

On Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence

Chapter 1 - General Provisions

Article 1 – Scope of the Law

This Law defines a set of actions which characterise domestic violence, legal and organisational grounds for detecting and eliminating domestic violence, as well as guarantees for legal protection and support for victims of domestic violence.

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 integrity and family values by recognising their equal rights;
- b) create an efficient legislative mechanism to detect, eliminate and prevent domestic violence;
- c) create a system for providing access to justice for victims of domestic violence;
- d) create foundations for protection, support and rehabilitation of victims of domestic violence;
- e) ensure collaboration among different institutions to prevent and combat domestic violence;
- f) support rehabilitation measures for abusers.

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Article 3 - Domestic violence

Domestic violence is a violation of the constitutional rights and freedoms of one family member by another family member through physical, psychological, economic, sexual violence or coercion.

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 family member;
- 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;
- f) victim - a family member who suffered from physical, psychological, sexual and economic violence or coercion and who was given the status of a victim of domestic violence by the relevant service of the Ministry for Internal Affairs and/or by a court and/or by a group tasked with determining the status of victims of domestic violence (victim identification group);
- g) family member - for the purposes of this Law, mother, father, grandmother, grandfather, spouse, child (stepchild), adopted child, adoptive parent, spouse of adoptive parent, foster family (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;
- h) abuser - a family member who commits physical, psychological, economic, sexual violence or coercion towards another family member;
- i) shelter - a place of temporary residence for victims of domestic violence, or temporary accommodation for victims of domestic violence that operates



within the system of the Ministry for Health, Labour and Social Affairs of Georgia and/or on the premises of a non-commercial legal person, which is intended for psychological and social rehabilitation of victims, their legal and medical assistance and protection measures; as well as families of relatives and friends - until Chapter VI of this Law enters into force;

j) rehabilitation measures for abusers - measures that include rehabilitation of abusers and crisis intervention according to standards determined by the legislation of Georgia;

k) crisis centre - place of temporary accommodation for alleged victims and victims of domestic violence that is intended for psychological and social rehabilitation, primary and emergency medical care and legal assistance.

Persons (or their dependents) may be placed at a crisis centre before or 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 and/or legal assistance and/or primary and emergency medical care without placement at a shelter;

l) alleged victims of domestic violence - a person who believes himself/herself to be a victim and who, applies to the relevant authorities/group for determining the status of the victim of domestic violence (victim identification group), for establishing the status of victim.

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Article 5 - Legislation of Georgia on elimination of domestic violence, protection and support of victims of domestic violence

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

Chapter II - Prevention of Domestic Violence

Article 6 - Mechanisms for prevention of domestic violence

1. Mechanisms for prevention of domestic violence include a set of social, economic, legal and other measures that are directed towards elimination of the reasons and preconditions of domestic violence, prevention of cases of domestic violence, prosecution of abusers and rehabilitation and adaptation of victims and abusers.

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

3. Mechanisms for prevention of domestic violence shall include:

a) analysis, studying and assessment of the factors that provoke domestic violence;

b) implementation of efficient legal methods for detecting and preventing cases of domestic violence;

c) maintenance of relevant statistics;

d) taking preventive measures against those persons who belong to risk groups of domestic violence perpetration, or who have already committed 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 cases of domestic violence, spreading and making available information on the liability of the abuser, rights of the victim and the guarantees for protecting those rights,

g) implementing measures for protecting and supporting victims and for rehabilitation of abusers in the event of domestic violence;

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

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Article 7 - Implementation of domestic violence preventive measures

1. The Ministry for Labour, Health and Social Affairs of Georgia, the Ministry for Internal Affairs of Georgia, the Ministry for Education and Science of Georgia, the Prosecutor's Office and judicial bodies of Georgia shall ensure implementation of domestic violence preventive measures within the scope of their authority and according to the procedures determined by this Law.

2. During implementation of domestic violence preventive measures the relevant state bodies may collaborate with interested organisations that work on issues of domestic violence and protection of human rights and ensure planning and implementation of joint programmes.



Article 8 - Social services

1. The Ministry for Labour, Health and Social Affairs of Georgia, within the scope of its authority, shall provide social services for implementation of domestic violence preventive measures.
2. Social services shall include:
 - a) studying the causes of family disputes, their appropriate analysis and assisting family members to resolve disputes;
 - b) implementing assistance and support measures for domestic violence victims;
 - c) identification of risk groups of domestic violence perpetrators and assisting in overcoming the problems related with them together with relevant state bodies;
 - d) participation in the process of issuing protective orders;
 - e) monitoring the execution of protective and restraining orders;
 - f) developing programmes for support and social rehabilitation of victims and abusers and assisting in their implementation. **(Operation of this article shall be suspended until 1 July 2015.)**

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Chapter III - Mechanisms for Identification and Elimination of Domestic Violence

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 elimination of domestic violence.
2. Criminal law mechanisms shall be applied in those cases of domestic violence that contain elements of a criminal offence.
3. Civil law mechanisms shall be applied for compensation of the damages caused by domestic violence, according to the procedure 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 eliminated under the Administrative Code of Georgia.

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Article 10 - Protective and restraining orders

1. To ensure prompt response to domestic violence cases, 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.
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 domestic violence and that shall be submitted for approval to a court within 24 hours after its issuance.
4. Non fulfilment of the requirements under a restraining/protective order by the abuser shall result in legal liability under the legislation of Georgia.

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Article 11- The right to request issuance of a protective order

Victims of domestic violence, 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. In cases of violence against minors, the issuance of a protective order may be requested by the relevant guardianship and custody authority.

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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. At the request of the parties, a protective or restraining order may be terminated by a corresponding decision of a court upon conciliation of the parties, except for the cases determined by the second paragraph of this article and Article 13 of this Law.

4. A restraining order shall be issued for a period of up to one month, and the court shall approve or refuse to approve it within 24 hours after the application has been filed by an authorised person.

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Article 13 - 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 a restraining or protective order, neither cause the termination of the issued orders, if the domestic violence violates the interests of other family members, especially minors' interests.

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Chapter IV - Specific Measures for Protecting Minors from Domestic Violence

Article 14 - Separation of a minor from an abusive parent/parents

1. If because of some forms of violence in the family, a person specified in the Article 11 of this Law applies to a court for a protective order, the court shall consider the relationship of the abusive parent/parents with the minor. If traces of violence can be observed in the minor, the court may be requested to separate the minor from abusive parent/parents, as a temporary measure, until the court makes its final decision.

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

3. In cases determined by the legislation of Georgia, minors from the age of 14 may defend their right and legitimate interests in court. In that case the court shall assign a procedural representative and hear the case. Minor claimants may disagree with their procedural representative and defend themselves. The court shall involve the guardianship and custody authority in such matters.

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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.

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Chapter V - Peculiarities of Proceedings on Facts of Domestic Violence

Article 16 - Police duties

1. If the police become aware of an act of domestic violence, they shall be obliged to respond to such an act immediately and implement 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 measures prescribed by law to eliminate the act of domestic violence;

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



- c) inform the victim of domestic 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;
- 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.

4. The police shall draw up a report on the act of violence and measures taken, which shall be submitted to the supervising prosecutor.

5. The police report shall separately indicate the data on the cases of domestic violence, measures taken, number of victims, measures implemented against the abuser, as well as other data on the abuser.

6. The police shall be obliged to respond, as determined by law, if restraining or protective orders are breached.

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16¹ - Granting the status of victim

1. In addition to the state authorities specified by this Law (the relevant service of the Ministry for Internal Affairs of Georgia, judicial bodies), the Group for Determining Domestic Violence Victim Status (Victim Identification Group) of the Interagency Council for Prevention of Domestic Violence shall also ensure granting the status of victim.

1¹. The Government of Georgia shall approve the procedures for introduction and withdrawal of a person from the Interagency Council for Prevention of Domestic Violence and the composition and the rules of operation of the Council (Statute).

2. The procedures for identification and determination of the status of the victim by the Group for Determining the Domestic Violence Victim Status (Victim Identification Group) of the Interagency Council for Prevention of Domestic Violence shall be laid down by Ordinance of the Government of Georgia.

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

Chapter VI - Social and Labour Guarantees for Victims of Domestic Violence, Rehabilitation Measures for Abusers

Article 17 - Temporary accommodation (shelter) for domestic violence victims

1. The shelter for domestic violence victims operating within the system of the Ministry for 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-commercial legal person may set up a shelter, if the latter meets the minimum standards determined for the facility of such type by the Ministry for Labour, Health and Social Affairs of Georgia.

3. Shelter activities shall be regulated by a Charter (Regulations), which shall define the procedure for placing victims in the shelter, as well as rehabilitation procedures for victims.

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Article 18 - Placement of victims in a shelter

1. In the case of 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.

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Article 18¹ - Crisis centre

1. The crisis centre is a place for temporary accommodation of alleged victims and victims of domestic violence, and it is intended for 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 for 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 for Labour, Health and Social Affairs of Georgia.

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Article 19 - Information on domestic violence 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.

Article 20 - Rehabilitation measures for abusers

Rehabilitation measures for abusers shall include measures that are intended to provide psychological and social assistance and improve the health of abusers, rehabilitation of the person and treatment of certain harmful habits (alcoholism, drug addiction or mental disorder which does not exclude sanity) and are intended to prevent further manifestation of violence and ensure further safety of the victim. Rehabilitation measures for abusers and the procedure and forms of their implementation shall be determined by Ordinance of the Government of Georgia. **(Operation of this article shall be suspended until 1 July 2015.)**

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

Chapter VII - Transitional Provisions

Article 21 - Measures related to putting the Law into force

1. The Ministry for Labour, Health and Social Affairs of Georgia shall determine minimum standards required for setting up temporary accommodations for domestic violence victims (shelters) and rehabilitation centres for abusers, and ensure that the above facilities are created before Chapter VI of this Law takes effect.
2. The Ministry for Labour, Health and Social Affairs of Georgia shall determine the mechanisms for implementation of social services in relation to domestic violence issues and arrange for the training of relevant social workers (certification) before 1 July 2015.
3. The Ministry for Internal Affairs of Georgia shall ensure designing and approval of a form for restraining order within one month after promulgation of this Law.
4. The Government of Georgia shall determine rehabilitation measures for abusers before 1 July 2015.
5. The Government of Georgia shall ensure development of the mechanisms for collaboration among agencies for exchanging information available on domestic violence.
6. The Ministry for Internal Affairs of Georgia shall ensure the formation of a database containing information on abusers and on the issued protective and restraining orders, timely exchange of that information with interested state bodies and its availability.
7. The Ministry for 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 16¹ (1¹) and (2) of this Law before 1 April 2014.
9. Until the Government of Georgia adopts the normative acts provided for in the eighth paragraph 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.

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

Chapter VIII - Final Provisions



Article 22 - Entry into force

1. This Law, except for Article 8 and Chapter VI, shall enter into force upon promulgation.
2. Article 8 and Chapter VI of this Law shall enter into force from 1 January 2008.
3. The operation of Article 8 and Article 20 of this Law shall be suspended until 1 July 2015.

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

The President of Georgia

M. Saakashvili

Tbilisi

25 May 2006

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