



Georgian legislations:

Introduction

This overview of Georgian Legislation does not pursue the goal of completeness. Its objective is to give a rough overview of contents which are relevant for our project "Love and Respect - Preventing Teen Dating Violence". We want to raise the awareness among the youth regarding the different types of violence that can occur in relationships, and to sensitise the public to this issue.

Universal declaration of human rights:

Human rights are rights inherent to all human beings, regardless of nationality/ethnicity, social class or gender. Human rights cannot be waived or relinquished, which means that no person, group of persons or nation can withdraw these rights. Human rights are the freedoms of the individual in our society. Every person has the right to personal development, which is only limited by the personal development of other persons.

- All human beings are born free and equal in dignity and rights. They are gifted with rationality and conscience and should act towards one another in a spirit of brotherhood.
- Everyone is entitled to all the rights and freedoms mentioned in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
- Everyone has the right to life, liberty and security of person.
- All are equal before the law and are entitled without any discrimination to equal protection by the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- Everyone has the right to an effective legal remedy at the domestic courts if they feel their human rights have been infringed upon.

Declaration of sexual rights:

- The right to sexual freedom. Sexual freedom encapsules the possibility for individuals to express their full sexual potential. However, this excludes all forms of sexual coercion, exploitation, and abuse at any time and situation.
- The right to sexual autonomy, sexual integrity, and physical safety. This right includes the ability to make autonomous decisions about one's sexual life within the context of one's own personal and social ethics. It also encompasses control and enjoyment of our own bodies free from torture, mutilation, and violence of any sort.
- The right to sexual privacy. This involves the right for individual decisions and behaviours about intimacy as long as they do not intrude on the sexual rights of others.



- The right to sexual equality. This refers to freedom from all forms of discrimination regardless of sex, gender, sexual orientation, age, race, social class, religion, or physical and emotional disability.
- The right to sexual pleasure. Sexual pleasure, including autoeroticism, is a source of physical, psychological, intellectual, and spiritual well-being.
- The right to emotional sexual expression. Sexual expression is more than erotic pleasure or sexual acts. Individuals have a right to express their sexuality through communication, touch, emotional expression, and love.
- The right to sexually associate freely. This means the possibility to marry or not, to divorce, and to establish other types of responsible sexual associations.
- The right to make free and responsible reproductive choices. This encompasses the right to decide whether or not to have children, the number and spacing of children, and the right to full access to the means of fertility regulation.
- The right to sexual information based on scientific inquiry. This right implies that sexual information should be generated through the process of unencumbered and yet scientifically ethical inquiry, and disseminated in appropriate ways at all societal levels.
- The right to comprehensive sexuality education. This is a lifelong process from birth throughout the lifecycle, and should involve all social institutions.
- The right to sexual health care. Sexual health care should be available for prevention and treatment of all sexual concerns, problems, and disorders.

Overview of important paragraphs from Georgian Legislation:

Law of Georgia Criminal Code of Georgia Chapter XXII includes articles about – Crime against Sexual Freedom and Sexual Inviolability.

Article 137 – Rape; By the Criminal Code of Georgia rape is defined as a sexual intercourse by use of violence, threat of violence or abusing the victim's helpless condition. Rape is sentenced with 6-20 year's imprisonment depending on the conditions how the crime was committed.

The same act committed: d) knowingly by the offender against a pregnant woman **or a minor**, - shall be punished by imprisonment for a term of ten to thirteen years.

The same act: committed **against a person who has not attained the age of 14 years**, - shall be punished by imprisonment for a term of 15 to 20 years.

Note: In law, a minor is a person under a certain age, usually the age of majority, which legally demarcates childhood from adulthood. The age of majority depends upon jurisdiction and application, it is 18 in Georgia.

Article 138 - Violent act of sexual nature; 1. Homosexuality, lesbianism or other sexual intercourse in perverted form committed using violence, threat of violence or the victim's helpless state, - Shall be punished by imprisonment for a term of 6 to 8 years. The same act: Committed against a **person who has not attained the age of 14 years**, - shall be punished by imprisonment for a term of 15 to 20 years.



Article 139 - Coercion into sexual intercourse or any other act of sexual nature ; Coercion into a sexual intercourse, homosexual or lesbian or any other sexual intercourse by threatening to spread the defamatory information or to damage property, or by using material, official or other kind of dependence, - shall be punished by a fine or imprisonment for up to 3 years. The same act committed against **minors**, - shall be punished by imprisonment for a term of 5 to 7 years.

Article 140 - Sexual intercourse or any other act of sexual nature with a person who has not attained the age of 16 years; Sexual intercourse, homosexual or lesbian or other sexual intercourse in a perverted form committed knowingly by an adult offender against a person who **has not attained the age of 16 years**, - shall be punished by imprisonment for a term of seven to nine years.

Article 141 - Lewd acts; Lewd acts committed without violence and knowingly by the offender with a person who has not attained the age of 16 years, - shall be punished by imprisonment for a term of 5 to 7 years.

Article 117 - Intentional infliction of grave injury; 1. Intentional serious damage to health, i.e. bodily injury that is dangerous for life or which has caused the loss of eyesight, hearing, speech or any organ or its function, mental illness, interruption of pregnancy, permanent disfigurement of the face or other such bodily injury that is dangerous for life and causes permanent loss of general working ability by at least one third, or complete loss of professional working ability knowingly, - shall be punished by imprisonment for a term of 3 to 6 years.

Intentional grave bodily injury caused: b) by the offender **knowingly to a minor** or a helpless person shall be punished by imprisonment for a term of 7 to 10 years.

Article 126 - Violence; 1. Regular beating or other violence that has caused the victim physical or mental pains, but did not entail the consequence provided for by Articles 117 or 118 of this Code, - shall be punished by restriction of liberty for up to 2 years or with imprisonment for a term of one to 3 years. 2. The same act committed: **against a minor's family member in the presence of the minor** shall be punished by imprisonment for a term of 4 to 6 years, with or without deprivation of the right to hold an office or carry out a particular activity for up to 3 years.

Article 126¹ - Domestic violence; Violence, regular insult, blackmail, humiliation by one family member of 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[1] of the Criminal Code, - shall be punished by community service from 80 to 150 hours or imprisonment for up to 1 year.

The same act committed: a) knowingly against a pregnant woman, **minor** or a helpless person; b) **against a minor's family member** in the presence of the minor shall be



punished by community service from 200 to 400 hours or with imprisonment for a term of 1 to 3 years.

Article 150 – Coercion; 1. Illegal restriction of a person's freedom of action, i.e. coercing physically or mentally a person to perform or not to perform a certain action the implementation of or abstinence from which is his/her right, or coercing a person to experience an influence that is against his/her will, - shall be punished by a fine, or corrective labour for up to one year or imprisonment for the same term.

The same act committed **knowingly against a minor**, - shall be punished by corrective labour for up two years, or imprisonment for up to eighteen months.

Article 150¹ - Forced marriage

1. Forced marriage (including an unregistered marriage), - shall be punished by community service for 200 to 400 hours or with imprisonment for up to 2 years.

2. The same act committed knowingly against a minor, - shall be punished by imprisonment for up to 4 years.

Early marriage is a nationwide problem in Georgia but the reasons that trigger it are not homogeneous and vary according to religious, ethnic and regional factors. According to UNICEF 14% of girls in Georgia are married before their 18th birthday.[2] Child marriage occurs more frequently among religious minorities in the mountainous areas of Adjara, and ethnic minorities in the region of Kvemo Kartli.[3] According to the Georgian Civil Code, the legal minimum age of marriage is 18. A provision which allowed exceptions for adolescents aged 16 to marry with their parents' consent was abolished in January 2016.

In 2017, Georgia ratified the **Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence**.

Each state that has signed the convention takes obligation to address it fully in all its forms and to take measures to prevent violence against women, protect its victims and prosecute the perpetrators.

Consequently, to align with international standards, numerous important amendments were made, notably the amendments to the Law of Georgia on Eliminating Domestic Violence and Protecting and Assisting Victims of Domestic Violence, which enhanced the scope of the law's application. New crimes were added to the Criminal Code, such as female genital mutilation, stalking, and coerced sterilization.

From June 1, **stalking** is criminalized in Georgia, based on the **article 151¹** in Criminal Code. Law defines the meaning of stalking and punishment measures.

This new addition to the Criminal Code includes watching or spying on a person illegally; forcing unwanted contact through telephone or electronic social media in a systematic nature, containing insults or threats to the victim or her family members and forces the person to change his or her lifestyle.



The same act committed against minors, - shall be punished by imprisonment for a term of five to seven years.

Women are twice as likely to be stalked as men are. Stalking is a crime.

Article 133² Female Genital Mutilation

Article 133² criminalizes forced female genital mutilation (FGM). The changes consider criminal punishment for forcing women and girls to undergo FGM for traditional, national, religious and other reasons. A similar act against a pregnant, disabled or underage woman will be considered an aggravating circumstance. Female Genital Mutilation is punishable from 2 up to 11 years of imprisonment.

Article 133¹ Forced Sterilisation

Forced sterilisation is now criminally punishable. It is punishable from 2 up to 11 years of imprisonment.

Article 171 - Engagement of minors into anti-social activities; Engaging minors in prostitution using violence, threat of violence or by deceit, - shall be punished by imprisonment for a term of 2 to 5 years.

Article 253 - Engagement in prostitution; Engagement in prostitution using violence, threat of violence or of destruction of property, blackmail or deception, - shall be punished by a fine or imprisonment for up to 2 years. The same act committed by an organized group **or knowingly against minors**, or acquiring benefit from the engagement of a minor into prostitution, - shall be punished by imprisonment for a term of 5 to 7 years.

Note: For the act specified in this article, a legal person shall be punished by deprivation of the right to carry out a particular activity or by liquidation and a fine.

Article 255 - Illegal production or sale of a pornographic work or other items;

Knowingly purchasing, storing, attending the demonstration of, offering, disseminating, transferring, advertising, providing access to or using pornographic work containing images of minors, - shall be punished by a fine or corrective labour for up to 2 years and/or by imprisonment for up to 3 years. Knowingly making or selling pornographic work containing images of minors, - shall be punished by imprisonment for a term of 3 to 5 years.

Note: A pornographic work containing images of minors shall mean a visual or audio-visual material produced by any method, also a staged performance which, using various means, depicts the participation of minors or of characters with the appearance of a minor in the actual, simulated or computer generated.

Sexual scenes or displays genitalia of a minor for the gratification of a consumer's sexual needs. A work shall not be considered to be pornography if it has medical, scientific, educational or artistic value. For the act defined in this article, a legal person shall be punished by a fine, with deprivation of the right to carry out a particular activity or by liquidation and a fine.

**Article 255¹ - Engagement of minors in illegal production and sale of pornographic works or other similar items**

Engagement of minors in the illegal production and sale of pornographic works or other similar items, as well as in the dissemination, advertisement or trading of such material or acquiring benefit from such acts, - shall be punished by imprisonment for a term of 2 to 5 years.

If somebody committed one of these crimes against you, or one of your friends, you have the right to have protection and receive assistance!**General – Types of violence:**

Violence is much more than physical assault, violence is complex and varied and people from all social and economic sections can be affected.

What are the forms of violence?

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;

Psychological violence - offence, blackmailing, humiliation, threats, or any other action that violates a person's honor and dignity;

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

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;

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;

Neglect - a deficit in meeting a child's physical and psychological needs by a parent and/or legal guardian, limitation of the right to basic education, failure to protect from harm, failure to take necessary actions for birth registration and the enjoyment of medical and other services, in cases when the parent and/or legal guardian has adequate information, capacity and access to relevant services.

Domestic Violence:

While men are usually victims of violence in public spaces, women are more affected by violence in their family or in other close relationships. The offender is often a male person and in most cases he is the partner, a family member or an acquaintance. Because of this relationship between the offender and the victim, it can be very difficult for the victim to get help and to break the relationship off.

Domestic violence is not a single or sudden type of violence, very often it's a cycle of violence which starts with emotional and financial violence and ends in physical and sexual violence. One or both partners will repeatedly act violent, which intensifies until



the situation escalates and gets out of control. At the end, the offender will be sorry for his/her behaviour. The victim forgives them and the cycle starts at the beginning again.

Tips for affected people:

Inform yourself of any helplines and organisations that offer consults and support, as well as your legal rights. Gather information about emergency shelters and save their number in your phone. Speak to a person you trust about what you have been through, especially if you have been a victim of physical violence. Get yourself examined at a forensic outpatient clinic: their doctors have signed a confidentiality agreement and will not report to the police. The outpatient clinic secures any evidence and documents it in detailed reports. If you are in immediate danger, call the police! They can remove the perpetrator's keys to the house, send them away or even serve them with a restraining order.

Tips for helping others:

If you suspect a loved one is a victim of domestic violence, don't look away! Try to speak to the person and find out what's going on. Let them know you're available if they need to talk, and provide active support by providing contact details of helplines and organizations that offer help and support.

Who has the right and duty to inform relevant entities about a fact of violence?

Law enforcement and judicial bodies, also the Group for Determining Domestic Violence Victim Status of the Interagency Council for Prevention of Domestic Violence, shall ensure identification of and relevant response to cases of domestic violence, according to the procedures established by this Law. The obligation to apply to relevant authorities for primary identification of and response to domestic violence shall rest with the authorized personnel of medical institutions, or, in cases of violence against minors, authorized personnel of childcare and educational institutions, also authorized employees of the Legal Entity under Public Law (LEPL) – the Social Service Agency, of guardianship and custodianship authorities, and other entities provided by the legislation of Georgia.

Physical violence

This is the best-known form of violence because it is usually most visible, and everyone can relate to it. Physical violence includes actions such as punching, kicking, scratching and all other forms of violent acts. Physical violence in youth relationships affects both sexes equally, as well as individuals with different sexual orientations and cultural backgrounds. 'Male youth use physical violence to control their partner, female youth in self-defence against violent partners' (EBG 2017, p.3).

Tips for those affected: No one should have to put up with physical violence or maltreatment. Everyone has a right to physical integrity and a secure space in the relationship. If your partner is violent towards you, you have the right to professional help and support! If you are in immediate danger, get yourself to safety, inform the police or consult a counselling or support centre!



Tips for helping others: If you notice that a youth is affected by physical violence in their relationship, take a stance! Make it clear that you do not accept violence and offer support. Provide information about counselling and support facilities and encourage the person concerned to stand up for his/her rights. No one should be subjected to physical violence or abuse, everyone has a right to physical integrity!

Psychological violence

Psychological violence takes place on an emotional level and includes verbal aggression such as insults, threats, insults, but also bullying, stalking and controlling behaviour. Especially in teen relationships, the exercise of control and power is strongly influenced by cultural and social norms. Gender roles and norms in the family influence the personal expectations of relationships, thus also shaping the sensitivity to different forms of violence. In adolescence, psychological violence often takes place via social media or communication services, which in the end is also related to the reality of life of our target group.

Tips for affected people: If you experience psychological violence in your relationship, there are different contact points that can offer you support. As a first step, you should seek a conversation with your partner. In doing so, you should thematize problematic behaviours or habits and explain which problems arise for you as a result. In relationships, one often lapses into a routine in which individual actions and habits are no longer reflected and therefore the effects of this behaviour are not perceived in the actual intensity.

Tips for helping others: If you notice unhealthy or violent behaviours in a relationship, mention it to the affected persons. Especially in adolescence, the first experiences in relationships can trigger a great dependency and shape the norms for further relationships. Talk to the affected persons about issues such as privacy, trust and acceptance of individual boundaries. Should the psychological violence take on more serious/threatening forms, you should also provide contact details of counselling and aid organizations or emergency numbers.

Stalking

Stalking can take many different forms. A few examples can be: if you get multiple unwanted phonecalls a day, if you get letters, messages or presents which you don't want. But also if somebody spreads rumors about you which are detrimental for you, or if you're being followed. If stalking happens online, it's called cyberstalking.

Tips for affected people:

Stalking was criminalized in 2017. Let the police know if you're being followed or harassed. Let the perpetrator know only once that you do not want contact with them: do not message them again. Gather evidence in the form of messages, e-mails and so on, and document the date and time of each. Let people that you trust know that you're being stalked or followed: this restricts the (accidental) flow of information to the perpetrator. Do not accept any gifts or packages from the offender. In case of harassment over the phone, you can either contact your provider and order a secret number, or you can block the phone number of the stalker.

**Tips for helping others:**

If you or someone you know has trouble accepting that the contact is unwanted, or even has feelings of vengeance and hate, seek out a consultation centre or provide the person with the contact details for one.

Online violence:

One can also be confronted with violence over the internet: This is called cyberbullying or cyberstalking. This form of violence is often voiced through hatemail, mean comments or mean posts.

Violence on the internet is often very personal, but it can also be sexist, women unfriendly or downright racist. The perpetrators usually have the goal of silencing the victim, or overpowering them. You don't have to tolerate this: there are also laws and rules regarding online violence!

Tips for affected people:

Gather evidence! Make screenshots of hatemail, threats and comments, and document the dates and times for each. If laws have been broken, you can report this to the website where the harassment happened, or make a police report. Do not allow yourself to be silenced! Make the threats public and tell your friends what happened. Freedom of speech does not mean that you are beneath another person. You don't have to tolerate this behaviour.

Tips for helping others:

If you notice any online violence, report your observations to the moderators or administrators of the website. Gather evidence and send it to the people responsible for ensuring a safe online environment. In cases where urgent attention is required, let the police know immediately.

Sexual harassment:

Sexual harassment is one of the most common criminal offence. About 75% of all women have reportedly been sexually harassed. This often happens in public places, at schools, at work places or at associations. Examples of sexual assault are catcalling, sexual remarks, sexist jokes, molestation and violation of private space.

Tips for affected people:

Note your gut instinct. Only you can decide what your boundaries are and how far other people can go. Set clear boundaries with the help of gestures and words. Ask for the help of staff in public areas, and do not get into discussions with the perpetrator. You don't have to justify your boundaries.

Tips for helping others:

If you notice someone being harassed or attacked, interfere immediately. This way, violence can often be prevented. Offer the affected person help: Walk them home, call the police. Let the perpetrator know that his behaviour is unacceptable.

What are the legal mechanisms for identification and elimination of violence against women and/or domestic violence?

Mechanisms of criminal, civil and administrative law can be used for identification and elimination of violence against women and/or domestic violence.



Administrative law mechanisms shall be applied when the nature of the offence, under the legislation of Georgia, does not attract criminal liability and can be eliminated under the Administrative Code of Georgia.

To ensure prompt response to domestic violence cases, the authorized body or person may issue a restraining or protective order as a temporary measure in order to provide protection for the victim and to restrain certain actions of the abuser.

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. These measures are not applied in cases where criminal prosecution has been initiated or if detention has been applied as a measure of restraint against the person.

A restraining order is an act issued by an authorized police officer that determines temporary measures for protecting a victim of domestic violence and that enters into force upon issuance. Within 24 hours after its issuance, it is sent/submitted to the victim and the abuser, and one copy of the restraining order remains in the entity of issuance.

What is the difference between protective and restraining orders?

A restraining order is an act issued by an authorized police officer directly upon responding to the fact of violence (when police is called during a specific fact of violence) and it enters into force immediately. A copy of the restraining order is immediately sent to: the relevant regional office of the territorial body of the Ministry of Internal Affairs of Georgia, according to the residence of the victim, in order to respond to the violation of the requirements and obligations envisaged through the restraining order; Information-Analytical Department, in order to record relevant information in the adequate database, provide prompt and effective response to offenses and gather statistical data; LEPL Service Agency of the Ministry of Internal Affairs, if the restraining order concerns weapon-related issues; and the guardianship and custody authority, if the issue envisaged by the restraining order is related to a minor. The victim or the abuser can appeal the restraining order within 3 days of its issuance/submission. Within 10 days from the filing of the application by an authorized person, the court makes a decision regarding the issuance, extension, termination, or non-issuance of the protective order.

According to the law, 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. The mentioned persons should file an application to the court.

What rights of the abuser are limited upon the issuance of a protective order?

The right to approach the victim or a person under the protection of the victim;

The right to administer common property;

The right to have relations with a minor;

The right to purchase firearms, obtain purchase license, including the right to use service firearms.

**What specific measures are applied to protect a minor from violence against women and/or domestic violence?**

If traces of violence can be observed on a minor, the court is authorized to separate the minor from abusive parent/parents, as a temporary measure. 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.

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. The court shall involve the guardianship and custody authority in such matters. Minor claimants may disagree with their procedural representative and defend themselves. It shall be inadmissible to interview a minor witness of victim in relation to domestic violence. When issuing a restraining or protective order, a minor witness or victim 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.

The obligation to apply to the relevant authorities for identifying (primary identification) and responding to domestic violence against minors (children) shall rest with medical institutions, childcare and educational institutions, LEPL Social Service Agency, the guardianship and custodianship authorities, and their authorized personnel, as well as other relevant institutions and their authorized personnel involved in child protection referral procedures provided by the legislation of Georgia.

What measures can be used to separate the victim from the abuser?

The state provides a shelter offering psycho-social rehabilitation, legal aid, and medical assistance for domestic violence victims and victims of violence against women.

There is also a crisis center - a place for temporary accommodation of alleged victims and victims of domestic violence, which is intended for psychological and social rehabilitation, primary and emergency medical aid and legal assistance.

It is also possible for the victim to stay at his/her place of residence and for the abuser to be temporarily removed from the place of residence of the victim, even if the place is owned by the abuser.

If you have been a victim of violence against women and/or domestic violence or have information regarding violence, please call the State Fund for Protection and Assistance of (statutory) Victims of Human Trafficking on the 24-hour Hotline: +995 32 116 006 or

112



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(Austrian Legislation English Love & Respect Preventing Teen Dating Violence)

[1] Law of Georgia, Criminal Code of Georgia, Article 120 - Intentional less grave bodily injury

[2] UNICEF State of the World's Children, 2017

[3] UNFPA, Child marriage in Georgia (overview), 2014