

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

Chapter 1 - General Provisions

**Article 1 – Scope of the Law**

1. This Law defines the set of actions that 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.
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*

**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.

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

**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 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;

e<sup>1</sup>) negligence – failure by a parent (parents), 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 (parents), another legal representative and/or another responsible person has (have) appropriate information, possibility and access to the appropriate services;



f) victim - a family member whose constitutional rights and freedoms have been violated by way of 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 and/or a judicial body, and/or by a group for determining the status of victim of domestic violence (the victim identification group). For the purposes of Article 14(1-2), the second sentence of Article 14(3), Article 14<sup>2</sup>, 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, economic, and sexual violence or coercion, and who has been separated from the abuser by a social worker shall also be considered as a victim;

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;

g<sup>1</sup>) 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<sup>2</sup>) 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. For the purposes of Article 14(1-2), the second sentence of Article 14(3), Article 14<sup>2</sup>, 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 of domestic violence, or temporary accommodation for victims of domestic violence that operates within the system of the Ministry of 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.

*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*

## **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.

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

#### **Article 7 - Implementation of domestic violence preventive measures**

1. The Ministry of Labour, Health and Social Affairs of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Education and Science of Georgia, bodies of the Prosecutor's Office and judicial bodies of Georgia, also municipal bodies – within the scope of their authority, shall ensure implementation of domestic violence prevention measures within the scope of their competence and according to the procedure determined by this Law.
2. Municipal bodies shall implement measures for the prevention of domestic violence and the protection and assistance of victims of domestic violence under Article 16(4) of the Organic Law of Georgia on Local Self-government.
3. During the implementation of domestic violence prevention measures, the relevant state and municipal bodies may collaborate with interested institutions working on issues of domestic violence and protection of human rights, and plan and implement joint projects.

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

#### **Article 8 - Social services**

1. The Ministry of 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.

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

### **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.

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



## **Article 9<sup>1</sup> - Identification of domestic violence cases**

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 authorised personnel of medical institutions, or in cases of violence against minors, authorised personnel of childcare and educational institutions, also authorised 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.

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

## **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 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 domestic violence shall not hinder the issuance of a restraining or protective order to ensure the protection of the person affected by violence (victim).

6. If a measure of restraint (except for detention) is applied with respect to a domestic violence perpetrator, against whom the prosecution has been initiated on charges of domestic violence or domestic crime, 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. For the purpose of rehabilitating the abuser, a protective order may instruct 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*

## **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.

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

## **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 paragraph 2 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.

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

## **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.

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

## **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<sup>1</sup> - 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<sup>2</sup> – 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 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;

f<sup>1</sup>) 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<sup>1</sup>) 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 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 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*

### **Article 16<sup>1</sup> - 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, court), the Group for Determining Domestic Violence Victim Status (Victim Identification Group) of the Interagency Council for Prevention of Domestic Violence 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 domestic violence or unless criminal prosecution measures are being carried out in connection with the 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.



1<sup>1</sup>. 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.

*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*

## **Chapter VI – Rights, Social and Labour Guarantees for Victims of Domestic Violence, Rehabilitation Measures for Abusers**

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

### **Article 17 - Rights and protection guarantees for victims of domestic violence**

1. A domestic violence victim (an alleged victim) may:

- a) apply to relevant state authorities with a request to issue a restraining or protective order or to respond to the breach of the restraining or protective order;
- b) apply to relevant state authorities according to the severity of domestic violence or with a request to use criminal law mechanisms for the identification and elimination of domestic violence in case of breach of the issued restraining or protective order;
- c) apply to the appropriate judicial authority and request compensation for the damages incurred as a result of domestic violence;
- d) receive compensation under the legislation of Georgia if the damage caused to the victim is not covered according to 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;
- e) enjoy the services of a shelter/crisis centre;
- f) receive free legal advice, free primary and emergency medical and psychological assistance upon the placement in the shelter/crisis centre;
- g) enjoy the right to suspend labour relations under the legislation of Georgia during his/her stay at the shelter/crisis 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 established by the Law of Georgia on Legal Assistance;
- j) enjoy legal and social protection mechanisms provided in 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, special protective measures provided under the Criminal Procedure Code of Georgia may be applied to protect the person affected by violence and other entities participating in the process.

3. At all stages of the criminal proceedings on domestic crime and domestic violence and during interrogation as well, account shall be taken of the best interests of a minor witness and minor victim, according to their age and level of development. A minor witness and minor victim may not be interrogated in connection with a domestic crime; also, 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. 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 body 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 of domestic violence, a temporary residence permit shall be issued as established 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 of domestic violence, he/she may not be returned to the foreign country if it is assumed that in 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*



## **Article 17<sup>1</sup> – Raising awareness of domestic violence victims**

1. Authorities issuing restraining and protective orders, the Victim Identification Group, authorities handling criminal cases involving domestic violence, facilities providing services to victims of domestic violence and other authorised bodies determined by the legislation of Georgia shall be obliged to provide information to domestic violence 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 the victims of domestic violence.
2. If necessary, facilities providing services to victims of domestic violence and other authorised bodies specified in the legislation of Georgia shall provide information to domestic violence victims and assist them in drafting applications (claims) related to domestic violence and claims on compensation for damages incurred as a result of domestic violence, as well as help them in respective proceedings.
3. The administration of the penitentiary institution shall, in the case of the circumstances provided for by paragraph 4 of this article, immediately send a written notification about his/her release to the local police precinct according to the location of the crime.
4. The police shall, based on the information furnished by the administration of the penitentiary institution, immediately notify a victim of domestic violence 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, of the person having committed violence against him/her (the perpetrator).

*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*

## **Article 17<sup>2</sup> - A temporary accommodation for victims of domestic violence (a shelter)**

1. A shelter for domestic violence victims operating within the system of the Ministry of 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 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*

## **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.

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

## **Article 18<sup>1</sup> - 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 of 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 Labour, Health and Social Affairs of Georgia.

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

## **Article 18<sup>2</sup> – Retention by victims of domestic violence of the right to temporarily use the place of residence**

If a victim does not use the services of a shelter/crisis 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*





## **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 19<sup>1</sup> – Toll-free support line**

1. In order to provide assistance and advice on relevant issues to persons affected by domestic violence (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 domestic violence response mechanisms and 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*

## **Article 20 - Rehabilitation measures for abusers**

Rehabilitation measures for an abuser shall include measures for providing psychological and social assistance to the abuser, improving his/her health, for curing and rehabilitating the abuser, which intend to prevent repeat violence and to ensure safety of the victim; also, a compulsory training course oriented to change an abuser's violent attitude and behaviour. Rehabilitation measures for an abuser and procedures and forms of their implementation 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*

## **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 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 of 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 2016.
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. The Government of Georgia shall determine rehabilitation measures for abusers before 1 October 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 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<sup>1</sup> (1<sup>1</sup>) 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. The Government of Georgia shall ensure that, before 1 May 2015, all necessary organisational and legal measures are taken for the operation of the support line specified in Article 19<sup>1</sup> of this Law, and shall determine the procedure for granting compensation to domestic violence victims and the amount of the compensation.

*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*

## **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<sup>1</sup> 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**

**No 3143 - IS**

