuser • undergoing by the abuser Behaviour Correction Course (not implemented in practice) • is issued for the term of up to 6 months • in case of violation, imprisonment for the term of up to 15 days or corrective labour for the term of 3 months.

The restraining and protective order may be canceled based on a joint statement by the parties.

If there are signs of crime provided for by the Criminal Code of Georgia, in addition to restraining and protective orders, the criminal prosecution is initiated, involving investigative bodies.

In addition, the victim may use public services if he/she has been recognized as a victim or has been granted the status of a victim.⁴⁰ There are several ways to obtain the status of a victim, they are:

³⁹ Since December 28, 2018, the first violation of restraining and protective orders is a criminal offense.

⁴⁰ According to Article 126¹ or 11¹ of the Criminal Code of Georgia.

Figure 13. Ways to obtain the status of a victim



Depending on the status of the victim, the victim may benefit from a special shelter⁴¹ that provides beneficiaries with day-and-night housing, psychological/social rehabilitation, medical services, legal assistance, interpreters and other services as needed.⁴²

Currently there are 5 shelters: in Tbilisi, Kutaisi, Batumi, Gori and Signagi.⁴³ The victim is placed for up to 3 months. If necessary, the administration decides to extend the term of stay of the victim in the shelter.

Prior to being granted the status of a domestic violence victim, the alleged victim may be placed in **the crisis center**, if it is necessary to separate the victim from the abuser.

If the victim does not want to be placed in a shelter or a crisis center, then the police may force the abuser to leave the victim's place of residence, even if it is the property of the abuser.

41 Shelters are structural units of the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking.

42 Internal regulations of the State Fund institution for provision of services to the victims of domestic violence (shelter).

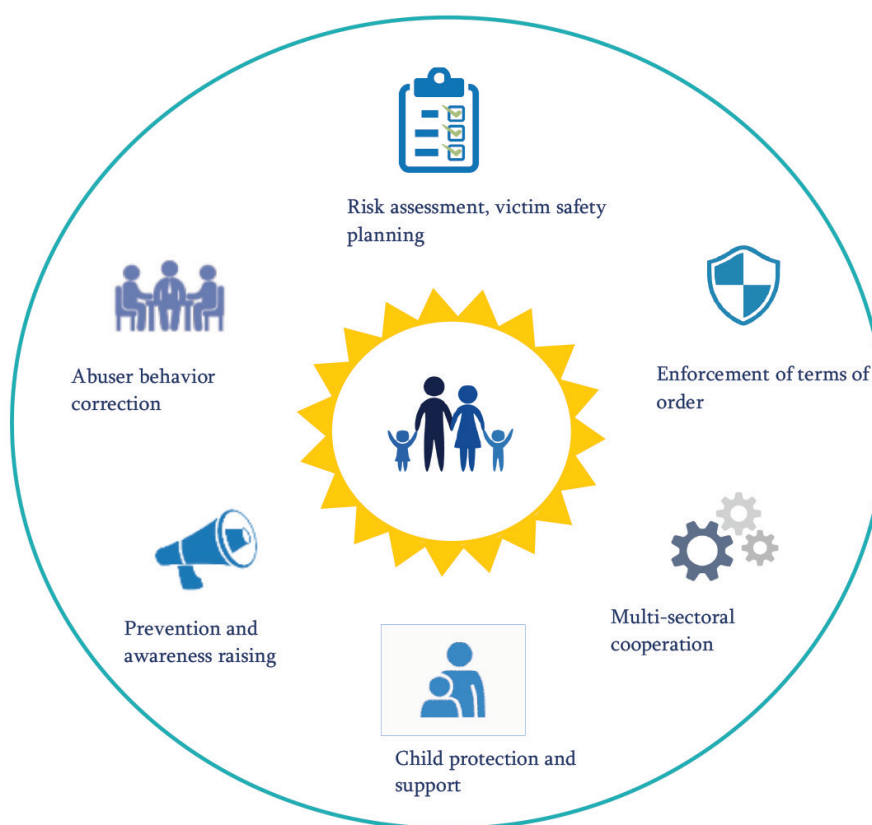
43 There are also NGO-based shelters in Tbilisi and Rustavi.

AUDIT FINDINGS

As a result of the audit, shortcomings were revealed with relation to the following issues:

- › Risk assessment and management of domestic violence cases;
- › Monitoring and enforcing restraining/protective order conditions;
- › Multi-sectoral cooperation in the process of early detection of violence;
- › Social worker involvement in child abuse cases;
- › Raising public awareness and professional training of the personnel of the agencies on domestic violence issues;
- › Correction of the behavior of the abuser.

Figure 14. Summary of findings



3. RESPONSE TO DOMESTIC VIOLENCE—THE MINISTRY OF INTERNAL AFFAIRS

Adequate response to domestic violence cases requires risk assessment of the violence. Using an evidence-based risk assessment model improves the decision-making process, increases the ability to respond appropriately to the needs of the victim and the ability to respond correctly to risks. The risk assessment system assists the relevant police officer in gathering relevant information about the fact of violence and the persons involved.

To assess the risk of a particular case of violence, it is important to consider the following factors:

- › *The degree of the risk perceived by the victim* – this is of critical importance, as the victim knows the abuser well and his/her well-grounded fear must be taken seriously.
- › *History of violence* – this is of critical importance for assessing the gravity of the situation, for example, whether there has been a prior call related to the fact of domestic violence, whether the restraining or protective order is valid, conviction, possession of a firearm, drug addiction, etc.

In 2017, 26 women were murdered in Georgia, 14 of which (54%) were committed by family members. Out of 14 facts of murder of women on the grounds of domestic crime, 10 have been convicted by the court. In other cases, the case was terminated based on the relevant circumstances.⁴⁴ The audit team reviewed 9 cases of murder of women and 8 cases of attempted murders on the grounds of domestic violence.⁴⁵

Figure 15. Women murder statistics for 2014-2018 (9 months of 2019)⁴⁶

Year	2014	2015	2016	2017	2018 (9 months)
Total:	34	18	32	26	11
In the family	17	8	14	14	5
%	50%	44%	44%	54%	45%

Analysis of the cases revealed that in 7 out of 9 murders (78%)⁴⁷, the victim did not apply to the law enforcement authorities with relation to the violence before the crime was committed. Application to the police is recorded in case of 2 victims. One of them applied 4 times and as a result one restraining order was issued, while the other applied 18 times and 3 restraining orders were issued.

Regarding cases of 2017, in most of the aforementioned cases, relatives were aware of violence, which according to the report⁴⁸ is confirmed by the testimony of witnesses, but they did not take appropriate measures, which again highlighted the problem of awareness.

44 Criminal prosecution was suspended on 3 facts, and for 1 fact investigation was suspended due to reasons, such as the abuse and death of the defendant. Public Defender, femicide monitoring report, 2017.

45 The cases are outlined in 2017 Public Defender's Monitoring Report for femicide, Analysis of criminal cases of 2017.

46 Department of Human Rights, MIA, Analysis of Women Murder, 2018.

47 According to the prosecutor's office, the court heard 10 cases of murder, and information on 9 cases was reviewed in the Public Defender report.

48 The femicide monitoring report of the Public Defender of Georgia, analysis of criminal cases of 2017.



In addition, out of 17 murders and attempted murders committed in 2017 – in 5 cases (30%) the Ministry of Internal Affairs was informed of possible domestic violence cases, and in 2016, the Ministry of Internal Affairs was informed of 6 out of 11 cases (55%).⁴⁹ However, the outcome could not be prevented. The below gaps in responding to incidents may be hindering factors in achieving better results:

3.1 RISK ASSESSMENT

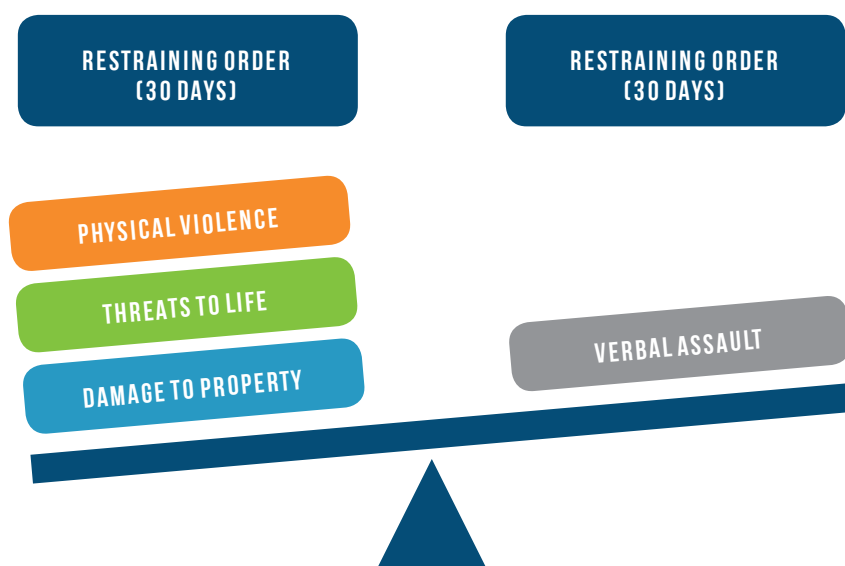
According to the practice established in different countries, as a result of the risk assessment of a particular case of domestic violence, evidence-based risk factors (Red Flags) are identified that indicate an increased risk. The presence of risk factors means that the case is high-risk and requires special attention.

The following is a list of risk factors (which is not exhaustive) for illustration:

- › Previous incidents of physical violence
- › Ending the relationship (separation, divorce)
- › Access to weapons
- › Threats to life
- › Chase
- › Obsessive Controlling Behavior
- › Offender depression

The audit revealed that in cases of domestic violence, for the fact of verbal abuse and high-risk cases involving incidents of physical violence, threats to life, etc., the same response measure was used - a restraining order (for the term of 30 days).

Figure 16. Illustration of risk-inappropriate response



⁴⁹ The Public Defender of Georgia, femicide monitoring report: women gender-based murders, analysis of criminal cases of 2016, p.21, 2018.

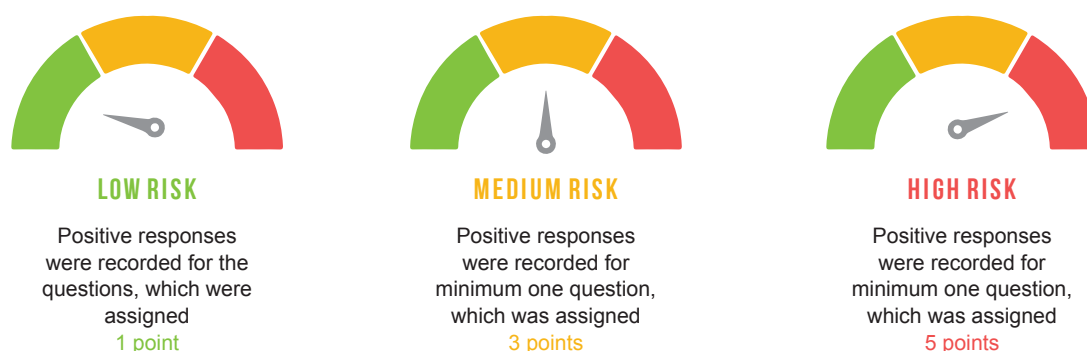
One reason for this may be the fact that prior to September 1, 2018, when defining protection measures, a police officer did not do a systematic risk assessment of cases of domestic violence due to the lack of the proper mechanism. As a result, the police issued a restraining order, qualified the form of violence and determined a response measure based on an individual decision and as a result, the police response was often not equitable and consistent.

ENABLING RISK ASSESSMENT MECHANISMS

Since September 1, 2018, the Ministry of Internal Affairs has introduced a risk assessment mechanism for domestic violence. The risk assessment mechanism consists of a restraining order protocol questionnaire completed by the police officer based on the interview with the victim.

The restraining order protocol contains 22 questions. Each question is rated with a certain score that determines the risk of recurrence of violence. For example, if positive response is recorded for at least one question with 5 points, the case is considered as high risk. In case of accumulating at least 3 points, a restraining order will be issued. As a result, **the basis for issuing an order** is established, which makes its issuance more consistent.

Figure 17. The method of determining risk according to the risk assessment protocol



The number of restraining orders has been increasing from year to year (see Figure 20), with an average of 574 orders per month in 2017.⁵⁰ Within one month of the entry into force of the Risk Assessment Mechanism (from September 1 to September 30), 796 restraining order protocols were completed. Out of them, in 50 cases, due to threats of repeated violence and existence of risks, no decision was made on issuance of a restraining order, and in the remaining 647 cases a restraining order was issued.⁵¹ Accordingly, in September 94% of restraining order protocols resulted in the issuance of restraining orders.

The audit team examined 55 orders issued in September and October 2018 region-wide, based on random selection. Their study revealed that 35% were incomplete, in particular for questions⁵²

50 Report of the Department of Human Rights of the Ministry of Internal Affairs, October 2018.

51 Department of Human Rights, the Ministry of Internal Affairs, Risk Assessment Instrument Monitoring Report, 2018, p. 2.

52 For example, according to question 19, "Was there a restraining or protective order issued against the alleged abuser?"-in case of a positive response, information about each of them should be indicated.

that require detailed information in case of positive response, no information⁵³ is provided. In addition, 9% (5 cases) of orders were issued even though accumulated points do not meet the 3-point limit for issuing the order.⁵⁴

In 2018, the number of murders committed on the grounds of domestic violence reduced. In 2017, there were 14 incidents of murder of women on the grounds of family violence and only 5 facts in 10 months of 2018. In 2018, there were no murders by a husband or ex-husband, while in 2017 that number was 10. It is also noteworthy that in 2018, there was no evidence of murder on the grounds of domestic violence within the period of validity of the restraining order.⁵⁵ The above effect may be related to the action taken by the Ministry of Internal Affairs and the intensified response to the facts of violence.

3.2 BACKGROUND

In order to properly respond to cases of domestic violence and determine the correct protective measure, it is important for the authorized police officer to be able to verify and consider the history of violence. Such information may include issues such as: a previous call to the family related to the fact of domestic violence, a restraining or protective order in force, a conviction, possession of a firearm, drug addiction, etc.⁵⁶ This information is also stated by the police officer in the restraining order protocol, which determines the degree of risk of repetition of violence.

In addition, taking into account the history of violence is important in order to select the correct measure of response to the offense, namely, repeated breach of the terms of the order envisages more severe response measures than the first case of violence.⁵⁷ It is important for the responding police officer to have information on the administrative responsibility of the person to detect repeated cases of administrative violations.

53 A risk assessment tool was introduced through distance training so that it could be implemented in a short period of time. The distance training course was attended by 10,000 police officers. In order to improve the quality, trainings through personal communication have been planned in the MIA.

54 Under exceptional circumstances, a police officer may issue an order even if the number of points is less than three.

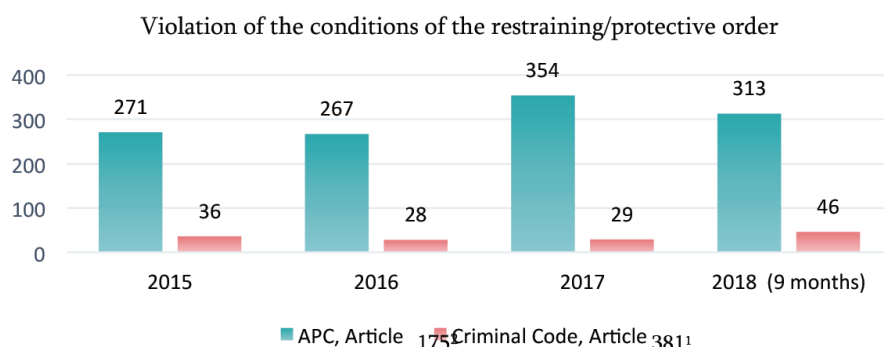
55 Department of Human Rights, MIA, Analysis of women murders, 2017-2018.

56 Authors Group, Police Handbook on Domestic Violence, 2010.

57 Failure to comply with the order requirements will result in administrative liability (Article 1752 of the APC), in the event of repeated violation, the person will be subject to criminal liability (Article 3811 of the Criminal Code of Georgia). According to amendments made to the law, failure to comply with the obligations envisaged by the order from December 28, 2018, shall result in direct criminal liability.



Figure 18. Violation of the conditions of the order, Articles⁵⁸ 175² of the Administrative Code and 381¹ of the Criminal Code of Georgia (9 months of 2015-2018)



Interviews with authorities, including patrol inspectors and district inspectors, revealed that access to information related to the history of violence varies by position (at individual level) in case of patrol inspectors and district inspectors. Of four district inspectors interviewed who directly respond to domestic violence cases, 3 did not have access to the information listed below, and one had limited access to the order database.

Table 19. Access to the information database

N	Information	Patrol-inspector	District inspector
1.	Whether there had been a call earlier related to the fact of domestic violence	No	No
2.	Current and previous restraining and protective orders	Partly	Partly
3.	Alcohol and drug addiction	Partly	No
4.	Conviction	No	No
5.	Administrative liability	Yes	No
6.	Whether firearm is registered or not	No	No

The audit team clarified the issues of the available databases and access to them, which revealed the following:

- › The fact of a previous call related to violence can be verified at “112” databases where the place of call and the incident are kept for a long time, although the responding crew does not provide this information when calling “112”.
- › Interviews with patrol and district inspectors revealed that before going to the accident scene, they don’t have an opportunity to verify whether firearm is registered in the name of the abuser, due to which fact, the police are ill-informed about the potential danger. If firearm appears in the statement of the initiator, “112” operators will provide information about it to the crew.
- › Also, interviews with patrol inspectors and district inspectors revealed that access to restraining orders is inhomogeneous, according to the position. Orders issued are registered in a special database and can be verified by connecting with the duty room, which is carried out

⁵⁸ Failure to comply with the order requirements will result in administrative liability (Article 1752 of the APC), in the event of repeated violation, the person will be subject to criminal liability (Article 3811 of the Criminal Code of Georgia). According to the amendments made to the law, failure to comply with obligations envisaged by the order from December 28, 2018 shall result in direct criminal liability.

mainly upon arrival, as verification requires a personal number and accurate data (at least name and surname), which the initiator may fail to name.

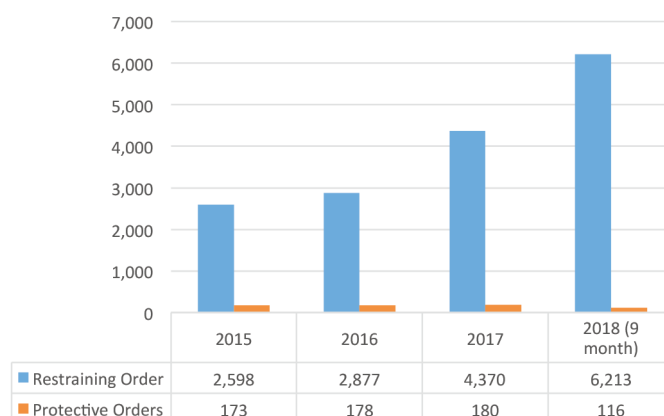
- › Alcohol and drug addiction are not recorded in the database, although the restraining order protocol provides for the recording of the data, therefore, the basis for this information is the information provided by the initiator.
- › Neither the patrol inspector nor the district inspector has access to the information about conviction, although it significantly increases the risk of repetition of the aforementioned violence. This information can be retrieved by the responding police officer after the incident, by checking with the authorities.
- › Unlike patrol officers, district inspectors have no access to information about administrative liability. This complicates the work of district inspectors, especially in regions, where the district inspector responds to the violence cases and not the patrol officers. According to the data of the Ministry, information on administrative liability can be verified, if necessary, in relation to the duty room.

Limited access to the information listed above creates the risk that a police officer will consider violence as a separate case, which is insufficient to adequately respond to it. This also reduces the degree of risk assessment, as the police depend on the information provided by the victim. In special cases the police may contact the duty officer, however, the use of this resource is impractical in all matters listed above.

3.3 ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION MECHANISMS

To increase the effectiveness of an order, it is important that the abuser be convinced of the reality of enforcement of the order.⁵⁹ Since the victim depends heavily on the order as a key security tool, inconsistent enforcement of the conditions of the order, renders it a false image of security. In addition, the weakness of the enforcement mechanism of the order causes mistrust in the victim, which in many cases causes refraining from referring to the law enforcement agencies.

Figure 20. Number of restraining and protective orders, 2015-2018 (9 months of 2018)⁶⁰



59 National Council of Juvenile and Family Court Judges, Family Violence Department, Mentaberry, M. "A Guide for Effective Issuance and Enforcement of Protective Orders." p.3, U.S., (2005).

60 Liability shall be defined by Articles 11'-108, 109, 117, 118, 126', 126' of the Criminal Code of Georgia. Source the Ministry of Internal Affairs: www.police.ge.

In 2015 - 2017, the number of restraining orders increases annually by an average of 35% and significantly exceeds the number of protective orders. The increasing number of restraining orders indicates to an intensified response by the Ministry of Internal Affairs to cases of violence.

From July 2015 until July 2018, the Ministry of Internal Affairs failed to properly monitor compliance with the order conditions and the police were only notified of the violation of the conditions of the order only if the victim reported it.

With the entry into force of the domestic violence risk assessment mechanism, from September 1, 2018, the rule for monitoring the compliance with the requirements and obligations set forth in the restraining order has come into force.

The basis for initiating monitoring is sending a restraining order to the respective territorial authority of the MIA, according to the victim's place of residence. Monitoring is carried out by communicating with the victim and the abuser, the frequency of which depends on the degree of risk of repetition of violence. In case of low risk, communication with the victim is mandatory at least once in every 7 days during the validity period⁶¹ of the order, in case of average risk, at least once in every 5 days and in case of high risk, at least once in every 3 days.⁶²

Table 21. Communication with the victim and the abuser within the framework of the monitoring of the order

Risk	Victim		Abuser	
	Call	Visit	Call	Visit
Low	3	1	1	–
Average	4	1	–	1
High	5	2	–	2

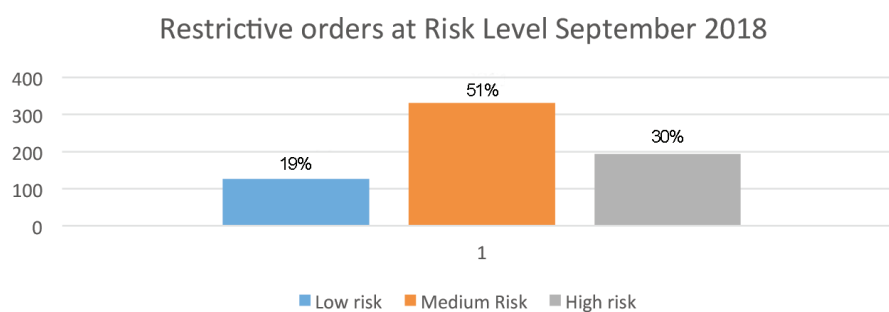
Following the completion of the restraining order protocol on violence cases in September 2018, the levels of risk were distributed as follows: 30% of orders are high risk cases, 51% are average risk cases and 19% are low risk cases.⁶³ Order compliance is monitored through telephone calls and scheduled /non-scheduled visits to parties.

61 Maximum 30 days.

62 Department of Human Rights of the Ministry of Internal Affairs, instruction for monitoring of the performance of the requirements and obligations defined by the restraining orders, 2018.

63 The Ministry of Internal Affairs, Risk Assessment System Monitoring Report, September 2018.

Figure 22. Restraining orders by the level of risk, September 2018



The audit revealed that the electronic database of orders within the Ministry of Internal Affairs lacks the number of restraining and protective orders, which, on the one hand, is problematic in terms of enforcement of orders and on the other hand, in considering the history of violence and risk assessment.

The electronic database of orders of the Ministry of Internal Affairs represents only 22% of the protective orders issued in 2017, leaving the enforcement of protective orders without proper attention. Protective and restraining orders serve the same purpose and are subject to oversight by the Ministry of Internal Affairs, but according to the domestic violence law, to produce statistical data, the Ministry of Internal Affairs is required to register only restraining orders in the proper electronic database.⁶⁴ The new instruction for the monitoring of orders is tailored to the enforcement of the restraining order and does not include any reference to protective orders.

To verify the history of violence, the audit team analyzed 50 restraining orders that contained a history of violence.

Table 23. Analysis of orders by reference to history (2016 - 2017)

Analyzed order	Number	Percentage
Does not contain information about the history of violence (such as issued orders)	22	44%
The abuser provides in the explanation information about previously issued orders	14	28%
Contains history	14	28%
Total:	50	100%

The analysis of orders revealed that in 72% of orders the history of the abuser is not indicated. Out of 14 cases with a history, in 3 cases the information about the existence of orders is not recorded, even though the order was issued in the name of the person, and in 3 cases the full information about the orders is not given. As a result, quick and effective response to violations of orders and the possibility of their consideration in the history of violence is at risk.

⁶⁴ Law of Georgia "On violence against women and/or elimination of domestic violence, protection and support of victims of violence", Article 10, paragraph 37, subparagraph „a.b“, 2006.

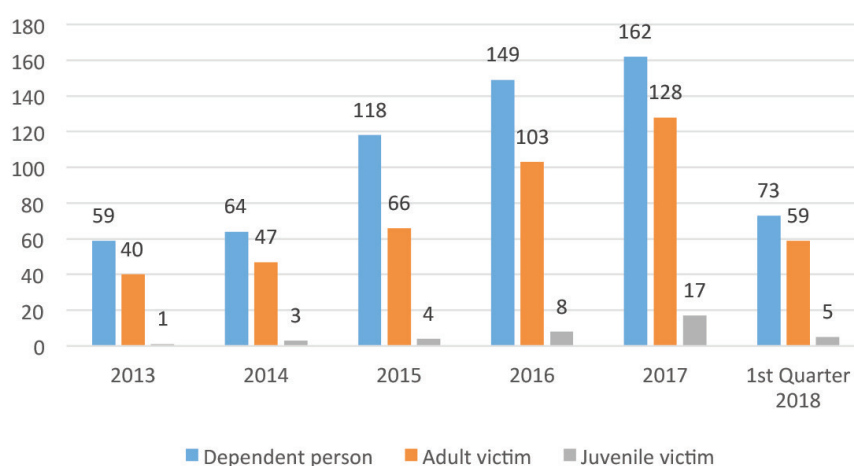
3.4 SEPARATING ABUSER FROM THE VICTIM

According to the practice established in different countries, prohibition of approaching the victim means that the abuser must leave the place of residence, which gives the victim the right to use the place of residence during the validity period of the order. This practice is actively used in Slovenia as well, and its purpose is to create discomfort and barrier for the abuser, which will prevent the abuser from repeating the violent act and thus facilitate prevention of the crime.

According to the Law of Georgia on Domestic Violence⁶⁵, the police have the right to evict the abuser from the place of residence during the validity period of the restraining or protective order, even if the property is the ownership of the abuser.

As the figure below shows, from the beneficiaries of the shelter, the number of persons dependent on the victim is higher than the number of victims. In 2017, on average, more than one dependent comes on the victim. This indicates that it is common for the victim and several dependents to be moved out of their home. Consequently, the victim suffers discomfort and, after leaving the shelter, must seek new accommodation with dependents.

Figure 24. Shelter beneficiaries and their dependents



Although the law provides for the removal of an abuser from home, it is difficult to implement it in practice. As there is no temporary detention facility in the police, it is difficult to move the abuser from the house if drunk, as leaving the abuser at night in the street is a threat to both the public and the abuser.

In addition, there is no instruction for action when separating the parties from their place of residence during the validity period of the order, which would have helped the police officer in deciding on the separation. According to the situation, it is advisable to move the abuser (one person) out of the place of residence and not the victim and dependents, which by creating disadvantageous conditions for the abuser, will facilitate crime prevention.

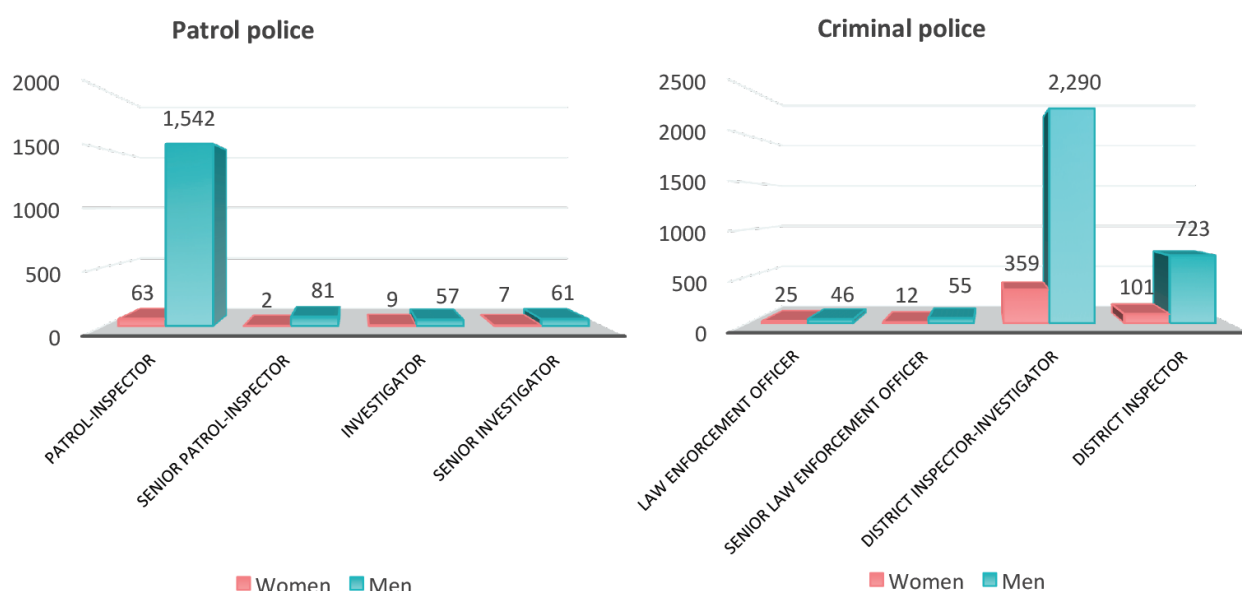
⁶⁵ Law of Georgia "On violence against women and/or elimination of domestic violence, protection and support of victims of violence", Article 182, 2006.

3.5 FEMALE POLICE OFFICER INVOLVEMENT

According to the MIA Domestic Violence Police Handbook, if according to the initial information, it is reported that one of the victims of domestic violence is a woman or a minor, it is desirable to have a female police officer as well to appear at the scene to facilitate the contact with them. According to the handbook, in many cases, interview by a female police officer with minors is more effective.⁶⁶

As it can be seen from the figure below, the number of female patrol inspectors/senior patrol inspectors employed on this position is 3% on average, and as district inspectors/senior district inspectors on average 13%.

Figure 25. Number of female police officers as of 2018



From the territorial point of view, out of 58 territorial bodies of the patrol police department, female patrol-inspectors/senior patrol-inspectors are not employed in 76% (44 authorities), and out of 418 criminal police authorities in 61% (255 authorities).

In view of the above, in the territorial units where female police officers are not employed, they cannot be involved in cases of domestic violence and in territorial units, where female police officers are employed, no special priority is given to sending a gender-balanced crew to respond to domestic violence cases.

⁶⁶ Authors group, Handbook for Police Officers on Domestic Violence, 2010.

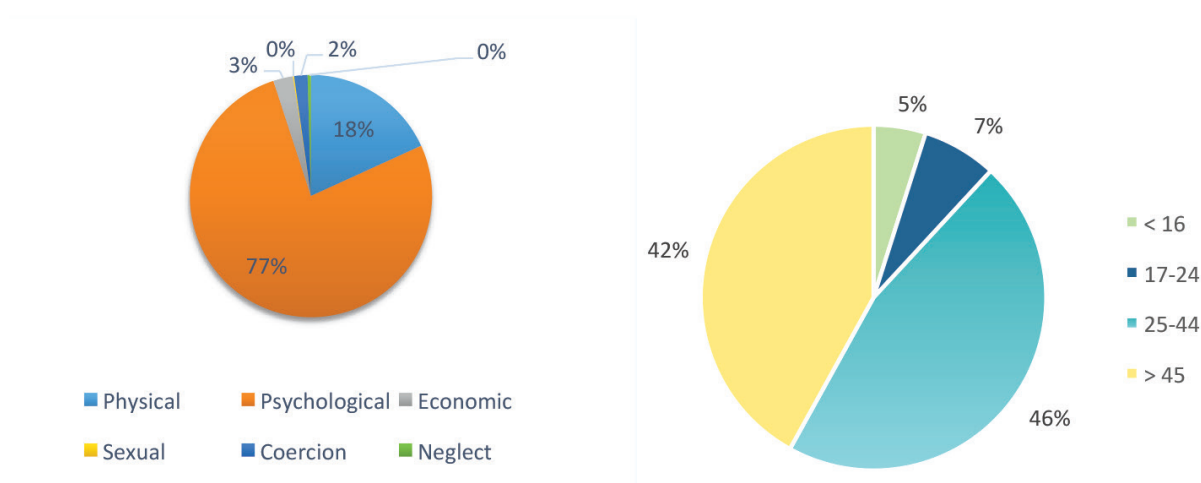
3.6 ECONOMIC VIOLENCE ON THE ELDERLY

The obligations of children with regard to parents are set out in the Civil Code of Georgia⁶⁷ (hereinafter referred to as the CCG), according to which, capable of working adults are obliged to provide for their disabled parents who need financial assistance.

Children may also be liable for additional costs due to special circumstances (severe illness of parents, etc.). Thus, the CCG is distinguished by a humane approach and maximizes the protection of elderly family members.

The term “economic violence” is defined by the law of Georgia as an act that restricts the right to food, housing and other conditions for normal development, the exercise of property and labor rights, as well as the right to use jointly owned property and dispose of a due share.⁶⁸

Figure 26. Forms of violence according to restraining orders, economic violence in terms of age (2017)



Identification of economic violence, given its specificity, is a challenge for the MIA. As of 2017, economic violence accounts for 3% of all forms of violence (143 cases), which in all cases has been identified along with other forms of violence. Considering the age of economic violence, 42% of victims of violence are over 45 years of age.

Georgian legislation defines protective and restraining orders as a measure to prevent domestic violence, however, where economic violence is manifested not by an action but by inaction, the use of such protective mechanisms does not provide the sufficient basis to protect the victim. In case of neglecting minors, the law establishes a different response mechanism (placement in a care center), application of which is advisable in this case as well. Therefore, it is important to develop an effective response mechanism for the elderly in cases of economic violence (exercising of the form of violence-neglect of the elderly or improvement of the mechanisms for responding to economic violence), which will facilitate access to services they need.

⁶⁷ According to Articles 1218-1220 of the Civil Code of Georgia.

⁶⁸ Law of Georgia “On violence against women and/or elimination of domestic violence, protection and support of victims of violence”, Article 4, 2006.

CONCLUSION

Since 2018 the Ministry of Internal Affairs has introduced several mechanisms to respond to domestic violence (risk assessment, rule for restraining order monitoring, adding greater punitive measures). This is a step forward and will significantly improve the process of the response of the Ministry to cases of violence. Nevertheless, there are several barriers that undermine the effectiveness of implemented mechanisms and response measures. Assessing the risk of violence and identifying a response measure requires consideration of the history of violence. By making this information available to the responding persons and proper accounting of the protective orders, the police officer will manage to better assess the risk, which will help to increase the degree of protection for the victim and to make an informed decision when determining response measures. This is an important prerequisite for the adequate response.

TO THE MINISTRY OF INTERNAL AFFAIRS:

- › In responding to domestic violence cases, in order to make informed decisions and properly enforce mechanisms protecting from violence, the Ministry of Internal Affairs should ensure:
 - access to information required by police officers responding to domestic violence cases (prior violence history, etc.), which will result in a proper risk assessment to increase the degree of protection for the victim and to determine the appropriate response to the offense.
 - registration of both protective and restraining orders in a proper electronic database, which will ensure a precondition for a quick and effective response to violations.
- › In order to facilitate crime prevention and to properly enforce orders, the Ministry of Internal Affairs should prepare appropriate instructions for the process of separation of the victim from the abuser. It is also advisable for the Ministry to consider the possibility of introducing practical means of separation of the victim from the abuser.



4. PREVENTIVE MEASURES AGAINST VIOLENCE

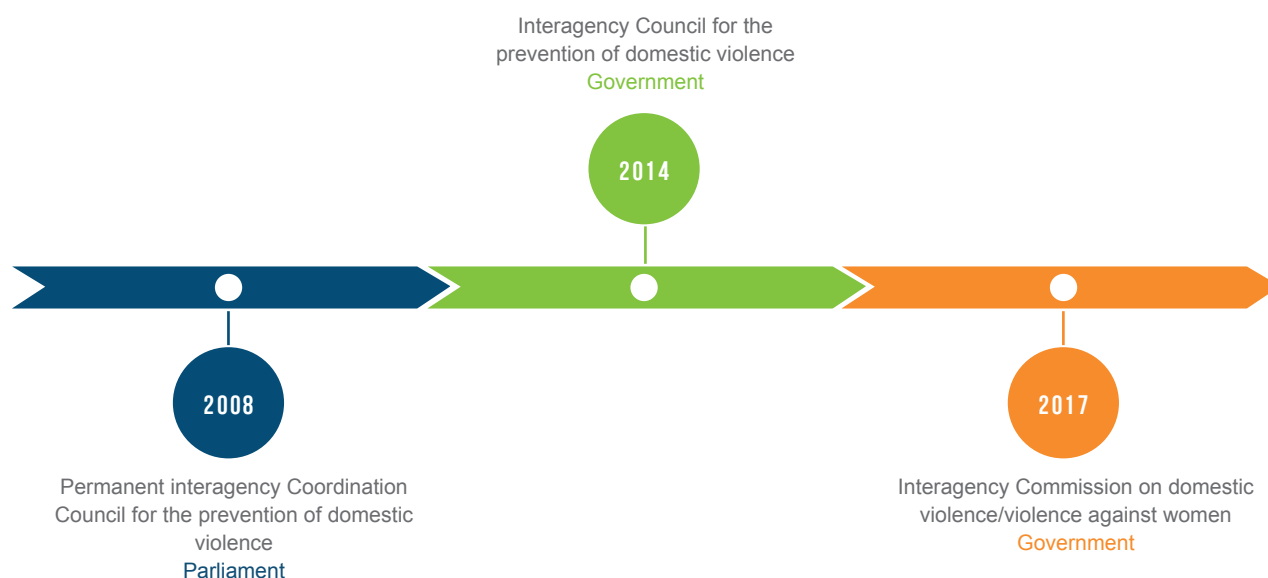
4.1 INTERAGENCY COMMISSION - ACTION PLAN TO COMBAT DOMESTIC VIOLENCE

Protecting and supporting victims of domestic violence is a complex process. Cooperation between different interagency institutions (healthcare, education, MIA, etc.) is a necessary condition for establishing an effective system⁶⁹ for protection of victims of domestic violence. Since the implementation of domestic violence measures requires the joint efforts of state agencies, according to the Istanbul Convention⁷⁰ it is important to have an official **coordinating body** in the country.

According to the Istanbul Convention, the coordinating body is responsible for coordinating, implementing, monitoring and evaluating policies and measures aimed at preventing and eliminating all forms of violence within the scope of the Convention.

To ensure coordination, the “*Standing Interagency Coordination Council for the Prevention of Domestic Violence*” was set up in Georgia in 2008 (in the composition of the Parliament). In 2014, the Council moved to the composition of the executive branch, and in 2017 it was abolished and the “*Interagency Commission on Gender Equality, Violence against Women and Domestic Violence (hereinafter referred to as the Interagency Commission)*” was set up.

Figure 27. Change of coordinating body operating in Georgia in 2008-2017



69 Government Resolution No. 437, instruction for action of the Social Service Agency in child protection referral procedures, 2016.

70 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Article 10 (ratified by the Parliament of Georgia).

The Interagency Commission is composed of:

- › Representatives of Ministries at the level of the Deputy Minister;
- › With voting right-Public Defender of Georgia;
- › LEPL - Legal Aid Service;
- › LEPL - Public Broadcaster;
- › Gender Equality Council of the Parliament of Georgia;
- › Representatives of the Supreme Courts of Georgia.

The chair of the Interagency Commission is the Prime Minister's Assistant for Human Rights and Gender Equality.

The Interagency Commission is established for an indefinite term and operates in three areas:

- › Domestic violence and violence against women;
- › Gender equality;
- › UN Security Council Resolution 1325 - (Post-Conflict Violence).⁷¹

The Interagency Commission will elaborate and submit to the Government for approval action plans to fulfil UN Security Council N1325 resolution on Gender Equality, Violence Against Women and Domestic Violence, perform coordination, monitoring and periodic reporting on activities defined by the plan.

DEVELOPING AN ACTION PLAN

The process of drawing up an action plan by the Interagency Commission is as follows: in order to summarize the gaps identified by the study the relevant documents are collected, such as surveys by the Public Defender, international and local organizations, as well as internationally recognized recommendations:

- › Committee on the Elimination of Discrimination against Women (CEDAW)⁷²
- › Universal Periodic Review (UPR)⁷³
- › Sustainable Development Goals (SDG)⁷⁴
- › Reports of UN Special Rapporteurs.⁷⁵

After summarizing the issues identified by the studies, meetings are held with the representatives of ministries and the civil sector, which are also attended by experts from international or-

⁷¹ Out of the mentioned three areas, the scope of the audit covers domestic violence.

⁷² United Nations Human Rights Office of the High Commissioner, The Committee on the Elimination of Discrimination against Women (CEDAW) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

⁷³ United Nations Human Rights Council, The Universal Periodic Review (UPR) is a process which involves periodic review of the human rights records of all 193 UN Member States.

⁷⁴ United Nations Sustainable Development Goals (SDG), Targets to be achieved by 2030.

⁷⁵ United Nations Human Rights Office of the High Commissioner appoints a special Rapporteur (currently Dubravka Symonovic) on violence against women that is mandated to seek and receive information, recommend ways to eliminate violence.



ganizations.⁷⁶ To develop 2018-2020 Action Plan, 3 meetings were held in 2017 and 2 in 2018. The following recommendations were presented: 3 by NGOs, one by an international organization and the Public Defender. The following shortcomings were identified during the development of the action plan:

THE PLAN DOES NOT SPECIFY THE BUDGET REQUIRED TO CARRY OUT THE ACTIVITY

The action plan should set out the tasks, the activities that follow them and the amount required to carry out the activities for which the state funding is allocated. In the absence of this, it should be specified whether the assistance of a particular donor is specified.⁷⁷ This is important in order to plan activities realistically and determine the amount of resources used and utilized for problem solving.

2016-2017 and 2018-2020 domestic violence action plan was approved by the government without determining the budget required for the implementation of activities, which is due to the lack of experience of agencies in calculating the estimated costs⁷⁸ and communication gaps, in particular the relevant economic and/or finance department staff was not involved in a timely manner during the plan development process.⁷⁹

NONOPTIMAL NUMBER OF ACTIVITIES TO BE PERFORMED ACCORDING TO THE PLAN

By the recommendation of the UN Special Rapporteur, it is important to conduct mandatory trainings for professional groups (law enforcement officers, judges, lawyers, prosecutors, etc.) on domestic violence-related issues. The domestic violence action plan provides for professional trainings and sets out the number of trainings to be provided by each agency during the year.

76 UN and EU international organizations (donor organizations).

77 Resolution N427 of the Government of Georgia of August 19, 2015 on the approval of the strategic documents—"Guide 2020 of the Public Administration Reform of Georgia" and "Policy Planning System Reform Strategy 2015-2017".

78 When performing various functions, what share of time and salaries is spent for the performance of activities envisaged by the plan.

79 In 2019 the plan for 2018-2020 in an updated form, with the graph of the source of funding was submitted to the government for approval.

Table 28. Implementation of 1.1.1 activity of 2016-2017 action plan

Responsible agency	Target group	Number of trainings specified in the plan	Number of trainings conducted	Number of participants	Total number of target groups
The Ministry of Internal Affairs	MIA staff	4	18	574	7403 ⁸⁰
Chief Prosecutor's Office	Chief Prosecutor's Office staff	4	6	130	692 ⁸¹
The Ministry of Health	Primary healthcare workers	6	2	47	23,000 ⁸²
Social Agency	Social workers	8	18	255 (2016) 50 (2017)	279
High School of Justice	Judges/assistants	2	2	9	294
The Ministry of Education and Science	Teachers/administration of the general education and vocational institutions	Quantity not specified	4	352	65,445 ⁸³

During this period, 47 out of 23,000 physicians received professional training on domestic violence, and two trainings were conducted in the High School of Justice, attended by 9 judges and 13 assistant judges. Although the activity provided for in the plan was accomplished, retraining of 9 judges was insufficient to achieve the purpose of the activity (294 judges in total). In case of the Ministry of Education, the number of trainings was not specified.

The plan only specifies the number of trainings and not the target group coverage or the required hours of training, which is insufficient to measure the results of the activity in relation to the priorities of the Commission.

One of the reasons for this is that the Commission is not involved in defining the measures to be taken by the ministries. The ministries themselves determine the activities to be carried out. In addition, the Interagency Commission does not have sufficient human resources to conduct the analysis required for the determination of the optimal number of activities. This is a key prerequisite for developing a results-oriented plan.

IMPLEMENTATION OF THE ACTION PLAN

The 2016-2017 action plan for combating violence against women and domestic violence and measures to be conducted to protect victims covers 4 main areas:

⁸⁰ Patrol-inspector, district inspector.

⁸¹ According to the decree N615 of the Government of Georgia of March 31, 2017 „On the staff list and salaries of the Prosecutor's Office of Georgia for 2017" there are 860 employees in the Prosecutor's Office and 692 without administrative staff.

⁸² International Foundation "Curatio", Healthcare sphere barometer, wave 10, human resources in the Healthcare sector, Situational Analysis, 2018.

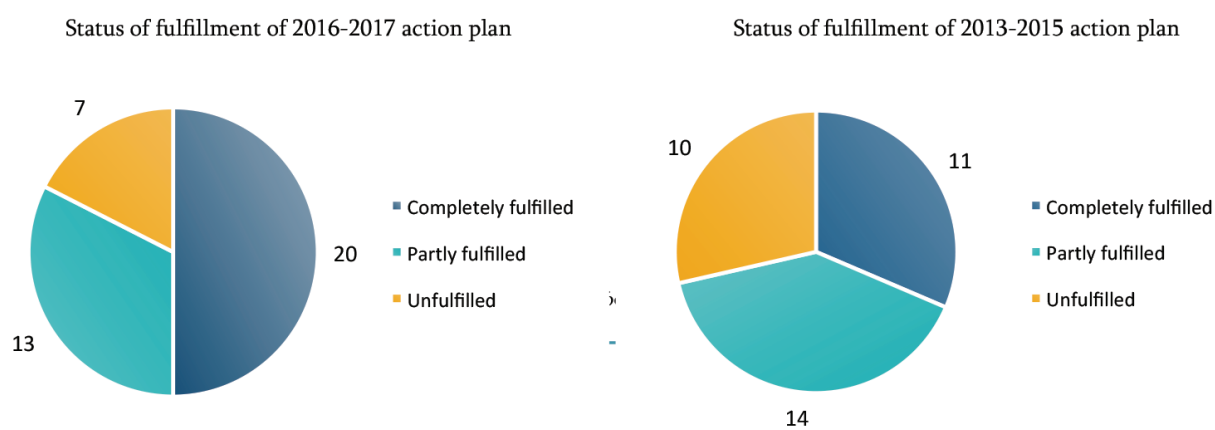
⁸³ Source: National Statistics Office of Georgia as of data of 2016-2017

Figure 29. Key directions of 2016-2017 plan



Each direction has a purpose, a baseline and a final indicator, a task, a leading and supporting responsible agency performing activities. The Interagency Commission prepares a report on the implementation of the action plan, assessing the status of fulfillment of the activities specified in the plan.

Figure 30. Status of the action plan fulfillment (2014-2017)



The analysis of the report on implementation of the Action Plan showed that 50% of the planned activities in 2016-2017 and 69% in 2014-2015 were not completely fulfilled.

In addition, the analysis of 7 non-fulfilled activities of 2016-2017 Action Plan revealed that in 5 out of 7 cases the Interagency Commission is responsible for the implementation of the activities.

The analysis also revealed cases of misestimation of activities. In particular, the Commission has granted to the activity the status of completely fulfilled, while the activity has only been partially fulfilled. Two illustrations are reviewed below.

Figure 31. Comparison of activities in 2016-2017 and 2018-2020 plans



Under 2016 - 2017 Action Plan, according to Activity 2.2.1 "Review and approval of the National Referral Mechanism" should have been performed. The information provided by the responsible persons shows that the National Referral Mechanism has been revised but was not approved within the time frame set by the Action Plan, thus the approval of National Referral Mechanism shifted to 2018-2020 Action Plan. Although part of the activity shifted to the next year plan, the performance status is indicated in the report as "completely fulfilled".

Activity 1.2.2 envisages educational information meetings on violence issues. In this case as well, the status of performance is indicated as *completely fulfilled*, while the municipal authorities are responsible for the implementation. The Commission does not possess information on the performance of municipal authorities. Accordingly, the municipal authorities were not evaluated and considered when granting the status to the mentioned activity.

Although the Commission has the function of monitoring the implementation of the plan, this function is weak. Causes of failure to perform activities are not analyzed and there is no relevant registry, reasons for failure to perform are only discussed verbally at the commission meeting.

Table 32. Activities that shift to the post-plan action period

Activity	Action plan (2013-2015)	Action plan (2016-2017)	Action plan (2018-2020)
Maintain statistics on domestic violence cases according to a single standard	V	V	V
Implement the monitoring system for enforcement of protective and restraining orders and ensure effective functioning.	V	V	V
Develop and further implement a mandatory course on violent attitudes and behavior change for abusers envisaged by the protective order.	V	V	V
Draft relevant legislative changes based on the results of the evaluation of legislation in the field of elimination of domestic violence, protection and assistance to victims of domestic violence.	V	V	V

In addition, the Commission does not have the leverage to respond to unfulfilled activities (including the Gender Equality Council of the Parliament). As a result, it is often the case that several significant activities shift from one action period to the next period over years.

4.2 AWARENESS RAISING ACTIVITIES

One of the key areas of the action plan for domestic violence of 2016-2017 is **prevention** of domestic violence. To reduce and prevent domestic violence, it is important to raise public awareness and change acceptability attitudes towards violence. This can be achieved by the following means:

- › Introducing educational programs in schools that will raise awareness of equality and respect for human rights;
- › Development of a Code of Conduct in the public sector (zero tolerance to violence) and a safe complaint procedure;
- › Supporting and informing women about their rights, means of protection from violence.

According to studies⁸⁴, public awareness about violence has improved somewhat in recent years, reflecting a decrease in the percentage of people with acceptability attitudes towards violence, but the situation remains unsatisfactory.

Surveys of 21 beneficiaries of shelter and crisis center by the audit team revealed that only 10% of beneficiaries were aware of protection against domestic violence before coming to the shelter/ crisis center, and **52% of beneficiaries** were not informed at all about the availability of means of protection against violence. 38% were less informed through media resources and other means (NGOs, friends, work, etc.).

Table 33. Results of the survey of the shelter and crisis center beneficiaries

Means of protection against domestic violence, the beneficiary:	Shelter (Tbilisi, Gori)	Crisis Center (Tbilisi)	Total	%
was informed thereof	0	2	2	10%
was less informed thereof	5	3	8	38%
was not informed thereof	5	6	11	52%
Total number of the surveyed beneficiaries:	10	11	21	100%

According to the beneficiaries of the shelter, in case of being informed about the protection mechanisms, they would have taken much earlier steps to end the violent relationship. Consequently, the lack of information may have contributed to the fact that for 12 out of 20 beneficiaries⁸⁵ it took more than 3 years to take appropriate action.

Table 34. Beneficiary survey results, duration of violent relationship

The violent relationship lasted	Shelter (Tbilisi, Gori)	Crisis Center (Tbilisi)	Total	%
3 years and more	5	7	12	60%
1-2 years	3	3	6	30%
Up to 1 year	1	1	2	10%
Total number of the surveyed beneficiaries	9	11	20	100%

At the same time, the question of why they refrained from applying to the police was mainly attributed to the negative attitude and fear of the public.

In the context of the Monitoring Report on the action plan on domestic violence, the Public Defender notes that the number of awareness raising measures under the domestic violence plan is insufficient and fails to respond to societal misconceptions.⁸⁶

84 UN Women, Geostat, National Study on Violence against Women, 2009, UN Women, Geostat, National Study on Violence against Women, 2017.

85 One beneficiary could not answer the question.

86 Public Defender of Georgia, 2016-2017 Action Plan monitoring report on measures to be conducted in relation to violence against women and domestic violence and protection of victims, 2017, p. 5.

EARLY DETECTION OF CASES OF VIOLENCE

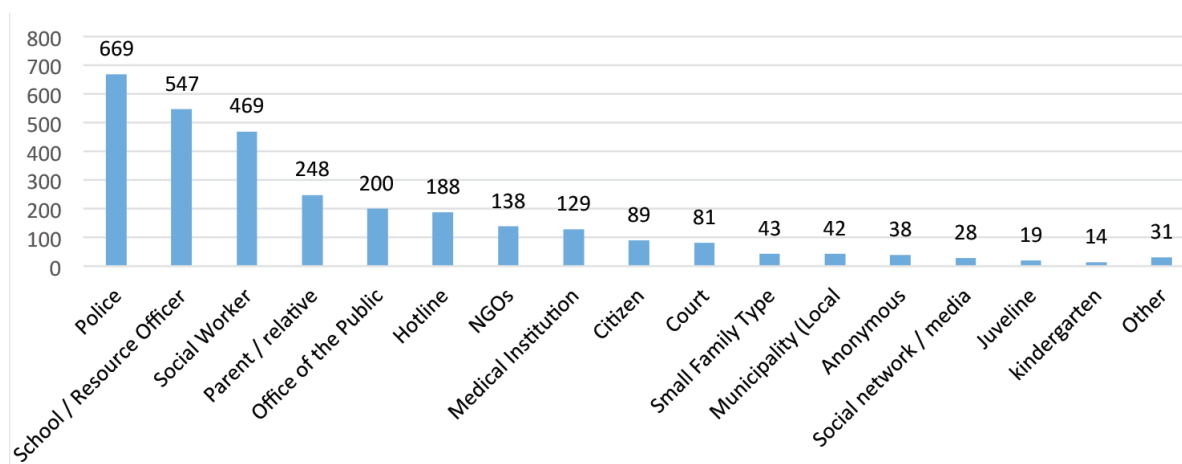
In case of domestic violence, the victim applies to law enforcement authorities when the situation is complicated. To prevent violence in the long run, it is important to incorporate educational, medical, social and other intermediary elements into early detection of violence. Depending on their profession, representatives of the sphere have frequent contact with their families and can identify early signs of violence.

Figure 35. Parties involved in the prevention system

THE MINISTRY OF INTERNAL AFFAIRS	SOCIAL SERVICES	THE MINISTRY OF HEALTH	THE MINISTRY OF EDUCATION
The district inspector and patrol inspector have frequent contact with people who have criminal record and can identify families at risk	The social worker and social agent frequently visit families with social problems, allowing them to identify families at risk, both in children and in the elderly	The family doctor or rural physician is aware of the physical condition of each patient and observes cases of physical abuse and child neglect	The resource officers, school and kindergarten teachers have direct contact with children and they can recognize signs of direct and indirect violence through communication with them

The Code of Administrative Offenses of Georgia stipulates the obligation of reporting violence against children, failure to comply with this law may result in fining the subject.⁸⁷ This obligation applies to subjects defined by referral rule, such as the police, educational and medical service providers, including rural physicians, etc.

Figure 36. The sources of notifications received in the Social Service Agency (2013-2017)



⁸⁷ Pursuant to Article 1726 of the Criminal Code of Georgia, in case of revealing facts of child abuse and not reporting this information to the relevant state authority, the individual shall be fined up to GEL 100 and the institution up to GEL 200.

The Social Service Agency reported 2,973 child abuse cases in 2013-2017 (for 5 years). The analysis of the reports shows that the police, school and social workers are often the initiators. Applications from medical institutions, kindergartens, prosecutors and social agents are significantly lower.⁸⁸ However, there is a potential for improved early detection of violence by increasing the involvement of these groups, for example, social agents visit families with social problems, which enables them to identify families at risk.

According to the Ministry of Internal Affairs, no individual/institution was fined under Article 172⁶ of the Code of Administrative Offenses – failure to report child abuse. This obligation is not fulfilled in practice; however, the Commission has not planned any measures in response to this information. There is also no monitoring mechanism in place to determine the extent to which this obligation has been fulfilled by the subjects defined under the referral procedure.

It is noteworthy that, as of now, there is an obligation to report violence only in relation to minors, and in case of other members of the public, there is no appropriate mechanism (referral rule), which is one of the obstacles to early identification of facts of violence.

COLLECTION, ANALYSIS AND PUBLICATION OF STATISTICS

To prevent and combat domestic violence, it is important to develop evidence-based policies that require **systematic and comparable** data collection from all relevant administrative sources.

In terms of raising awareness of domestic crime, it is also important to analyze the current situation in the country, which can be achieved through the processing of statistics and public access to the results.

For example, according to the UN Special Rapporteur, it is important to publish annually statistics on cases of femicide, with indication of the age, gender and relationship of the victim with the offender, as well as information on the offender's conviction and the length of punishment.⁸⁹

According to the Istanbul Convention, the official coordinating body should coordinate the collection of information on violence cases, **analyze** and **disseminate** its results,⁹⁰ and the results of the analysis should be made available to the public.

According to the Statute of the Interagency Commission operating in Georgia, the main task of the Commission is to **facilitate** data collection and analysis, which means that no specific agency responsible for the performance of this function has been identified. Accordingly, this circumstance fails to comply with the requirements of the Convention.

Although the Commission is best positioned to analyze statistics and develop relevant findings-based policy documents, the Commission does not collect, analyze and make available to the public information on domestic crime, data segregated based on gender.

⁸⁸ A social agent is a person with special powers who identifies vulnerable families and describes their socio-economic situation.

⁸⁹ United Nations Special Rapporteur on Violence against Women, Its Causes and Consequences, Dubravka Simonovic, 2018.

⁹⁰ Convention of the Council of Europe (Istanbul), Article 10.

Accordingly, data on violent crimes is scattered in various state structures (MIA, Prosecutor's Office, Court, Geostat, etc.). Each agency disseminates information within its competence, but generally the data is fragmented, general and does not convey the whole picture. In order to raise awareness of domestic violence prevention and domestic violence issues, 2013-2015 Action Plan provided for the creation of the Interagency Commission website, which was not created within the term of the plan and based on the current situation.

In addition, there are cases where the data of two agencies on the same issue is different. The reason for this problem is the lack of a unified standard of statistics and a unified system for crime of violence, which is why the statistics are not comparable.

The absence of a unified methodology prevents the creation of an aggregated database, making it difficult to plan and implement plan/programs or services tailored to needs. The activities listed above are spelled out in the plan, but not completed.

MUNICIPALITY INVOLVEMENT

Active involvement of municipal authorities in awareness-raising activities is particularly important in the fight against domestic violence. As of 2017, incidents of violence per 100,000 residents in the regions, particularly in Adjara, Samtskhe-Javakheti and Kvemo Kartli - are higher than in Tbilisi.

Figure 37. Per 100,000 residents living in regions in case of violence, 2017 ⁹¹



⁹¹ Human Rights Department Report, October 9, 2018.

The 2016-2017 Action Plan on Domestic Violence provides for several awareness-raising activities to be carried out in municipalities, implementation of which according to the plan is the responsibility of municipal authorities. These include providing vocational training for preschool institutions and municipal authorities staff, organizing educational information meetings with particularly vulnerable groups, ethnic minorities in the regions and engaging religious leaders in selected geographical units.

The audit team requested information from the Commission on the activities carried out by the municipalities under the action plan. According to the Commission, they do not have information on the activities carried out by municipalities, due to the lack of information retrieval mechanism.⁹²

The Commission does not have any information regarding the obligations of the municipalities defined by the plan due to communication deficiencies. In particular, the Commission set out obligations for the municipal authorities within the action plan without identifying, informing, or engaging the specific body and person involved in the development of the plan.

The Commission has identified the “Development of mechanisms of cooperation with municipalities”⁹³ as a separate activity in 2018-2020 Action Plan, while the above awareness-raising activities have not been considered in 2018-2020 plan.

BEHAVIOR CORRECTION COURSES

The Law of Georgia on Domestic Violence provides for courses on correction of attitudes and behavior of the abuser, which includes measures aimed to change abusive behavior and his/her psychological and social support.

The purpose of these measures is to prevent the recurrence of violence and to ensure safety of the victim, to acknowledge the responsibility of the perpetrator of the violent behavior and its consequences, as well as to maintain positive changes in attitudes and behavior.

Studies⁹⁴ show that behavior correction courses are more effective at the initial stage of violence, and its use at the late stage (at recurrence level) reduces the incidence of violence⁹⁵ by only 5%. Consequently, by offering the courses at the level of protective order, the abuser can be influenced, and the risk of a repeated offense reduced.

Abuser behavior correction courses are provided for by the Law on Domestic Violence in case of a protective order. According to the same law, the government had to implement the measures necessary for organizing the courses by October 1, 2015 and designate a state authorized body, which was not implemented in practice.

92 According to the response of the Commission.

93 Activity 1.2.1

94 MacMillan, H.L. and Wathen, C.N. Prevention and Treatment of Violence against Women: Systematic Review & Recommendations, CTFPHC Technical Report N01, 2001.

95 Eckhardt, Christopher I., Christopher Murphy, Danielle Black, and Laura Suhr. “Intervention Programs for Perpetrators of Intimate Partner Violence: Conclusions From A Clinical Research Perspective.” Public health reports 121, no. 4 (2006): 369-381.



CONCLUSION

Given the fact that the implementation of measures against domestic violence requires joint efforts of different state agencies, the effective functioning of the Interagency Commission is very important. The study of the work of the Commission revealed weaknesses in the analysis, monitoring and communication functions which is due to the lack of human resources. For the activities of the domestic violence plan to respond to the existing challenges, functional improvements of analytical procedures, monitoring, communication at central and municipal levels are required within the Commission, all of which cannot be achieved without the institutional strengthening of the Commission.

RECOMMENDATION

To the Interagency Commission working on the issues of domestic violence:

- › In order to raise awareness of domestic violence prevention and issues of violence, the Commission aims to ensure that data on domestic violence cases is collected, analyzed and made available to the public.
- › In order to facilitate early identification of domestic violence cases, the Commission, in cooperation with the relevant authorities, should develop and implement early detection mechanisms for violence (e.g. within the framework of mandatory medical examination of children, screening program, etc.).
- › For the effective response to the cases of economic violence against the elderly, the Commission through joint efforts with responsible agencies (Police, Social Services Agency) is advised to ensure specification/update of the existing procedures of response (neglect of the elderly or improvement of response mechanisms to the economic violence), which will make available to the victim the state services existing in this regard. The Commission should also identify the body responsible for conducting behavior correction courses and to facilitate its timely implementation.



4.3 SOCIAL SERVICE AGENCY - CHILD ABUSE

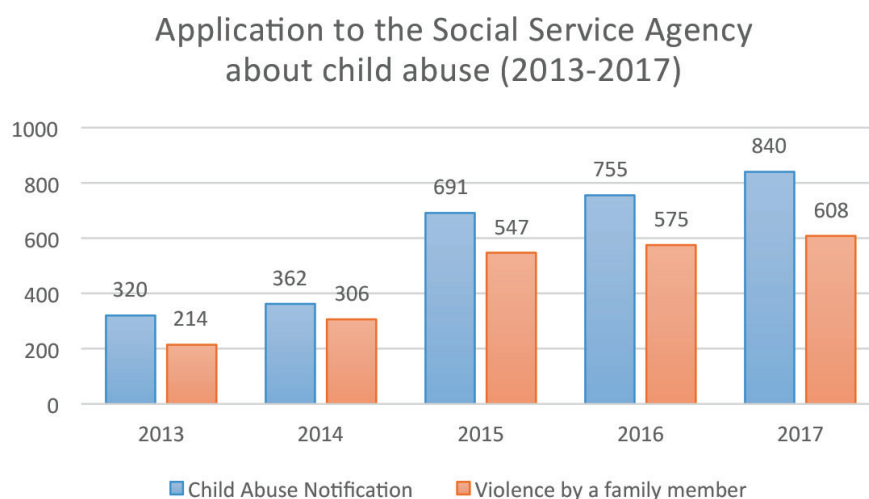
In case of child abuse, in order to assess the situation and select the right protective mechanism, it is important to ensure involvement of a social worker. According to the amendments to the Law on Domestic Violence, a child who witnesses domestic violence is also considered a victim of violence.⁹⁶

The social worker having received notification about child abuse should visit the child to assess his/her current state, decide on the necessity to issue a restraining order to protect the minor and in emergency/extreme case ensure separation of the child from the family and/or placement of the child in alternative services. The role of the Social Service Agency in case of child abuse includes the following activities:

- › Assessment of a child victim or alleged victim of abuse;
- › Accident management, consulting;
- › In an emergency, decide on separating the child from the abuser and placing the child in required services;
- › Supervision over the child's condition and keeping records.⁹⁷

As part of the Child Protection Referral Procedures, in 2017 the Social Protection Agency received applications of violence for 840 children,⁹⁸ including 6 persons with disabilities. In 608 cases (72%), the abuser is a family member. In 2017 the police issued 104 restraining orders to protect minors, in 5 cases protective orders were used and parental rights were restricted in 13 cases. Violence was confirmed in 482 cases.

Figure 38. Application to the Social Service Agency about child abuse (2013-2017)



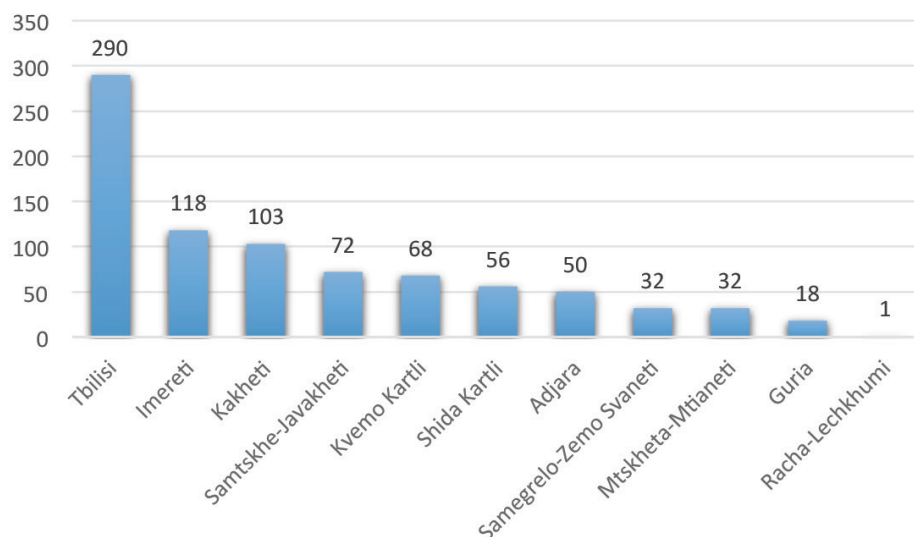
⁹⁶ Law of Georgia "On violence against women and/or elimination of domestic violence, protection and support of victims of violence" Article 4, subparagraph "f", 2006.

⁹⁷ Government Resolution No. 437, action instruction of the Social Service Agency in Child Protection Referral Procedures, Article 1, 2016.

⁹⁸ 340 – male, 480 – female.

Physical violence and neglect are prevalent among child abuse cases. In 2017, there were 121 children in alternative services (foster care - 73, small family homes - 29, various shelters - 19).⁹⁹ Among the regions, application is high from Imereti, Kakheti and Samtskhe-Javakheti regions.

Figure 39. Distribution of child abuse facts by regions (2017)



Involvement of a social worker in cases of domestic violence, as needed, is not possible for the following reasons:

INSUFFICIENT NUMBER/WORKLOAD OF SOCIAL WORKERS

According to the Council of Europe (Istanbul) Convention, victims must have access to social services. According to the Convention, this service should have adequate resources and specialists trained to assist victims and refer them to the appropriate services.¹⁰⁰

As of 2018, 255 social workers are employed within the Social Service Agency in Georgia, 71 of them are in Tbilisi.

Table 40. Number of social workers per 100,000 residents ¹⁰¹

Country	Number of social workers per 100,000 residents
EU	1851
Slovenia	772
Moldova	32
Georgia	7

⁹⁹ Social Service Agency 2017 Activity Report.

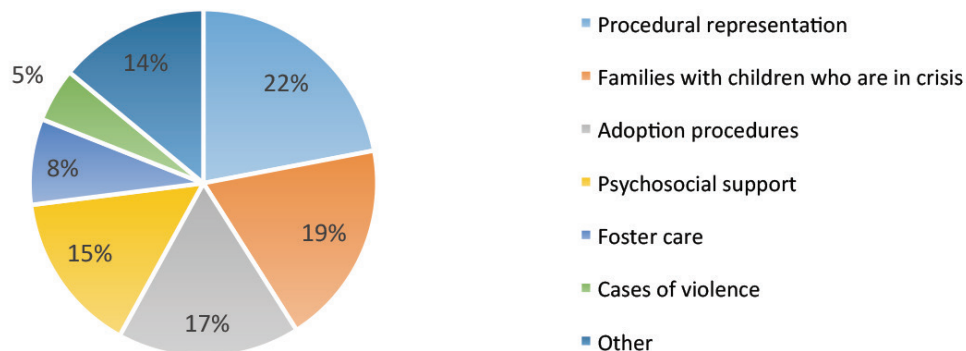
¹⁰⁰ "Council of Europe (Istanbul) Convention", Article 20, paragraph 2.

¹⁰¹ Parliamentary question concerning the resolution of the staffing difficulties of the centers for social work to the Minister of Labor, Family, Social Affairs and Equal Opportunities of Slovenia, 13 February 2018.

There are 7 social workers serving 100,000 residents in Georgia, which is significantly behind the practice of other countries, for example, there are 772 social workers per 100,000 residents in Slovenia.

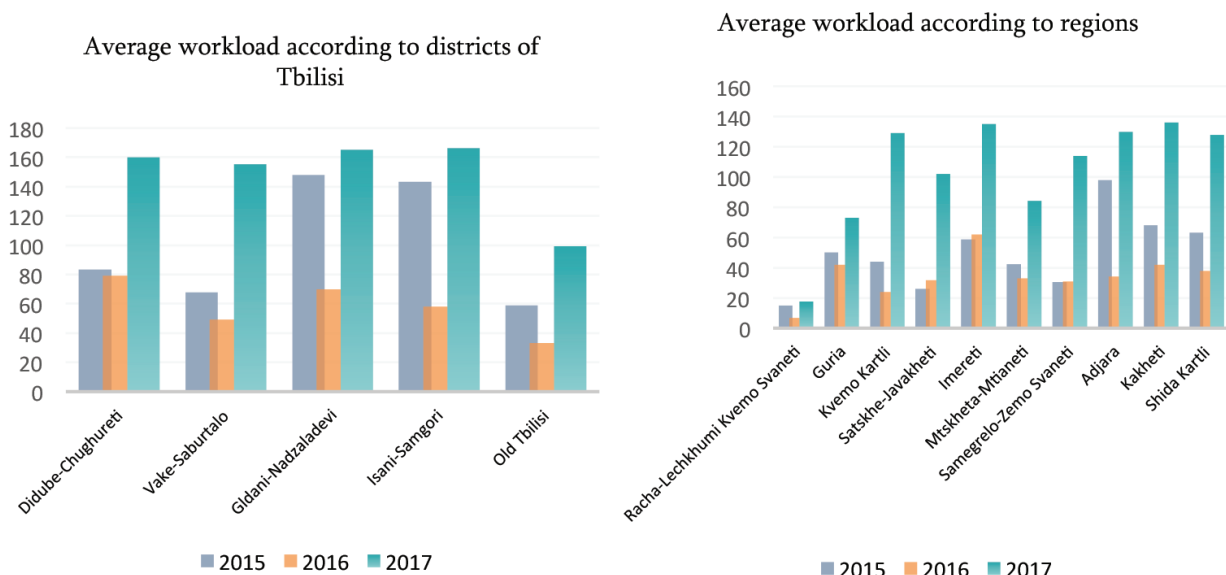
Besides, there are many rights and obligations. Social workers operate in approximately 32 areas (vulnerable children, the elderly, the disabled, adoption procedures, foster care, guardianship/support and other support activities). The workload of social workers is high in procedural representation¹⁰²- 22%, and 5% of cases are violence cases.

Figure 41. Percentage distribution of social workers by activity (2017)



By the recommendation of the Georgian Association of Social Workers, the workload of social workers should be 20 cases per month.¹⁰³ It is common practice in different countries to load a social worker with 11 to 15 cases per month.¹⁰⁴ As of 2017, there are an average of 120 cases per social worker per month in Georgia, which is six times the recommended number of cases and makes it difficult for a social worker to perform the functions envisaged by the law.

Figure 42. Average monthly workload of social workers by regions and by districts of Tbilisi (2015-2017)



¹⁰² Performing the function of legal representation in juvenile justice.

¹⁰³ Georgian Association of social workers, determination of social worker workload, Methodological Guidelines, 2015.

¹⁰⁴ Tony Nakhimoff, Guide To Effective Caseload Allocation, p. 11, 2015.

The lack of social workers and the multiplicity of rights and obligations has a negative impact on the quality of social workers' findings and creates the risk that the social worker's statutory powers are not properly implemented in practice.

At present, social workers cannot effectively monitor issues envisaged by the order and periodic visits within the child supervision plan. Social workers make their own decision to contact the victim by telephone or visit them. Although the Agency instructed that at least one visit per month should be conducted during the supervision process, the Agency could not provide documentary information on the visits.¹⁰⁵

It should also be noted that the number of references to the Social Service Agency on the cases of violence against children is increasing rapidly. In 2017, there were 840 applications on children, while for the first 9 months of 2018, applications were recorded for **2,555** children (application increased by 204%). The 2018-2020 Action Plan for Domestic Violence envisages a 10-30% increase in the number of social workers. Against this background, inclusive of 2017, the number of social workers has decreased from 279 to 255 (10%) in 2018.

LIMITED AVAILABILITY OF SOCIAL WORKERS - WORK SCHEDULE

Emergency cases of child abuse and neglect can be reported both during working and non-working hours. According to the practice approved in different countries, a social worker on-duty in Social Service provides the necessary services during the non-working hours - at night, on weekends and on holidays.¹⁰⁶

The purpose of this service is to assist people who are in critical condition with personal and family problems during non-working hours. A crisis is considered to be a case, which cannot be postponed until the following business day. The service ensures on-site visit and providing assistance to a person, consultation related to the crisis and referral to the required services.¹⁰⁷

Working hours of social workers in Georgia are from 9:00am to 6:00pm. On weekends and holidays social workers do not work. Consequently, when reporting the cases of violence within the mentioned timeframe, involvement of social workers in protection measures is complicated.¹⁰⁸ As the figure shows, notifications on violence cases during working hours is 37%, and during non-working hours-63%, during which the availability of social workers is limited.

105 According to the official response of the agency, oversight of the case is reflected in the form of a social worker's visit and stored in the agency's territorial units.

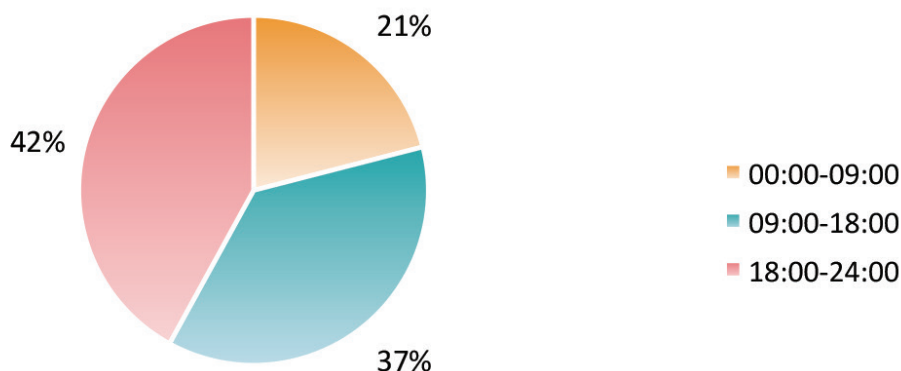
106 Child Emergency Duty Teams, England, available at: <https://www.leeds.gov.uk/docs/121Childrens%20Emergency%20Duty%20Team.pdf>

107 Regional Emergency Social Work Service, Ireland, available at: http://therowan.net/wp-content/uploads/2013/04/130520_leaflet.pdf

108 Social workers of the Social Service Agency carry out procedural representation of juveniles, the time of implementation of which, according to the Juvenile Justice Code is 08:00-22:00. Accordingly, in case of appointment within the mentioned timeframe of the procedural representation, the social worker shall carry out representation.



Figure 43. Notifications reported in LEPL “112” on domestic violence by timeframes (2017)



According to the social worker's action instructions, if the child abuse fact is confirmed by a police restraining order (**except for non-working hours, from 6:00pm to 9:00am, restraining orders issued on weekends or holidays**), upon receiving a notification about the fact of child abuse, the social worker goes to the scene, performs situational analysis and ensures transfer of the child to the relevant service and/or the third party (relative, neighbor, etc.).¹⁰⁹

In case of issuing a restraining order during non-working hours and weekends or holidays, the child is transferred to the relevant service unit based on the joint **counseling** with the police and social services.¹¹⁰

This creates a problem in terms of coordination between the police and social workers, as it is difficult to connect with social workers during non-working hours. This issue is also problematic for social workers, who, due to emergency situations, often voluntarily appear at the scene during non-working hours for which they are not paid.

CONCLUSION

In the management of each case of violence, particular role is assigned to the involvement of the Social Service, which must protect the interests of the victim and provide him/her with the necessary information about the available means of protection. As it stands, Social Services are only involved in child abuse cases, but due to their scarcity, disproportionate workload and limited working hours, the functions entrusted to them by law cannot be fully implemented in practice. Better management of the issues of number, workload and availability of social workers is a prerequisite for increasing social worker engagement and improving the quality of work they perform.

¹⁰⁹ Government Resolution No. 437, instruction for action of the Social Service Agency in the of child protection referral procedures, Article 6, subparagraph 1, 2016.

¹¹⁰ Ibid, Article 6, subparagraph „1.b“.

RECOMMENDATION

To the Social Service Agency:

- › In order to ensure social worker availability during non-working hours, the Social Service Agency is considering introducing a social worker on-duty mechanism to facilitate uninterrupted response to emergency violence on weekends, holidays and non-working hours.



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