LAW OF GEORGIA

ON VIOLENCE AGAINST WOMEN AND/OR ELIMINATION OF DOMESTIC VIOLENCE, PROTECTION AND SUPPORT OF VICTIMS OF VIOLENCE

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Chapter 1 – General Provisions

Article 1 – Scope of the Law

1. This Law defines the set of actions that characterise violence against women and/or domestic violence in the public or private life, legal and organisational grounds for detecting and eliminating domestic violence, as well as guarantees for social and legal protection and support for victims of violence.

2. This Law, based on the specifics defined by this Law, shall also apply to the relations that contribute to violating constitutional rights and freedoms of a minor through negligence and/or physical, psychological, economic, and sexual violence or coercion.

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 2 – Aim of the Law

The aim of this Law shall be to:

a) ensure creation of legislative guarantees for protecting the rights and freedoms of all family; members, their physical and mental inviolability and family values by recognising their equal rights;

a[1]) ensure creation of legislative guarantees for protecting the rights and freedoms of women, and for physical, mental, sexual and economic inviolability;

b) create efficient legislative mechanisms to detect, eliminate and prevent violence against women and/or domestic violence;

c) create a system for providing access to justice for victims of violence;

d) create grounds for protection, support and rehabilitation of victims of violence;

e) ensure collaboration between different institutions to prevent and combat violence against women and/or domestic violence;

f) ensure facilitation of the taking of measures envisaged for the correction of attitudes and behaviors of abusers.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 3 – Domestic violence

Domestic violence is the 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 of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Article 3[1] – Violence against women

1. Violance against women involves all actions in the public or private life that are characteristic to violence against women committed on the grounds of sex, 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 unauthorised deprivation of liberty of women.

2. For the purposes of this Law, a female minor who has not reached the age of 18 shall be also deemed a woman.

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Article 4 – Definition of terms

Terms in this Law shall have the following meaning:

a) physical violence – beating, torture, damage to health, illegal deprivation of liberty or any other action that causes physical pain or suffering, withholding health needs, which leads to damage to health or death of a victim of violence;

b) psychological violence – offence, blackmailing, humiliation, threats, or any other action that violates a person's honour and dignity;

c) coercion – compelling a person by using physical or psychological force to carry out or fail to carry out an act, carrying out or refraining from which is the right of that person, or making a person tolerate an action carried out against his/her will;

d) sexual violence – sexual act by violence or threat of violence, or by taking advantage of the victim's helplessness; sexual act or other acts of sexual nature or child sexual abuse;

e) economic violence – an act, which causes restriction of the right to have food, dwelling and other conditions for normal development, to enjoy property and labour rights, to use common property and to administer one's own share of that property;

e^1) negligence of legal interests of a minor – failure by a parent(s), another legal representative and/or another responsible person to satisfy physical and psychological needs of a minor, protect him/her from danger, restrict his/her right to basic education, or failure to perform actions necessary to register birth, and to use medical and other services if the parent(s), another legal representative and/or another responsible person has (have) appropriate information, possibility and access to the appropriate services;

f) 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 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. For the purposes of Article 14(1-2), the second sentence of Article 14(3), Article 14^2, Article 16(3)(i) and Article 16(6) of this Law, a minor who, on the basis of a legal act or civil transaction, or neither of them, actually stays/lives with another responsible person or any other person that has violated his/her constitutional rights and freedoms through negligence and/or physical, psychological, sexual or economic violence or coercion, and who has been separated from the abuser by a social worker shall also be considered as a victim. A victim may also deemed a child who has witnessed violence;

f^1) 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;

g) family member – for the purposes of this Law, mother, father, grandmother, grandfather, spouse, child (stepchild), adopted child, foster child, adoptive parent, spouse of an adoptive parent, foster carer, (foster mother, foster father), grandchild, sister, brother, parents of a spouse, son-in-law, daughter-in-law, former spouse, persons who are in a non-registered marriage and members of their families, guardians, care givers, supporters, also persons who have always run or who ran joint family business;

g^1) another responsible person – a person (other than persons under paragraph h) of this article), with whom a minor actually stays/lives on the basis of a legal act or civil transaction, the obligation to take care of, and protect the interests of whom, on the basis of the same legal act or civil transaction, has been laid upon this person;

g^2) social worker – a social worker determined under the child protection referral procedures;

h) 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.For the purposes of Article 14(1-2), the second sentence of Article 14(3), Article 14^2, Article 16(3)(i) and Article 16(6) of this Law, another responsible person or any other person who violates the constitutional rights and freedoms of a minor that actually stays/lives with him/her on the basis of a legal act or civil transaction, or neither of them, through negligence and/or physical, psychological, economic, and sexual violence or coercion shall also be considered as an abuser;

i) 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, Labour, 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;

j) rehabilitation measures intended for the correction of attitude and behavior of abusers – a compulsory training course that is intended to change coercive attitude and behavior;

k) crisis centre – 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 centre 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;

l) (Deleted – 4.5.2017, No 761).

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Law of Georgia No 752 of 4 May 2017 – website, 24.5.2017

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 3105 of 5 July 2018 – website, 11.7.2018

Article 5 – Legislation of Georgia on violence against women and/or elimination of domestic violence, protection and support of victims of violence

The legislation of Georgia on violence against women and/or elimination of domestic violence, protection and support of victims of violence is based on the Constitution of Georgia, treaties and international agreements of Georgia, this Law and other normative acts of Georgia.

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Chapter II – Prevention of Violence against Women and/or Domestic Violence

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 6 – Mechanisms for prevention of violence against women and/or domestic violence

1. Mechanisms for prevention of violence against women and/or domestic violence include a set of social, economic, legal and other measures that are directed towards prevention of the reasons and preconditions of violence against women and/or domestic violence, prosecution of abusers, correction of their attitude and behavior, and rehabilitation and adaptation of victims.

2. The State shall support and ensure introduction and implementation of the mechanisms for prevention of violence against women and/or domestic violence through its authorised bodies.

3. Mechanisms for prevention of violence against women and/or domestic violence shall include:

a) analysis, studying and assessment of the factors that provoke violence against women and/or domestic violence;

b) implementation of efficient legal methods for detecting and preventing cases of violence against women and/or domestic violence;

c) maintenance of relevant statistics;

d) taking preventive measures against those persons who belong to risk groups of committing violence against women and/or domestic violence perpetration, or who have already committed violence against women and/or domestic violence;

e) conducting appropriate awareness raising campaigns in order to make people aware of their rights and obligations, as well as their protection guarantees, including those rights and obligations that ensure the equality of family members and their obligations to each other;

f) in the cases of violence against women and/or domestic violence, spreading and making information available on the liability of the abuser, rights of the victim and the guarantees for protecting those rights;

g) in the cases of violence against women and/or domestic violence, carrying out measures for protecting and supporting victims and for correcting attitude and behavior of abusers;

h) creation and promotion of joint programmes with interested institutions for ensuring prevention of violence against women and/or domestic violence.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 7 – Implementation of measures for preventing violence against women and/or domestic violence

1. The the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Education, Science and Sports of Georgia, bodies of the Prosecutor's Office and judicial bodies of Georgia, shall ensure, within the scope of their authority, the carrying out of measures for preventing violence against women and/or domestic violence in accordance with the procedures determined by this Law.

2. During the carrying out of measures for preventing violence against women and/or domestic violence, the relevant state bodies may collaborate with interested institutions working on issues of violence against women and/or domestic violence and protection of human rights, and shall ensure planning and implementing joint projects.

3. An interagency commission working on the matters related to gender equality, violence against women and domestic violence, shall, within the scope

established by the legislation of Georgia, ensure the carrying out of measures for monitoring and assessment that shall be directed to the prevention of all forms of violence within the scope of this Law.

4. Primary identification and determination of victims of violence against women and/or domestic violence, their protection, support, rehabilitation and for these purposes, timely and coordinated (mutual) activities of state authoroties and other relevant entities shall be determined by the national referral procedures for identifying victims of violence against women and/or domestic violence, for their protection, support and rehabilitation, which shall be approved by the Government of Georgia.

Law of Georgia No 4744 of 19 February 2016 – website, 25.2.2016

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 1820 of 22 December 2017 – website, 11.1.2018

Law of Georgia No 3105 of 5 July 2018 – website, 11.7.2018

Article 8 – Social services

1. The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, within the scope of its authority, shall provide social services for carrying out the measures for prevention of violence against women and/or domestic violence.

2. Social services shall include:

a) studying the causes of family disputes, their appropriate analysis and assisting family members to resolve disputes;

b) carrying out assistance and support measures;

c) identification of risk groups of abusers and assisting in overcoming the problems related to them together with relevant state bodies;

d) participation in the process of issuing protective orders;

e) participation in the process of monitoring the execution of matters envisaged by protective and restraining orders;

f) developing programmes for support and social rehabilitation of victims and assisting in their implementation.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 3105 of 5 July 2018 – website, 11.7.2018

Chapter III – Mechanisms for Identification and Prevention of Violence against Women and/or Domestic Violence

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 9 – Mechanisms for identification and elimination of domestic violence

1. Criminal law, civil law and administrative-law mechanisms shall be applied for the identification and prevention of violence against women and/or domestic violence.

2. Criminal law mechanisms shall be applied in those cases of violence against women and/or domestic violence that contain elements of a criminal offence.

3. Civil law mechanisms shall be applied for compensation of the damages caused by violence against women and/or domestic violence, in accordance with the procedures determined by the civil legislation.

4. Administrative law mechanisms shall be applied in the form of issuing restraining/protective orders, also when the nature of the offence, under the legislation of Georgia, does not attract criminal liability and it can be prevented under the provisions of the Administrative Code of Georgia.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 9^1 – Identification of cases of violence against women and domestic violence

Law enforcement and judicial bodies, also the Group for Determining Victim Status shall ensure identification of and relevant response to cases of violence against women and/or domestic violence, in accordance with the procedures established by this Law. The obligation to apply to relevant authorities for primary identification of and response to cases of violence against women and/or domestic violence shall rest with the authorised personnel of medical institutions, or in cases of violence against minors, also authorised personnel of childcare and educational institutions, authorised

employees of the legal entity under public law (LEPL) called the Social Service Agency, of guardianship and custodianship authorities, and other entities provided for by the legislation of Georgia.

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 10 – Protective and restraining orders

1. To ensure prompt response to facts of violence against women and/or domestic violence, the authorised body, in order to ensure protection of the victim and to restrain certain actions of the abuser, may issue a restraining or protective order as a temporary measure.

1^1. In order to ensure the protection of victims and the restriction of certain actions of abusers, the issuance of a restraining order by an authorised police officer as a measure of temporary measure shall be binding in the case of the initiation of investigation or in the case of pending investigation under Article 108, Article 109, Article 115, Article 117, Article 118, Article 120, Article 126, Article 137 and Article 138, Article 143(3)(e) and Article 143(4), Article 144 (2)(i) and Article 144 (3), Articles 144^1-144^3 and Article 151, Article 160(2)(a) and Article 160(3) and Article 381^1 of the Criminal Code of Georgia.

2. A 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.

3. A restraining order is an act issued by an authorised police officer that determines temporary measures for protecting a victim of violence against women and/or domestic violence.

3^1. A restraining order shall specify:

a) date and place of its issuance;

b) circumstances depending on which a restraining order has been issued;

c) name, surname, date and place of birth of an abuser, his/her profession and place of residence;

d) a list of those actions provided for by paragraph (3^2) of this article, which are prohibited to be carried out by an abuser.

3^2. A restraining order shall be signed by a person authorised to issue it and by an abuser. It may involve:

a) a matter related to moving of an abuser from the house of a victim, whether or not he/she is an owner of the house;

b) the matters related to separation of a victim, a person dependent on the victim from an abuser and their placement in the asylum;

c) restriction of the right of an abuser to use the joint ownership at his/her own discretion;

d) the matters related to the separation of an abuser from a minor;

e) the matters related to approaching a victim, his/her workplace and those places, where the victim stays, by an abuser;

f) restriction or prohibition of the right of an abuser to use weapon (including service weapon), restriction of the right of an abuser to purchase weapon or to obtain a permit or a licence, and the conditions of keeping or temporarily seizing weapon (including service weapon) in his/her ownership and/or belonging to him/her during the validity of the said order or during the period determined by the order;

g) warning of an abuser in the case of violating the requirements under the order related to the imposition of liability determined by the legislation of Georgia;

h) other matters which need to be resolved for ensuring the safety of a victim.

3^3. If for any reason a victim fails to sign a restraining order, it shall be signed only by a person who is authorised to issue a restraining order. In this case, an appropriate record shall be made in the restraining order and the victim shall specify the reason of his/her failure to sign the order.

3^4. A restraining order may specify one of the matters, or some, or all matters, adequate to the fact of violence, provided for by paragraph 3^2 of this article. It shall be compulsory to specify in the restraining order the restriction of the right to use weapon determined by paragraph 3^2(f) of this article in the case of the initiation of investigation or in the case of pending investigation under Article 108, Article 109, Article 115, Article 117, Article 118, Article 120, Article 126, Article 137 and Article 138, Article 143(3)(e), Article 144 (2)(i), Articles 144^1-144^3 and Article 151, Article 160(2)(a) and Article 160(3) and Article 381^1 of the Criminal Code of Georgia

3^5. A restraining order shall be written in the language of court proceedings, clearly and explicitly. It may be handwritten, or printed using a technical means.

3^6. A restraining order shall enter into force immediately after its issuance. It shall be sent/served to a victim or an abuser, and a counterpart of the restraining order shall remain in the issuing body.

3^7. A copy of the restraining order shall be immediately sent to:

a) the Ministry of Internal Affairs of Georgia:

a.a) the relevant district service of the territorial body, according to the place of residence of a victim, for the purpose of responding to the non-fulfillment of the requirements and duties provided for by the restraining order;

a.b) the Information-Analytical Department for the purpose of registration of relevant information in the appropriate electronic database, quick and effective response to violation of law and for the purpose of making statistical data;

a.c) a legal person under public law called the Service Agency of the Ministry of Internal Affairs of Georgia, if a restraining order concerns the matters related to weapon;

b) relevant local guardianship and custody authority, if the matters under the order concerns minors.

3^8. A victim or an abuser may appeal a restraining order within 3 days after the order has been submitted/served to him/her.

3^9. If there are elements of crime under the Criminal Code of Georgia during the review of the matter related to the issuance of a restraining order, the case materials shall in parallel be sent, according to the subordination, to the relevant authority for resolving the matters related to criminal prosecution.

4. Non-fulfilment of the requirements under a restraining or protective order by the abuser, as well as disobedience of the decision taken by the social worker on separation of a minor, shall result in legal liability under the procedure established by the legislation of Georgia.

5. The use of measures provided in the criminal legislation of Georgia (criminal mechanisms) against the perpetrator of violence against women and/or domestic violence shall not hinder the issuance of a restraining or protective order to ensure the protection of the person affected by violence (the victim).

6. If a measure of restraint (except for detention) is applied with respect to violence against women and/or a domestic violence perpetrator, against whom the prosecution has been initiated on charges of violence against women and/or domestic violence or domestic crime and a non-custodial measure of restraint has been applied, the competent court, by way of criminal proceedings, shall consider and decide the use of restrictive measures against the abuser to ensure the protection of the person affected by violence (the victim).

7. A protective order may envisage the instruction of the abuser to complete mandatory training courses that are focused on changing the violent attitude and behaviour of the abuser.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 2394 of 30 May 2018 – website, 8.6.2018

Article 11- The right to request issuance of restraining and protective orders

Victims, their family members and/or, with the consent of the victim, a person who provides medical, legal or psychological assistance to the victim, may apply for a protective order and a restraining order. In cases of violence against minors, the issuance of a protective order and a restraining order may be requested by the relevant guardianship and custody authority.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 2394 of 30 May 2018 – website, 8.6.2018

Article 12 – Validity of restraining and protective orders

1. Protective orders shall be issued for a period of up to six months. A court shall specify its validity.

2. A court shall decide on the issue of changing the validity of a protective order. The validity of a protective order may be extended during the period of its operation and for an additional term that shall not exceed three months, if the victim and other family members of the victim are at risk.

3. Upon conciliation of the parties, on the basis of their joint request to a court/an authorised police officer, the validity of a protective or restraining order may be terminated by a corresponding decision of a judge/an authorised police officer, as a result of comprehensive and complete study of the circumstances of the case, except where there is a threat of committing violence against a victim or another member of his/her family, and except for the cases determined by Article 13 of this Law.

4. A restraining order shall be issued for a period of up to one month.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 13 – Issuance and operation of restraining and protective orders at the time of conciliation of the victim and the abuser

Conciliation of the parties shall not hinder the issuance of the restraining and protective orders, neither cause the termination of operation of the restraining and protective orders, where there is no threat of committing violence against a victim or other member of his/her family, or if violence against women and the domestic violence violates the interests of other family members (especially a minor's interests) of the victim.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Chapter IV – Specific Measures for Protecting Minors from Domestic Violence

Article 14 – Separation of a minor from an abusive parent, another legal representative, or another person actually staying/living with the minor

1. In case of violence towards a minor, the minor shall be separated from the abusive parent (parents), another legal representative or any other abuser on the basis of a restraining order issued by an authorised police officer, and in cases defined under the child protection referral procedures – on the basis of the decision taken by a social worker.

2. Separation of a minor from a parent (parents), another legal representative, or any other person actually staying/living with the minor shall be the last resort to be used only in cases when all other, less stringent measures (including talking and warning) have been used, and the measures were unable to bring the intended effect, or when in the current situation it is clear that application of a less stringent measure cannot ensure protection of the minor's life and health. The opinion of a minor as to where to accommodate him/her must be considered taking into account the age and the level of development of the minor, and in any case, the decision must be taken in consideration of the best interests of the minor. When taking decision, a police officer/social worker shall identify signs of violence, and interview the victim and those that may provide beneficial information to him/her. If and when needed, the police officer/social worker may call emergency service and consult with the emergency doctor before taking the decision. Based on this, the police officer/social worker shall assess the case and, considering security risks of the minor, shall take the decision to separate the minor as provided in the child protection referral procedures. Upon taking the decision to separate the minor, the social worker shall apply to the police which will ensure immediate enforcement of the decision.

3. If any type of violence occurs in a family, and in case a person specified in the Article 11 of this Law applies to a court for a protective order, the court shall consider the issue of the relations of the abusive parent (parents) or another legal representative with the minor. If traces of violence can be observed in the minor, the court may be requested to separate the minor from the abusive parent (parents), another legal representative or another abuser, as a temporary measure until the court delivers its final decision.

4. When considering the matter related to the right of representation of the minor, account shall be taken of the fact that if an abusive parent (parents) or another legal representative retains the right to represent the minor, it may be harmful to the interests of the minor. Parents may not retain the right of joint custody of the minor if there is reasonable belief that one of the parents may commit violence against the minor.

5. In the case determined by the legislation of Georgia, a minor may, from the age of 14, apply to a court for the protection of his/her rights and legitimate interests. In such a case the court shall assign a procedural representative and hear the case. A minor claimant may disagree with his/her procedural representative and defend himself/herself. The court shall involve a guardianship and custodianship body in such cases.

6. In the case under paragraph 1 of this article, the decision of the social worker may be appealed against under the procedure established by the legislation of Georgia. Such an appeal shall not suspend the effect of the decision.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.01.2010, Art., 4

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Article 14^1 – Identification of a fact of domestic violence against a minor

1. The obligation to apply to the relevant authorities for identifying (primary identification) and responding to domestic violence against a minor shall rest with medical institutions, childcare and educational institutions, the LEPL Social Service Agency, the guardianship and custodianship bodies, and their authorised personnel, as well as other relevant institutions and their authorised personnel involved in child protection referral procedures.

2. If an entity (an institution and/or its authorised employee) involved in child protection referral procedures fails to perform its obligation to identify a fact of minor's abuse and to inform a relevant state body about minor's abuse, it shall incur liability under the procedure established by the legislation of Georgia.

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Article 14^2 – Child protection referral procedures

The child protection referral procedures shall be approved by the Government of Georgia.

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Article 15 – Preventing the abduction of minors and ensuring other types of security

1. The court shall determine by its decision the terms of visiting the minor by the abusive parent. The abusive parent may be allowed to visit the minor only when all security measures have been taken with respect to him/her, which may include the place of visit of the minor, time of visit, frequency, duration, and the person who is responsible for the fulfilment of security requirements/measures.

2. If security measures are not observed with relation to the minor, the right of the abusive parent to visit the minor shall be restricted. If this restriction lasts more than three months, the parent whose right is being restricted may apply to the court to change the visitation terms.

3. If there is a threat that the abusive parent may abduct or otherwise harm the minor, the abuser may be prohibited from visiting the minor under a court decision until there is a change of circumstances.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Chapter V – Peculiarities of Proceedings on Facts of Violence against Women and/or Domestic Violence

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 16 – Police duties

1. If the police become aware of a fact of violence against women and/or domestic violence, they shall be obliged to respond to such facts immediately and take the measures prescribed by law.

2. If the police become aware of an act of violence, they shall be obliged to arrive at the scene immediately, regardless of whether they were notified by the victim, a witness, or a person specified in Article 11 of this Law.

3. If there is an act of violence, the police shall be obliged to:

a) take the measures prescribed by law to eliminate the facts of violence against women and/or domestic violence;

b) conduct separate interviews with the alleged victim of violence, witnesses, the abuser, including minors, and everything learned shall be written down;

c) inform the victim of violence of her/his rights;

d) at the request of the victim, or in case of emergency, ensure the transfer of the victim to a medical facility;

e) at the request of the victim, or in case of emergency, ensure the transfer of the victim and/or a minor to a shelter;

f) arrange for bringing the articles of first necessity and identification documentation from the victim's place of residence in the event of transferring the victim to another place;

f^1) remove, if necessary, the abuser, under this Law, from the victim's place of residence and ensure the victim's safety;

g) ensure the safety of persons who reported the act of violence;

h) issue a restraining order according to the procedure and conditions set out by this Law;

i) in case of disobedience of the decision to separate a minor taken by a social worker, issue an order restricting the rights regarding weapons.

3^1) The order restricting the rights regarding weapons, which is issued for a period of one month, shall define restrictions under the Law of Georgia on Weapons. The form of the order restricting the rights regarding weapons shall be approved by the Minister of the Internal Affairs of Georgia.

4. The police shall draw up a report on the facts of violence against women and/or domestic violence and measures taken, which shall be submitted to the supervising prosecutor.

5. The police report shall separately indicate the data on the facts of violence against women and/or domestic violence, measures taken, number of victims, measures t against the abuser, as well as other data on the abuser.

6. The police shall supervise fulfilment of the requirements and conditions provided for in the issued restraining and protective orders, and the order restricting the rights regarding weapons.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 16[1] – Granting the status of victim

1. In addition to the state authorities specified by this Law (the relevant bodies of the Ministry of Internal Affairs of Georgia, investigative bodies, a court), the Victim Identification Group may also grant the status to a victim, unless the proceedings are pending for the issuance of a restraining or protective order to ensure the protection of the victim of violence or unless criminal prosecution measures are being carried out in connection with violence against women and/or domestic violence. The status of victim granted by the Victim Identification Group shall be valid for 18 months after its granting, and if the victim enjoys services of a shelter, the status shall be valid for the period specified by this Law for the placement of a victim in a shelter.

2. The composition, status, functions, authority and the rules of operation of the Interagency Commission working on the matters related to gender equality, violence against women and the domestic violence shall be determined by the regulations of the Interagency Commission, which shall be approved by the Government of Georgia.

3. The procedures for identification and determination of the status of victim by the Victim Identification Group shall be laid down by Ordinance of the Government of Georgia.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 1251 of 20 September 2013 – website, 8.10.2013

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Chapter VI – Rights, Social and Labour Guarantees for Victims, and Measures for Correcting Attitude and Behaviour of Abusers

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 17 – Rights and protection guarantees for victims/alleged victims

1. In accordance with the legislation of Georgia, a victim /an alleged victim may:

a) apply to relevant state authorities with a request to issue a restraining or protective order, but where the conditions of the issued restraining or protective order are breached, with a request to respond to such breach;

b) apply to relevant state authorities, depending on the severity of the facts of violence against women and/or domestic violence, or where the conditions of the issued restraining or protective order are breached, with a request to use criminal mechanisms for identification and prevention of violence against women and/or domestic violence;

c) apply to the appropriate judicial authority and request compensation for the damages incurred as a result of violence against women and/or domestic violence;

[d) receive compensation if the damages incurred as a result of violence against women and/or domestic violence are not covered in accordance subparagraph (c) of this paragraph and/or from other sources determined under this Law and other legislative and subordinate normative acts of Georgia for protection and provision of services to the victim; (***shall enter into force from 1 January 2022***)]

e) enjoy staying in a shelter/crisis centre and the services available therein;

f) receive free legal advice, free primary and emergency medical and psychological assistance upon the placement in the shelter/crises centre;

g) enjoy the right to suspend labour relations during his/her stay at the shelter/crises centre; the term of suspension shall not exceed 30 calendar days during a year;

h) apply to the relevant state authorities to receive temporary residence permit to stay in Georgia, if the victim is an alien or a stateless person;

i) receive legal assistance at the public expense as provided for by the Law of Georgia on Legal Assistance;

j) enjoy legal and social protection mechanisms provided for by this Law and other legislative and subordinate normative acts of Georgia.

2. When criminal prosecution measures are carried out in cases of a domestic crime, violence against women and/or domestic violence, special protective measures provided under the Criminal Procedure Code of Georgia may be applied to protect the person affected by domestic crime, violence against women and/or domestic violence and other entities participating in the process.

3. At all stages of the criminal proceedings on domestic crime, violence against women and/or domestic violence, and during interrogation as well, account shall be taken of the best interests of a minor witness and a minor victim, according to their age and level of development. A minor witness and a minor victim may not be interrogated in connection with a domestic crime, violence against women and/or domestic violence; also, when issuing a restraining or protective order, a minor witness or a minor victim of domestic crime, violence against women and/or domestic violence may not be interviewed (asked to provide explanations) in the presence of the alleged abusive parent(s); it shall also be inadmissible to allow a person to act as a legal representative of the minor in the criminal proceedings if this person is an alleged abuser or if there are doubts as to his/her impartiality based on

the nature of his/her relations with the abusive family member or if there are other cases of conflict of interests; it shall also be inadmissible to communicate or hand over to such person the testimony (interview report, explanations) given by the minor. In such cases, the parent's authority to represent the minor in criminal/administrative proceedings shall be deemed suspended for the time the proceedings are pending in court, until the final resolution of the dispute. A guardianship and custodianship authority shall assign the minor's representative who will represent the interests of the minor during court hearings.

4. If an alien or a stateless person is a victim, a temporary residence permit shall be issued for him/her as provided for by the legislation of Georgia based on the recommendation of a victim service provider or of the authority in charge of the proceedings.

5. If an alien or a stateless person is a victim, he/she may not be returned to the foreign country if it is assumed that in the case of return, his/her safety will not be protected and secured.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 17^1 – Raising awareness of victims

1. Authorities issuing restraining and protective orders, the Victim Identification Group, authorities handling criminal cases involving violence against women and/or domestic violence, facilities providing services to victims and other authorised bodies determined by the legislation of Georgia are obliged to provide information to victims in the language and form they understand about the mechanisms of legal and social protection and assistance, also the types of respective services available in the country for victims.

2. If necessary, facilities providing services to victims and other authorised bodies specified in the legislation of Georgia shall provide information to victims and assist them in drafting applications (claims) related to vilence against women and/or domestic violence and claims on compensation for damages incurred as a result of violence against women and/or domestic violence, as well as help them in respective proceedings.

3. The penitentiary institution shall, in the case of the circumstances provided for by paragraph 4 of this article, immediately send a written notification to the Ministry of Internal Affairs of Georgia.

4. The Ministry of Internal Affairs of Georgia shall, based on the information furnished by the penitentiary institution, immediately notify a victim of the release or escape from the penitentiary institution, as well as a short leave from the prison facility under the procedure determined by Article 27 of the Imprisonment Code, also of the leaving of the prison facility for the preparation for release, of the person having committed violence against him/her (the perpetrator), in accordance with the procedures provided for by Article 71^6(3) of the Imprisonment Code.

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 3557 of 1 May 2015 – website, 18.05.2015

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 955 of 1 June 2017 – website, 20.6.2017

Article 17^2 – A temporary accommodation for victims (a shelter)

1. A temporary residence (shelter) for victims operating within the system of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall meet the requirements of the victim's living conditions and provide primary and emergency medical and psychological assistance to the victim.

2. A non-entrepreneurial (non-commercial) legal person may set up a shelter, if it meets the minimum standards determined for the facility of this type by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

3. Shelter activities shall be regulated by its Charter (Regulations), which shall determine the procedures for accommodation and rehabilitation of victims in the centre.

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 3105 of 5 July 2018 – website, 11.7.2018

Article 18 – Placement of victims in a shelter

1. In the case of violence against women and/or domestic violence, if a person specified in Article 11 of this Law requests to be transferred to a shelter, the law enforcement authorities shall ensure the transfer of the victim to a shelter.

2. A victim shall be placed in a shelter for up to three months. If required, this term shall be extended according to the procedure laid down by the Charter (Regulations) of the shelter, except when the victim is not willing to stay longer than the above period. If the term of placement at the shelter expires but the victim's safety is still not secure, the shelter administration shall be obliged to inform the law enforcement bodies about the situation, in order to ensure further response.

3. If the victim is placed in a shelter or in a crisis centre, she/he shall retain the same job and the same position.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 18^1 – Crisis centre

1. The crisis centre is a place for temporary accommodation of alleged victims and victims, and it is intended for their psychological and social rehabilitation, primary and emergency medical aid and legal assistance.

2. A crisis centre shall be established within the system of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and/or on the basis of a non-commercial legal person. A crisis centre established by a non-commercial legal person shall meet the minimum standards determined for institutions of such type by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 3105 of 5 July 2018 – website, 11.7.2018

Article 18^2 – Retention by victims of the right to temporarily use the place of residence

If a victim does not use the services of a shelter/crises centre and wants to stay at his/her place of residence on the basis of a restraining or protective order, the abuser shall be temporarily removed from the place of residence of the victim. Under a restraining or protective order the police may remove the abuser from the place of residence even if the place is owned by the abuser.

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 19 – Information on victims

Identity of the victim, the information obtained on the health and psychological status of the victim shall be confidential and may be disclosed only as provided for by law.

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 19^1 – Toll-free support line

1. In order to provide assistance and advice on relevant issues to victims/alleged victims, a toll-free, 24-hour emergency service line shall be provided throughout the country.

2. Any interested person may receive information through the toll-free, 24-hour emergency service line about response mechanisms against violence against women and/or domestic violence and about victim protection measures.

3. The support line shall be confidential. Information obtained through this network may not be disclosed, except where required by the legislation of Georgia.

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Article 20 – Measures for correcting attitude and behaviour of abusers

Measures for correcting attitude and behaviour of an abuser shall include measures for changing violent behaviour of an abuser and providing psychological and social assistance to the abuser, which are intended to prevent repeat violence and to ensure safety of the victim, the acknowledgement by an abuser his/her violent behaviour and the liability for the consequences of such behaviour, and to maintain positive changes achieved in his/her attitude and behaviur. For achieving this, a compulsory training course oriented to change an abuser's violent attitude and behaviour shall have a significant role. Measures for correcting attitude and behaviour of an abuser and procedures and forms for taking such measures shall be defined by

Ordinance of the Government of Georgia.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 4455 of 28 October 2015 – website, 11.1.2015

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Chapter VII – Transitional Provisions

Article 21 – Measures related to putting the Law into force

1. The Ministry of Labour, Health and Social Affairs of Georgia shall determine minimum standards required for setting up temporary accommodations (shelters) for victims and ensure that the above facilities are created.

2. The Ministry of Labour, Health and Social Affairs of Georgia shall determine the mechanisms for implementation of social services in relation to violence against women and/or domestic violence issues and arrange for the training (certification) of relevant social workers before 1 September 2017.

3. The Ministry of Internal Affairs of Georgia shall ensure designing and approval of a form for restraining order within one month after promulgation of this Law.

4. (Deleted – 04.05.2017, No 761).

5. The Government of Georgia shall ensure development of the mechanisms for collaboration among agencies for exchanging information available on violence against women and/or domestic violence.

6. The Ministry of Internal Affairs of Georgia shall ensure creation of the database containing information on abusers and the issued protective and restraining orders and, in case of disobedience of the decision to separate a minor taken by a social worker, on seizure of weapons from the abuser by a police officer, timely communication and availability of that information to the interested state bodies.

7. The Ministry of Labour, Health and Social Affairs of Georgia shall determine minimum standards required for setting up and operation of crisis centres before 1 July 2010.

8. The Government of Georgia shall ensure adoption of the Ordinance provided for in Article 16^1 (1^1) and (2) of this Law before 1 April 2014.

9. Until the Government of Georgia adopts the normative acts provided for in paragraph 8 of this article, Edict No 665 of 5 October 2009 of the President of Georgia on Approving the Procedure for Identification of Victims of Domestic Violence and Edict No 625 of 26 December 2008 of the President of Georgia on Approving the Composition and Statute of the Interagency Council for Prevention of Domestic Violence shall remain in legal force.

10. The Government of Georgia shall ensure that before 1 October 2015, all necessary measures are taken to organise the mandatory training courses focused on changing the violent attitude and behaviour of abusers, which are to be completed by the abuser under a protective order. The Government of Georgia shall also determine the state body authorised to organise these courses.

11. Before 1 January 2022 the Government of Georgia shall approve the amount of and the procedures for issuing compensation to victims.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 1251 of 20 September 2013 – website, 8.10.2013

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 4105 of 24 July 2015 – website, 4.8.2015

Law of Georgia No 5446 of 22 June 2016 – website, 12.7.2016

Law of Georgia No 761 of 4 May 2017 – website, 25.5.2017

Chapter VIII – Final Provisions

Article 22 – Entry into force

1. This Law, except for Article 8 and Chapter VI, shall become effective upon promulgation.

2. Article 8 and Chapter VI of this Law shall become effective from 1 January 2008.

3. The operation of Articles 8 and 20 of this Law shall be suspended until 1 July 2016.

4. The operation of Article 17(1)(i) shall be suspended until 1 December 2014 and the operation of Article 19^1 of this Law shall be suspended until 1 May 2015.

Law of Georgia No 2507 of 28 December 2009 – LHG, No 3, 13.1.2010, Art., 4

Law of Georgia No 2697 of 17 October 2014 – website, 31.10.2014

Law of Georgia No 4105 of 24 July 2015 – website, 4.8.2015

President of Georgia **M. Saakashvili**

Tbilisi

25 May 2006

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