

CHAPTER I

GENERAL PROVISIONS

Article 1. Scope of Regulation

This law defines the actions to address domestic violence, the legal and organizational grounds to identify and eliminate domestic violence, and guarantees legal and social protection for victims of domestic violence.

Article 2. Aim of the Law (28.12.2009 #2507)

This Law aims to:

- a) Provide firm legal guarantees for the protection of the rights and freedoms of family members, their physical and psychological integrity, and family values through recognition of the equal rights of family members,
- b) Create effective legal mechanisms to identify, eliminate and prevent domestic violence;
- c) Create a system that ensures access to justice for the victims of domestic violence;
- d) Provide grounds for the protection, support and rehabilitation of victims of domestic violence;
- e) Ensure cooperation between various institutions to prevent and fight domestic violence;
- f) Ensure support for measures aimed at the rehabilitation of abusers.

Article 3. Domestic Violence

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

Article 4. Definition of Terms

Terms used in the Law shall have the following meaning:

- a. Physical violence- battery, torture, bodily injury, illegal restriction of liberty or any other action that causes physical pain or suffering; failure to meet requirements concerning the victim's state of health, that may cause harm to the health of a family member, or lead to his/her death;
- b. Psychological violence- insult, blackmail, degrading treatment, intimidation or any other act that violates the honor and dignity of a person;
- c. Coercion- physical or psychological coercion to make a person perform or abstain from performing an act the performance or non-performance of which is the right of the person, or forcing a person to undergo certain influences against his/her will;
- d. Sexual violence- sexual intercourse through violence, threat of violence or taking advantage of the vulnerability of a victim, as well as sexual intercourse or other act of sexual nature or obscene acts to a minor;
- e. Economic violence- act of restriction of food, accommodation and other conditions for normal subsistence, the right to property, right to engage in labor activities and the right to enjoy joint property and to dispose of his/her own share
- f. Victim- family member who has experienced physical, psychological, sexual, economic violence or coercion and was granted the status of victim of domestic violence by the respective agency of the Ministry of Internal Affairs, and/or the court, and/or the Domestic Violence Victim Identification Group; (28.12.2009 #2507)
- g. Family member- for the purpose of this Law, mother, father, grandfather, grandmother, spouse, child (stepchild), foster child, foster parent spouse of foster parent, adopted child, recipient family, grandchild, siblings, parents-in-law, sister- or brother-in-law, children-in-law, former spouse, persons in non-registered cohabitation and their family members, guardian; (28.12.2009 #2507)
- h. Abuser- member of family who implements physical, psychological, economic, or sexual violence or coercion against another family member;
- i. Shelter- temporary residence for victims of domestic violence; or a place of temporary residency

for victims of domestic violence, established under the Ministry of Labor, Health and Social Protection or by a non-governmental organization, where victims are provided with psycho-social rehabilitation services, legal and medical assistance, as well as protection services. Until Chapter VI of this law comes into force, also families of relatives and friends;

j. Rehabilitation Measures for Abusers- measures taken for rehabilitation of abusers and for critical intervention according to standards prescribed by the legislation. (28.12.2009 #2507)

k. Crisis Center- temporary refuge for victims and potential victims of domestic violence, serving the purpose of their psychosocial rehabilitation, primary and emergency medical assistance, and legal aid. The victim of domestic violence (and his/her dependents) can be placed in the Crisis Center before and after granting him/her the status of victim, if he/she does not desire to be placed in the shelter and needs only psycho-social rehabilitation and/or legal aid, and/or primary and emergency medical assistance without accommodation in the shelter (28.12.2009 #2507).

l. l) Alleged victim of domestic violence- A person who considers him/herself to be a victim and addresses respective authorities/ Group for Granting the Status of Victim of Domestic Violence (Victim Identification Group) (28.12.2009 #2507).

Article 5. The Legislation of Georgia on the Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence

The Legislation of Georgia on the Prevention of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence includes the Constitution of Georgia, international treaties and agreements of Georgia, this Law and other normative acts of Georgia.

CHAPTER II PREVENTION OF DOMESTIC VIOLENCE

Article 6. Mechanisms for the Prevention of Domestic Violence

1. Mechanisms to prevent domestic violence include the complex of social, economic, legal, and other actions aimed to eliminate the reasons and preconditions for domestic violence as well as domestic violence itself, to conduct legal proceedings against abusers, and to rehabilitate and support the re-adaptation of victims and abusers.

2. The State, through its authorized bodies, supports and ensures the introduction and application of mechanisms to prevent domestic violence.

3. Mechanisms for the prevention of domestic violence include:

- a) Analysis, study and evaluation of causal factors of domestic violence;
- b) Introduction of effective legal means to identify and eliminate acts of domestic violence;
- c) Maintaining statistics;
- d) The implementation of preventive measures against persons at risk of being abusers or who are identified as abusers;
- e) Awareness raising campaigns for people on their rights and obligations, protection guarantees - including rights and obligations,-that provide equality and the mutual responsibility of family members;
- f) The dissemination and accessibility of information on the liability of the abuser, the rights of victims and the protection of such rights;
- g) In the case of domestic violence, implementation of assistance and protection activities for

victims and rehabilitation activities for abusers; (28.12.2009 #2507)

h) Development of specialized programs with stakeholder organizations to ensure their support for the implementation of preventative measures.

Article 7. Implementation of Preventive Measures for Domestic Violence

1. Within its mandate and in accordance with this law, preventive measures shall be implemented by: the Ministry of Labor, Health and Social Protection of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Education and Science of Georgia, the Prosecutor's office and the Courts.

2. While implementing preventive measures, the relevant state bodies can cooperate with other stakeholders working on the issues of domestic violence and human rights protection and ensure planning and implementation of joint projects.

Article 8. Social Services

1. Within its mandate, the Ministry of Labor, Health and Social Protection provides social services to families in order to implement domestic violence preventive measures.

2. Social services include:

a. Case study and the relevant analysis of the causes of disputes and support to family members to overcome conflicts;

b. Implementation of activities that support victims of domestic violence;

c. In collaboration with relevant state institutions, identification of potential abusers and creating assistance to overcome the problems;

d. Participation in issuing protective orders;

e. Monitoring activities defined in protective and restraining orders;

f. Development and support for the implementation of programs aimed to assist victims and abusers and facilitate their social rehabilitation.

CHAPTER III

MECHANISMS FOR THE IDENTIFICATION AND ELIMINATION OF DOMESTIC VIOLENCE

Article 9. Mechanisms for the Identification and Elimination of Domestic Violence

1. Criminal, civil and administrative law mechanisms shall apply for the identification and elimination of domestic violence.

2. Criminal law mechanisms shall apply when an act of domestic violence contains elements of criminal offense.

3. Civil law mechanisms shall apply when the damage imposed as a result of domestic violence entails an obligation to compensate damages in accordance with civil law.

4. Administrative law is applied by issuing restraining/protective orders and shall apply when the violation does not constitute base for criminal liability according to the Georgian legislation and can be dealt with in accordance with the provisions of administrative law (28.12.2009 #2507)

Article 10. Protective and Restraining Orders

1. In cases of emergency interventions, the respective authorities can issue protective or restraining orders as a temporary measure for the protection of the victim and certain restrictions of the abuser's activities.

2. A protective order is an act issued by the judge of the first instance court in administrative proceedings, which defines the temporary protection measures for victims (28.12.2009 #2507)

3. A restraining order is an act issued by an authorized employee of the police, which defines temporary protection measures for victims in cases of domestic violence, which shall be submitted to the court for approval within 24 hours.

4. Failure of the abuser to comply with the conditions prescribed by protective and restraining orders shall lead to his/her liability under the Georgian legislation. (28.12.2009 #2507)

Article 11. Right to Request Protective Order (28.12.2009 #2507)

The right to request protective order shall rest with the victim, his/her family member or--at the consent of the victim--a person providing him/her with medical, legal or psychological aid, and in cases of violence against minor- institutions of guardianship and child care services

Article 12. Terms of Validity of Protective and Restrictive Orders (28.12.2009 #2507)

1. The protective order shall be issued for the period up to 6 months and the court shall determine the terms of its validity.

2. The court is authorized to decide on changing the term of validity of the protective order. The protective order may be extended for an additional term not exceeding 3 months if the risk against the victim or another family member exists.

3. The protective and restraining order may be annulled by a court decision if the parties concerned are reconciled and jointly address the court, except for cases listed in paragraph 2 of this article and Article 13.

4. A restraining order shall be issued for a period of 1 month and is granted/ refused by the court within 24 hours from being filed by an authorized person.

Article 13. Operation of the Protective and Restrictive Orders in case of the Victim's and

Abuser's Reconciliation (28.12.2009 #2507)

Reconciliation of parties shall not hinder the issuance of a protective or restrictive order or shall not cause the annulment of an issued protective or restrictive order if the act of domestic violence violates the interests of other family members, especially, minors.

CHAPTER IV

SPECIFIC MEASURES FOR THE PROTECTION OF A CHILD (MINOR) FROM DOMESTIC VIOLENCE

Article 14. Separation of a Minor from Abusive Parent (28.12.2009 #2507)

1. In case of domestic violence and upon application of one of the parties to the court as indicated in article 11, the court shall consider the issue of the relationship of the minor to the abusive parent(s). The existence of signs of physical abuse of a minor shall become the basis for raising the issue of separation of the minor from violent parent(s), until adoption of final decision of the court.

2. While deciding the issue of a minor's representation, the court shall take into account the fact that retaining the right of representation of the minor to a violent parent is detrimental to the interests of the minor. Joint guardianship of the minor by both parents is not permissible if there is a reasonable suspicion that one of them abuses the minor.

3. In cases prescribed by legislation, minor aged 14 or above can apply to the court to protect his/

her rights and legal interests. In this case a court will appoint a representative for proceedings and considers the case. The minor plaintiff has right to disagree with the representative for proceedings and defend him/herself. The court shall involve guardianship and child care services in this type of case.

Article 15. Ensuring the Prevention of Child Abduction and other Safety Measures (28.12.2009 #2507)

1. The court determines the terms of a violent parent's visits to a child. The parent shall be given the right to visit the child only in cases when all safety measures are carried out, which may mean place of visit, time, frequency, duration and a person responsible for overseeing minor safety requirements/measures.
2. In cases when minor safety measures are not observed, the right of the violent parent to visit the child will be restricted. If the restriction lasts for more than 3 months, the parent whose rights are being restricted may refer to the court requesting amendment of terms of visit to a minor.
3. In case of an actual danger of abduction by a violent parent or of other harm to the minor, the court may decide to cancel the violent parent's right of visit until the circumstances are changed.

CHAPTER V

PECULIARITIES OF LEGAL PROCEEDINGS WITH REGARD TO DOMESTIC VIOLENCE

Article 16. Duties of the Police

1. In cases of domestic violence the Police shall immediately respond and take all legal measures.” (28.12.2009 #2507)
2. When receiving notification of an act of violence, the police shall immediately arrive at the scene whether notification was received from the victim, a witness of violence or by any other person as defined by Article 11.
3. In cases of domestic violence, the police shall:
 - a) Take all legal measures to stop the act of domestic violence;
 - b) Separately interview the potential victims, witnesses and abusers, including minors and record statements in writing; (28.12.2009 #2507) (28.12.2009 #2507)
 - c) Inform the victim of domestic violence of his/her rights;
 - d) Upon request of the victim or in case of an emergency, ensure the transfer of the victim to a medical institution;
 - e) Upon request of the victim, or in case of emergency, ensure the transfer of the victim or/and minors to the shelter; (28.12.2009 #2507)
 - f) In case of transfer of a victim to another location, ensure taking of primary necessities and identification documents from the place of residence; (28.12.2009 #2507)
 - g) Ensure the safety of the person reporting the case of violence;
 - h) Issue a restraining order as prescribed by the law.
4. The police shall draw up a report of the case and the measures taken, which shall be submitted to the prosecutor in charge.
5. The police shall separately mention in its reports all information (data) on the acts of domestic violence, measures taken, number of victims, measures enforced against the violator, as well as information on the alleged abuser and other data.

6. The police shall intervene according to the law in cases of violation of protective and restrictive orders (28.12.2009 #2507)

Article 161: Granting the Status of Victim (28.12.2009 #2507)

1. Together with the state agencies defined in the Law (respective agency of the Ministry of Internal Affairs of Georgia, court), the Group Granting the Status of a Victim (Victim Identification Group) under the Interagency Council for Prevention of Domestic Violence grants the status of victim.
2. The procedure of granting the status of victim by the Group for Granting the Status of Victim of Domestic Violence under the Interagency Council for Prevention of Domestic Violence is prescribed by the #665 Decree of President of October 5th, 2009 on Approval of the Statute on Identification of Victims of Domestic Violence

CHAPTER VI

SOCIAL AND LABOR GUARANTEES FOR VICTIMS OF DOMESTIC VIOLENCE, REHABILITATION MEASURES FOR ABUSERS

Article 17. Temporary Shelter for Victims of Domestic Violence

1. Shelter for the victims of domestic violence of the Ministry of Labor, Health and Social Protection shall provide adequate accommodation and primary and emergency medical and psychological assistance to victims.
2. Non-governmental organizations may establish a Shelter if it meets the minimum standards established by the Ministry of Labor, Health and Social Protection for this type of institution.
3. Activities of the Shelter shall be regulated by the Charter, establishing rules for placement of victim in the Shelter and his/her rehabilitation. (28.12.2009 #2507)

Article 18. Placement of Victim in Shelters

1. In cases of domestic violence and when the victim as defined by Article 11 so requests, law enforcement agencies shall ensure the transfer of the victim to the Shelter or a specialized institution
2. A victim shall be placed in the Shelter for a period up to 3 months. If necessary, the term may be extended in accordance to the rules prescribed by the Charter of the Shelter, except the cases when the victim does not want to stay longer. If after expiration of the term the threat to the victim pertains, the Shelter administration shall inform the law enforcement agencies in order to ensure respective response to such threat (28.12.2009 #2507)
3. In case of placement of a victim in the Shelter or Crisis Center, he/she shall retain the job and the same position. (28.12.2009 #2507)

Article 181: Crisis Center (28.12.2009 #2507)

1. The Crisis Center is a place of temporary placement of victims and potential victims of domestic violence, with the purpose of their psychosocial rehabilitation, primary and emergency medical assistance, and legal aid.
2. The Crisis Center is established within the system of the Ministry of Labor, Health and Social Protection, and/or on the bases of non-governmental organization. The Crisis Center established by a non-governmental organization shall meet the minimal standards established by the Ministry of Labor, Health and Social Protection for this type of institutions .

Article 19. Information on Victims of Domestic Violence

Information on the identity, physical and psychological status of the victim shall be confidential and

its disclosure shall be permitted only in cases provided by the law.

Article 20. Rehabilitation Measures for Abusers (28.12.2009 #2507)

Rehabilitation measures for abusers include a set of actions targeted to the psycho-social assistance and recovery of abusers, curing and rehabilitation for persons with certain harmful behaviors (alcoholism, drug addiction, or mental disease, which does not exclude capability of a person). It is aimed at the prevention of further violence and the protection of victims. Rehabilitation measures for abusers and their implementation are prescribed by a decree of the Government of Georgia.

CHAPTER VII

TRANSITIONAL PROVISIONS

Article 21. Measures to be taken to put the Law into Force

1. Until Chapter VI of this law comes into force, the Ministry of Labor, Health and Social Protection shall determine minimum standards for temporary Shelters for victims of domestic violence and rehabilitation centers for abusers, and ensure their creation.
2. The Ministry of Labor, Health and Social Protection shall determine mechanisms for providing social services in respect of issues of domestic violence and ensure training (certification) of social workers until July 1, 2015. (28.12.2009 #2507)
3. Within 1 month after publication of the law, the Ministry of Internal Affairs shall develop and approve a restraining order form.
4. The Government of Georgia shall determine rehabilitation measures for abusers until July 15, 2015 (28.12.2009 # 2507)
5. The Government of Georgia shall establish interagency cooperation mechanisms to ensure the exchange of information on domestic violence (28.12.2009 # 2507) ;
6. The Ministry of Internal Affairs shall develop a database of abusers and issued protective and restrictive orders, and ensure timely interchange and availability of the above information for interested state bodies; (28.12.2009 # 2507)
7. The Ministry of Labor, Health and Social Protection shall develop minimum standards for the arrangement and functioning of the Crisis Center till July 1, 2010 (28.12.2009 # 2507)

CHAPTER VIII

FINAL CLAUSES

Article 22. Putting the Law into Force

1. This law shall come into force upon its publication except for Article 8 and Chapter VI.
2. Chapter VI of this law shall come into force on January 1, 2008
3. The operation of articles 8 and 20 of this Law shall be suspended until July 1, 2015 (28.12.2009 # 2507)

President of Georgia

Mikheil Saakashvili

Tbilisi, May 25, 2006 # 3143 - IS