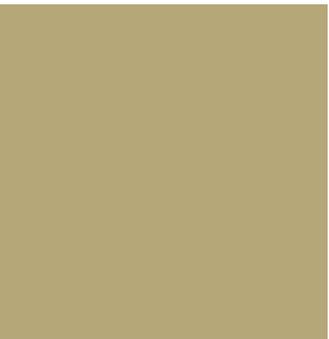




Collection of Normative Acts on Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence



NORMATIVE ACTS



ოჯახში ძალადობის აღკვეთის, ოჯახში ძალადობის მსხვერპლთა დაცვისა და დახმარების შესახებ ნორმატიული აქტების კრებული



THE COLLECTION OF NORMATIVE ACTS ON

PREVENTION OF DOMESTIC VIOLENCE, PROTECTION AND ASSISTANCE OF VICTIMS OF DOMESTIC VIOLENCE IN GEORGIA

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PREFACE

For many years domestic violence was considered a “private” matter and both the state and the public would refrain from intervening. But the fact that domestic violence happens within the family does not diminish its danger to society. Domestic violence is similar to any other crime and is often worse. There is no single cause of domestic violence and the problem is of a very complex nature. It knows no racial, social, cultural, or territorial boundaries. It endangers the life and health of every national or ethnic group and every member of society, has serious effects on the psyche, often damages lives, and breeds fear and shame. Usually, victims end up feeling vulnerable both within the family and in broader society. They do not want to talk about the problem and refuse assistance from others. The low level of awareness of rights and the lack of adequate and flexible protection mechanisms have further aggravated the problem.

Nowadays, no-one questions the fact that the problem of domestic violence is critical and that the active participation of the public is needed to resolve it. Today, the priority is protecting the victims of domestic violence and creating an effective system and safe environment for them. Therefore, the state policy on domestic violence is based on the principles of prevention of domestic violence, protection of victims, early intervention, prompt implementation of effective and flexible mechanisms against abusers, and supporting victims in starting new lives.

However, the critical importance of combating the problem is attached to raising public awareness about available assistance and protection mechanisms for victims.

We hope that the package of initiatives presented here will contribute to raising public awareness not only about the forms and types of domestic violence prohibited by law, but also on the rights of victims and actual mechanisms for their protection. It will support the process of society’s active participation in the fight against domestic violence and the creation of a safe environment, especially for children, women and elderly people.

The package was created with support of UNFPA. The council is grateful to UNFPA for its assistance.

Lali Papishvili
Chairman of the Interagency Council

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OVERVIEW OF GEORGIAN LEGISLATION ON DOMESTIC VIOLENCE AND AMENDMENTS THERE TO

Domestic violence is a complex and widely spread social and legal problem that includes a set of elements of legal violations. It is at its essence violence committed against a person related to the perpetrator that is of a local and closed nature. Therefore, combating this problem using the common practice of criminal proceedings is less effective. The need for specific efforts to combat domestic violence is conditioned by the difficulty of identifying it.

It should be noted that the effects of domestic violence extend beyond its immediate victims. This kind of conflict has a negative impact on other members of the family (especially minors), damages their psychic condition and consciousness and therefore, contributes to the creation of an unhealthy environment in society as a whole. Hence, the activeness of the society and targeted and effective utilization of public control mechanisms are of crucial importance in overcoming the problem.

The complexity of the problem requires specific and systematic actions against domestic violence. These actions should be sustained by relevant legal acts that will be based on social partnership and cooperation among the members of society. Therefore, in order to ensure the effectiveness of the fight against domestic violence, a set of systematic actions should exist and representatives of different levels of society and organizations should be involved in their implementation, together with the law-enforcement bodies. This entails the introduction of additional mechanisms in the legislation that will be oriented at both solving and preventing the problem.

The enforcement and implementation of effective legal and preventive measures against domestic violence requires raising public awareness on these issues. Awareness, that is, among both families at risk of domestic violence and representatives of the government and society, who are involved in combating the problem. Therefore, having an understanding of the essence of domestic violence, taking actions against the problem, and involving almost every group within society in the processes should be considered effective and complementary measures against domestic violence.

The above factors conditioned the development and enforcement of special legal acts on domestic violence in Georgia. In particular, on May 25, 2006 the parliament of Georgia adopted the law of Georgia "On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence". In addition, Chapter VII3 was added to the Administrative Procedures Code of Georgia that stipulated the introduction of an additional legal mechanism against domestic violence in the form of protective and restrictive orders.

The law of Georgia "On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence", in its essence, is a specific and complex legal act that incorporates additional mechanisms and actions related to combating and preventing domestic violence, as well as protecting and assisting victims. The law defines the terms of domestic violence, forms of violence, family member and abuser; the status of victims of domestic violence and their social and legal protection

guarantees, mechanisms and instruments for combating domestic violence, ways of its identification and elimination; protective and restrictive orders, procedures for their issuance and appeal; peculiarities of legal proceedings in domestic violence cases.

According to Article 3 of the law of Georgia “On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence”, “Domestic violence implies the violation of constitutional rights and freedoms of one family member by the other, by imposing physical, psychological, economic or sexual violence or coercion”. Consequently, the law determines the following forms of violence – physical violence, psychological violence, sexual violence and economic violence, as well as coercion.

According to the above law, criminal, civil and administrative legal mechanisms shall apply for the identification and elimination of domestic violence. Criminal law mechanisms shall apply when an act of domestic violence contains elements of criminal offence, civil law mechanisms shall apply when the damage imposed as a result of domestic violence entails obligation to compensate damages in accordance with civil law, and administrative law mechanisms shall apply when an act of violence does not give rise to criminal responsibility and can be dealt with in accordance with provisions of administrative law.

According to the law, the most important and specific administrative mechanism for elimination of domestic violence and protection of victims is protective and restrictive (restraining) orders that define temporary protection measures for victims of domestic violence. Protective and restrictive orders are specific legal acts that define protection measures for victims on the one hand and set limitations on certain actions of abusers on the other. According to the legislation, there are two kinds of orders - protective and restrictive - and they differ from each other according to the issuing body, validity period, determining factors, and specificities of issuing and enforcement. In particular, a protective order is issued by a court of the first instance according to administrative law mechanisms while a restrictive order is issued by an authorized employee of the police in order to ensure prompt reaction to the fact of domestic violence and is submitted to the court for approval within 24 hours.

The issuance and appeal of protective and restrictive orders and related issues are regulated by the Administrative Procedures Code of Georgia, which defines the specifics of legal proceedings related to issuing the protective and restrictive orders, their requisites, and rules of their enforcement and appeal.

The law of Georgia “On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence”, attaches special importance to the prevention of domestic violence and, in the process of overcoming the problem, defines preventive measures and outlines the responsibilities of relevant state bodies.

According to the law, the important factors contributing to solving the problem of domestic violence are the creation of social and labour guarantees for victims of domestic violence, and the elaboration of measures for the rehabilitation of abusers. An important social guarantee for the protection

of the victim is his/her placement in temporary shelter. According to the law, a shelter is temporary residence for domestic violence victims, founded under the Ministry of Labour, Health and Social Protection or on the basis of a non-governmental organization, where victims are provided with psycho-social rehabilitation services, legal and medical assistance, as well as protection services. The victim can be placed in a shelter for a period of two months. If necessary, the term may be extended in accordance to the rules prescribed by the charter of the shelter.

In order to improve the current legislation on domestic violence and eliminate gaps, and based on the practical experience, the parliament of Georgia adopted amendments to the set of relevant legal acts in 2009. In particular: Amendments to the Law of Georgia on Prevention of Domestic Violence, Protection and Assistance for Victims of Domestic Violence, Amendments to the Administrative Procedures Code of Georgia, Amendments to the Criminal Code of Georgia, Amendments to the Administrative Offence Code of Georgia, Amendments to the Law of Georgia on Armaments, Amendments to the Labour Code of Georgia, Amendments to the Law of Georgia on Public Service. As a result of these amendments, the legal mechanisms of reaction to the cases of domestic violence, as well as actions for protection of victims and procedures for legal proceedings were made more flexible and effective.

The above amendments defined an additional body which, under appropriate circumstances, will have authority to grant the status of victim of domestic violence. In particular, according to the amendments to the Law of Georgia on "Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence", the Group for Granting the Status of Victim of Domestic Violence under the Interagency Council for Prevention of Domestic Violence can grant the status of victim together with the Ministry of Internal Affairs and the court. The amendment allows citizens to get status of victims with the participation of representatives of the civil sector and without addressing the Ministry of Internal Affairs or a court (if the relevant conditions are in place) and benefit from social and legal guarantees of victim protection. It should be noted that procedural rules of the Group for Granting the Status of Victim of Domestic Violence (Victim Identification Group) is defined by the Presidential Decree #665 of October 5, 2009 "On Identification Rule of Victims of Domestic Violence".

The amendments widened the definition of family member. The law and protection mechanisms stipulated by the legislation can be fully applied to existing and potential cases of domestic violence involving a foster parent, foster parent's spouse, foster child, and family members of persons in non-registered habitation have been added to the list of family members.

The amendments prescribed the establishment and functioning of a crisis centre that represents the primary mechanism for victim protection. According to the amendments, the Crisis Centre is a place of temporary placement of potential victims or victims of domestic violence, providing psycho-social rehabilitation, and primary and emergency medical assistance, and legal aid. A victim of domestic violence (and his/her dependents) can be placed in the crisis centre before or after he/she is accorded the status of victim; if he/she does not want to be placed in the shelter (after being accorded victim status) and needs only psycho-social rehabilitation, and/or primary and emergency medical

assistance. According to the law, the Crisis Centre is established within the system of the Ministry of Labour, Health and Social protection or on the bases of a non-governmental organization. Minimal standards for the structure and functioning of the crisis centre are defined by the decree of the Minister of Labour, Health and Social Protection.

Under the amendments, the validity period of protective orders has been extended to six months. Moreover, the protective order may be extended within its validity period for additional term not exceeding three months.

The amendments strengthened protection mechanisms for child victims (minors) of domestic violence and their separation from abusive parents. According to the law, while issuing a protective order, the court also considers the issue of the relationship between the child and the abuser parent. The existence of signs of physical abuse of a child shall become the basis for raising the issue of separating the child from the abusive parent. Before it reaches its final decision, the court issues a decision on the above issue, as a temporary measure, within 24 hours of receiving the application.

Under the amendments, a child (minor) can address the court to protect his/her rights and legal interests starting from age 14. When the court appoints a legal representative (lawyer) and considers the case, the plaintiff (child/minor) can refuse to accept the legal representative and decide to defend himself/herself. The court should involve guardianship and child care bodies in such cases.

According to the law, the abusive parent shall be given the right to visit the child only when all safety measures are defined, including the venue of the visit, time, frequency, duration and person responsible for adherence to safety measures. In cases when safety measures are not observed, the right of the abusive parent to visit the child should be restricted. If the restriction lasts for more than three months, the parent whose rights are being restricted may refer to the court requesting the amendment of visit conditions. In case of real threat of child kidnapping by abusive parent or other damage, the court may decide to prohibit the abusive parent from visiting the child until the circumstances change.

The amendments envisage changes to the norms of rehabilitation measures for abusers. According to the law, rehabilitation measures for abusers include a set of actions targeted at providing psychological and social assistance, dissuading them from various harmful behaviours (alcohol and drug addiction), preventing further violence and protection of victims. In addition, the specific rehabilitation measures for abusers and the rules and forms of their implementation should be defined by a decree of the government of Georgia based on practical experience and the know-how of foreign countries.

The amendments extended the duration of victims' placement in shelters. According to the law, a victim should be placed in a shelter for a period not exceeding 3 months. If necessary, the term may be extended in accordance with the rules prescribed by the charter of the shelter. In addition, a new provision has been added to the law, according to which during the placement of the victim of domestic violence in the shelter, he/she shall retain his/her job in the same position. The same refers to public sector employees.

The amendments spelled out and detailed the legal protection mechanism defined by the law of Georgia on “Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” - norms of administrative proceedings for the issuance/approval of protective and restrictive orders and issues within the regulation of these orders.

According to the amendments, when the court receives a request to issue protective order, the referring persons are exempt from court fees and non-payment of the fee cannot serve as the basis for suspension or denial of legal proceedings. In addition, the amendments define the norms of legal proceedings for issuing protective orders. In particular, a request for issuing a protective order is discussed by the court of the first instance, according to the place of residence of the victim.

The law spelled out the procedural norms for participation in legal proceedings by the person against whom the appeal for issuing protective order is filed. In particular, according to the amendments, within 24 hours after the registration of the application in the court chancellery, the court sends the application and attached materials to the person, against whom the application has been filed and gives him/her right to submit evidence in his/her defence. The person against whom the appeal is filed is authorized to respond to the application in writing and submit this response to the court within the days after receiving the court notice.

According to the amendments adopted, within 10 days after the registration of an application in the court chancellery, the court should hold trial and rule on issuing or not issuing a protective order or on annulling or extending existing orders. In addition, the decisions of the first instance courts can be appealed in the appellate court, within three days after the party has been informed of the court’s decision. The Appeal does not preclude protective and/or restrictive orders. The appellate court makes decision on the appeal within seven days of the filing of the appeal. The decision of the appellate court is final and cannot be appealed.

The amendments spelled out norms of procedural proceedings for issuing and approval of restrictive orders. According to the law, with the aim of ensuring a prompt reaction to instances of domestic violence, protection of the victim and restriction of the abuser, an authorized police representative can issue a restrictive order as a temporary measure for protection of victims of domestic violence. Within 24 hours from the issuance, the restrictive order should be submitted to the court for approval. Within 24 hours after receipt of an application, the court assesses the appropriateness of issuing a restrictive order and decides on its approval, partial approval, or refusal.

The court decision on issuing restrictive order should include details on restrictive conditions prescribed to the alleged abuser and protection measures for the victim. In addition, based on the request of an authorized representative of the police or other person participating in the court process, the court defines the validity period of restrictive order, not to exceed one month. According to the law, the court decision issuing restrictive order is enforced upon its announcement and within 24 hours is sent to the parties, as well as to the relevant territorial units of the Ministry of Internal Affairs, according to the place of residence of victims.

With the aim of improving the implementation mechanisms for protective and restrictive orders and enhancing their efficiency, relevant amendments were made to the Criminal Code of Georgia and Administrative Offence Code of Georgia, which spelled out administrative and criminal responsibilities in case of non-compliance and violation of protective and restrictive orders. In particular, a new norm (Article 1752) was added to the Administrative Offence Code of Georgia, which defines administrative responsibilities in case of non-compliance with requirements and obligations prescribed by protective and restrictive orders.

Administrative responsibility in case of non-compliance with requirements and obligations prescribed by the restrictive order is administrative detention for up to 7 days, or corrective labour for up to one month and non-compliance with requirements and obligations prescribed by the protective order leads to administrative detention for up to 30 days, or corrective labour for up to three months.

According to the law, protocols on the above administrative offence are prepared by the bodies of the Ministry of Internal Affairs and the cases are considered by district (city) courts. In addition, the relevant bodies of the Ministry of Internal Affairs are authorized to ensure administrative detention of persons convicted of violating administrative law. According to the amendments, cases of administrative offence related to non-compliance with requirements and obligations prescribed by protective and restrictive orders should be considered within 24 hours.

In accordance with the amendments adopted, a new norm (Article 3811) was added to the Criminal Code of Georgia, which defines criminal responsibilities in case of non-compliance with requirements and obligations prescribed by protective and restrictive orders. In particular, non-compliance with requirements and obligations prescribed by protective and restrictive orders by the person accused of an administrative offence according to Article 1752 of the Code of Georgia on Administrative Offences entails criminal responsibility. The offender is then punished with corrective labour or detention for up to one year.

The adopted law spelled out the conditions for buying or keeping armaments by the abuser during the validity period of protective and restrictive orders. In particular, the protective and restrictive orders envisage the restriction or prohibition of the alleged abuser's right to bear arms (including for work purposes) during the validity period of protective and restrictive orders, as well as a prohibition on buying or otherwise obtaining a license to buy weapons. It also lays out conditions for confiscating weapons owned by the abuser and restrictions on the storage of the abuser's weapon (including for work purposes).

Preparation and approval of the National Referral Mechanism was particularly important in terms of implementation of integrated and effective actions against domestic violence. The National Referral Mechanism is the action plan for prevention of domestic violence and protection and rehabilitation of victims of domestic violence, as well as a document for cooperation and mutual agreement between Georgian state institutions, international organizations and NGOs working on issues of domestic violence. The objective of the National Referral Mechanism is to determine actions aimed at prevention of domestic violence and protection and support of victims.

The National Referral Mechanism determines the entities participating in efforts to combat and prevent domestic violence, and protect and rehabilitate victims, as well define these entities' functions and powers. The entities participating in the National Referral Mechanism are: Patrol Police and District Departments of the Ministry of Internal Affairs, courts, prosecutorial bodies, the State Fund for Protection and Assistance of Victims of Human Trafficking under the Ministry of Labour, Health and Social Protection, Institutions of Health and Social Protection, the Interagency Council for the Prevention of Domestic Violence, international/local non-governmental organizations.

According to the National Referral Mechanism, the prevention of domestic violence and the protection and rehabilitation of victims are implemented in three main stages: identification of domestic violence; identification of victim and abuser; and protection and rehabilitation of victim.

Identification of domestic violence implies a set of legal and organizational actions that aim at revealing, identifying and evaluating the fact of domestic violence and implementing primary and emergency activities for its elimination. Law enforcement bodies (patrol/district police), within their mandate, identify cases of domestic violence.

According to the National Referral Mechanism, patrol/district police make determinations on victim identification and granting the status of victim. If these bodies are not addressed, the identification of potential victims of domestic violence is done by the Group Granting the Status of Victim of Domestic Violence under the Interagency Council for Prevention of Domestic Violence - Victim Identification Group.

An important part of the Referral Mechanism is the provision of legal, medical, psychological and other services to victims of domestic violence. This is implemented according to the principles and mechanisms defined in the cooperation document of state institutions and authorized international and non-governmental organizations. The document seeks to ensure timely, efficient and qualified assistance to victims.

Legal acts determining rules and conditions for the implementation of specific actions play an important role in the elaboration of measures against domestic violence. As mentioned above, the Presidential Decree #665 of October 5, 2009 approved the Identification Rule of Victims of Domestic Violence and determined the entities responsible for identification of victims of domestic violence. According to the above rule, the patrol police department of the Ministry of Internal Affairs, territorial units of the Ministry of Internal Affairs and the court perform identification of victims of domestic violence. If these entities are not addressed, the identification of potential victims of domestic violence is done by the Group Granting the Status of Victim of Domestic Violence under the Interagency Council for Prevention of Domestic Violence - Victim Identification Group.

The Interagency Council for Prevention of Domestic Violence establishes the Victim Identification Group, which consists of not less than three persons, including a social worker, a psychologist, and a lawyer. The Victim Identification Group makes the decision on granting the status of potential victim of domestic violence to a person based on information from authorized organizations and from a

special identification questionnaire. In need be, the Victim Identification Group is authorized to meet the potential victim in order to obtain additional information. Special Identification Questionnaire is completed by the authorized international or local non-governmental organizations based on an interview with the potential victim.

According to the rule defined, after the victim is granted relevant victim status, he/she can be transferred to a shelter for victims of domestic violence if he/she so desires. Prior to being granted this status, he/she may stay in a crisis centre.

Presidential Decree #304 of April 23, 2009 “2009-2010 Action Plan for Implementation of Measures against Domestic Violence and Protection of Victims” is a very important document in terms of planning and implementation of actions against domestic violence. The above plan is an integrated document on the implementation of specific actions for the improvement of existing legislation on domestic violence, as well as assessment and prevention of the problem and improvement of implementation mechanisms for legal and social protection of victims of domestic violence, including protective and restrictive orders.

In particular, the major directions of the plan are: improvement of legislative bases in the sphere of elimination of domestic violence, protection and assistance of victims (development of National Referral Mechanism and improvement of current legislation); survey of the scale of domestic violence; protection, assistance and rehabilitation of victims of domestic violence (development and introduction of relevant programs); support and coordination of establishment of shelters for victims of domestic violence; development of rehabilitation programs for victims and coordination of relevant activities; strengthening of legal protection mechanisms for victims of domestic violence; development and introduction of programs for monitoring the implementation of protective and restrictive orders; improvement of methods for prevention of domestic violence; elaboration of a concept for rehabilitation of abusers and implementation of public awareness campaigns. It should be noted that the decree sets exact timelines for the implementation of each action and delegates responsibility to various entities.

Review of the current legislation of Georgia shows that it acknowledges the mechanisms for prompt and effective reaction to facts of domestic violence and provides victims with protection mechanisms (both legal and social). The legislation also defines additional mechanisms that should ensure the prevention of domestic violence and envisages their permanent and dynamic renewal.

The main focus of the legislation is protection of victims, introduction of effective and acceptable protection mechanisms (starting with granting of status and finishing with means of social protection). Specifically, in case of domestic violence the victim can address the relevant state bodies (police, court, etc.) and request issuance of protective/restrictive orders and restriction of certain actions on the part of abusers.

Moreover, the status of victim of domestic violence can be granted by the Victim Identification Group, which allows the victim to benefit from all existing protections mechanisms, be placed in the crisis centre and/or shelter, obtain psycho-social rehabilitation, legal aid and emergency medical assistance.

LAW OF GEORGIA

ON THE PREVENTION OF DOMESTIC VIOLENCE, PROTECTION OF AND ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE

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 suspended until July 1, 2015 (28.12.2009 # 2507)

President of Georgia
Mikheil Saakashvili

Tbilisi, May 25, 2006 # 3143 - IS

LAW OF GEORGIA

AMENDMENT TO THE CRIMINAL CODE OF GEORGIA

Article 1. Following Article 3811 shall be added to the Criminal Code of Georgia (Official Gazette “Matsne,” № 41 (48), 1999, Article 209):

“Article 3811. Non-compliance with requirements and obligations prescribed by protective and restrictive orders Non-compliance with requirements and/or obligations prescribed by protective/ restrictive order by the person sentenced for such an act according to Article 1752 of the Code of Georgia on Administrative Offences, shall be punished by fine or corrective labor for the period of one hundred-and-eighty to two-hundred-and-forty hours or by term of imprisonment up to one year.”

Article 2. This law shall enter into force on April 1, 2010

President of Georgia
Mikheil Saakashvili

Tbilisi
December 28, 2009
N 2513 – RS

LAW OF GEORGIA ON

CHANGES AND AMENDMENT TO THE CODE OF GEORGIA
ON ADMINISTRATIVE OFFENCES

Article 1. The following changes and amendment shall be made to the Code of Georgia on Administrative Offences (Newsletter of Supreme Council of Georgia, №12, 1984, Article 421):

1. The following Article 175² shall be added to the code:

“Article 1752. Non-compliance with requirements and obligations prescribed by protective/restrictive orders

1. Non-compliance with the requirements and obligations prescribed by restrictive order,- will lead to administrative detention for up to seven days or corrective labor for up to one month;

2. Non-compliance with the requirements and obligations prescribed by the protective order,- will lead to administrative detention for up to 30 days or corrective labor for up to three months.”

2. Article 208 shall be read as follows:

“Article 208. Cases of Administrative Offence Falling within the Jurisdiction of District (City) Courts

District (City) court considers the cases of administrative offences defined by Articles 42¹ and 42² of this Code, Section 2 of Article 43, Articles 44-44³, 44⁵, 44⁶, 45-56, 57-69, 71-78, 79¹-82¹, 84-86, 88-89³, 90-91², 92², 94-100², 103-105¹, 105⁴, 128¹, 128², 143-144¹, 144³-144⁵, 145, 146¹, 148-152, 152²-154², 155¹-156, 157¹-158¹, 159-159⁹, 163, 164, 164⁴, 165¹-165³, 166, 167, and 170, Section 3 of Article 171, Articles 171¹, 172⁴, 172⁵, 173⁴, 173⁶, 173⁷, 173⁹, 173¹⁰, 173¹¹, 174¹, 174⁵, 174⁸-174¹⁴, 175¹, 175², 177⁸-178, 179¹-183, 187-187², 189, 191 (except Parts 1 and 1¹ of Article 191), 192, 195, 196²-196⁶, 197¹.

3. Part13 of Article 239 shall be read as follows:

“13. Protocols on administrative offences envisaged by Articles 45, 81, 107, 114¹, 116-125, 127 of this Code, Parts 1 and 2 of Article 127¹, Articles 134, 166, 173, 174¹, 175², 176¹, 177¹, 180-183, and 190² shall be prepared by agencies of the Ministry of Internal Affairs. In cases where administrative offences envisaged by Articles 45, 166, and 197² of the Code are committed by military employees of the Ministry of Internal Affairs, the protocols are prepared by the authorized representative of the Ministry of Internal Affairs”.

4. Subparagraph “a” of Article 246 shall be read as follows:

“a) to agencies of Internal Affairs – in cases of minor hooliganism, violation of rules on organizing and conducting meetings, assemblies, public manifestations and demonstrations, deliberate disobedience of legitimate orders and requests by a policeman or member of the people’s unit, non-compliance to requirements and obligations prescribed by protective and restrictive orders, acts of domestic violence, prostitution, being drunk or in a state that is offensive to the public moral or human dignity in public places, violations of traffic rules, hunting rules, rules of fishing and protection of fishing reserves, and any other violations of Georgian legislation on the protection of animals, as well as any other cases directly prescribed by Georgian legislation.”

5. Part 2 of Article 252 shall be restated as follows:

“During hearings on administrative offences envisaged by Articles 45, 47-100², 103-105¹, 134, 135, 143, 144, 145-154², 156, 157¹-158, 164, 164⁴, 165, 165¹, 165⁴-165⁹, 166, 167, 170, Section 3 of Article 171, Section 3 of Article 172, Articles 172⁴, 173, 173¹, 173², 173⁶, 173⁷, 173⁹, 174-174⁴, 175, 175¹, 175², 177¹-177¹⁰, 179², 180-183¹, 185-187², 189, 192, 195, 196²-196⁶, 197¹, a person accused of the administrative offence shall be present. If the person does not respond to the summons of the agencies of Internal Affairs or court (judge), he/she can be brought to the hearing by the agencies of Internal Affairs against his/her will”.

6. Part 2 of Article 262 shall be read as follows:

“2. Cases of administrative offences envisaged in Articles 42¹, 42², 45, 161, 166, Sections 1, 2, and 3 of Article 171, Articles 173 and 175² shall be considered within 24 hours. Cases envisaged in Articles 142, 153³, 154, 174¹, 174², 174³, 174⁴, 174⁵, 174⁷ shall be considered within three days; cases set forth in Article 50 shall be considered within five days, and cases set forth in Articles 47-100², 103-105¹, 107¹, 141, 143, 153, 154¹, 154², 156-158, 158¹, 159, 159¹, 159², 159³, 159⁵-159⁹, 163, 164, 165⁴-165⁹, 167, 170, 174, 175, 177¹, 179¹, 180-183¹, 185, 187¹, 187², 189, 192, 195, 196²-196⁶, 197¹ shall be considered within seven days”.

Article 2. This law shall enter into force on April 1, 2010.

President of Georgia
Mikheil Saakashvili

Tbilisi
December 28, 2009
N 2512 –RS

LAW OF GEORGIA

CHANGES AND AMENDMENT TO THE ADMINISTRATIVE PROCEDURE CODE OF GEORGIA

Article 1. The Administrative Procedure Code of Georgia (Official Gazette “Matsne”, № 39 (46), 1999, Article 190) shall be amended as follows:

1. Part 1 of Article 9 shall be read as follows:

“1. Court fees shall not apply to lawsuits related to issues of state social protection and to cases envisaged by the Chapter VII³ of this Code”

2. Article 21¹² shall be read as follows:

“Article 21¹². Application to a court

1. In cases of domestic violence, the victim, family member and in case of violence against a minor, by the guardianship and child care services may apply to a court.

2. With the victim’s consent, a person providing medical, legal, or psychological assistance to the victim may apply to a court.”

3. Of/to Article 21¹³:

“ a) Part 2 shall be read as follows:

2. An application for the issuing a protective order is considered by the court of first instance according to the place of residence of the victim and based on the rules prescribed by this Code, provided that no other rules are determined by this Chapter.”

b) The sub-paragraph “b¹” shall be added to Part 3:

“b¹) The home or/and business address of the abuser and telephone number (including cell phone number), if applicable;”

c) Parts 4 and 5 shall be read as follows:

“4. Within 10 days after registering an application to a court in the court chancellery in accordance with the respective rules, the court shall consider and make a decision on the issuance of, annulment of, extension of or refusal to issue a protective order.”

5. Within 24 hours after registering an application to a court in the court chancellery in accordance with the respective rules, the court shall send the application and attached materials to the person against whom the appeal is filed and gives him/her right to provide evidence. The person against whom the complaint is filed is authorized to respond in writing and appear in court within three days from the receipt of court notice.”

d) The following sections 5¹ and 5² shall be added after Part 5:

“5¹. The Judge is authorized to consider a case on a closed court hearing based on the request by one of the parties (in case of a minor - guardianship and child care services) or upon his/her own decision.

5². In the case envisaged by the Law of Georgia on the “Prevention of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence”, the court shall also consider the issue of the relationship of the minor and the abusive parent. In case of existence of signs of physical abuse of the child for the motion may be moved before the Court to consider the separation of the child from violent parent(s). Until a final decision is made on this matter, the Court shall issue an order as a temporary measure within 24 hours of the application to a Court.”

e) Part 6 shall be read as follows:

“6. Decisions of the first instance courts envisaged in this Chapter can be appealed in the Court of Appeal within three days of the court’s substantiated decision being handed over to the party. The Appeal does not suspend the functioning of protective or/and restrictive orders. According to the rules prescribed in this Chapter, the Court of Appeal makes a decision on the appeal within seven days after the appeal is filed. The decision of the Court of Appeal is final and shall not be appealed.”

f) The following Part 7¹ shall be added following Part 7:

“7¹. The court decision related to the elimination of domestic violence, protection of and assistance to victims shall be handed over to parties within 24 hours of its issuance. In order to ensure respective response to violation of the requirements and obligations prescribed by a protective order, the court decision related to the protection of and assistance to victims of domestic violence shall be sent to the respective area service of territorial unit of the Ministry of Internal Affairs according to the place of residence of a victim; if the issues envisaged by a protective order refer to a minor, the court decision shall be sent to the respective local unit of guardianship and child welfare; if the decision refers to issues of arms, it shall sent to the respective service of the Ministry of Internal Affairs.”

g) Part 8 shall be removed.

4. Article 21¹⁴ shall be read as follows:

“Article 21¹⁴. Rules for issuing and appealing restrictive orders

1. To ensure a prompt reaction in cases of domestic violence, protection of the victim and the restraining of the abuser, the authorized body can issue a restrictive order as a temporary measure.
2. The restrictive order is an act issued by the authorized policeman that defines temporary measures for protection of victims of domestic violence.
3. Within 24 hours from the issuance, the restrictive order should be submitted to the court for approval.
4. Within 24 hours from the receipt of an application, the court assesses the appropriateness of restrictive order and makes a decision on its approval, partial approval, or refusal.
5. The court decision on issuing a restrictive order should include details on restraining conditions prescribed to the abuser and the protection measures for the victim.
6. Based on the request of an authorized representative of the police or other person participating in the court proceeding, the court defines the validity period for the restrictive order, which should not exceed one month.
7. The court decision to issue a restrictive order comes into force upon its announcement and within 24 hours is handed over to the parties in the case as well as to the respective area service of territorial unit of the Ministry of Internal Affairs, according to place of residence of victims, in

order to ensure compliance with the requirements and obligations prescribed by the order; if the restrictive order concerns a minor, the court decision shall be sent to the respective local unit of guardianship and child services; if the decision refers to the issues of arms, it shall be sent to the respective service of the Ministry of Internal Affairs.

8. If there are signs of any criminal offence while making a decision on issuing a restrictive order, as prescribed by the Criminal Code, the case should be transferred to the respective body for initiating criminal proceedings.
9. The court decision on a restrictive order issued by a competent authority is made and the court decision is appealed according to the rules envisaged by this Chapter.”

5. Article 21¹⁵:

a) Part 3:

a.a) issues of separation of abusive parent from minor, regulation of meetings and relations between them.”

a.b. . Sub-paragraph g shall be read as follows:

“g) During the validity period of the order, conditions for restrictions or prohibition to use arms (including professional arms), the prohibition to buy or obtain a permit or license to buy arms, and keeping or temporary confiscation of personal arms (including professional arms).”

1a.c. Sub-paragraph j shall be read as follows:

“j. Warning on legal proceedings in case of non-compliance with the requirements of the order;”

b) Paragraph 4:

b.a) sub-paragraph “d” shall be read as follows:

“d) Issues of separating a child (minor) from abusive parent.”

b.b) sub-paragraph “f” shall be read as follows:

“f) During the validity period of the order, the conditions for restriction or prohibition to use arms (including professional arms), the prohibition to buy or obtain a permit or license to buy arms, and keeping or temporary confiscation of personal arms (including professional arms).”

b.c). The Sub-paragraph f¹ shall be added following the Paragraph “f”:

“f¹) Warning on legal proceedings in case of non-compliance with the requirements of the order.”

c) The Paragraph 5¹ shall be added following the paragraph 5:

“5¹. The validity period of a protective/restraining order is defined by the Law of Georgia on the “Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence”

d. Paragraph 6 shall be read as follows:

“6. Unless the contrary is defined by the law, the protective order is issued in four copies, of which one goes to the abuser, one to the victim, one stays with the issuing body, and one is sent to the territorial unit of the Ministry of Internal Affairs according to the place of residence of the victim. If a protective order concerns a child (minor), one copy of the order is sent to the local unit of guardianship and childcare services. If the decision refers to the issues of arms, one copy of the protective or restraining order is sent to the respective service of the Ministry of Internal Affairs.

The Court decision on issuing a protective order is given to the parties according to the rule prescribed by this Code.”

e). The following Paragraph 6¹ shall be added following paragraph 6:

“6¹. Unless the contrary is defined by the law, the restraining order is issued in four copies, of which one goes to the abuser, one to the victim, one stays with the issuing body, and one is passed to the court for further legal proceedings, as prescribed by the legislation.”

Article 2. This law shall enter into force on April 1, 2010

President of Georgia
Mikheil Saakashvili

LAW OF GEORGIA

AMENDMENTS AND ADDITIONS TO THE LAW OF GEORGIA ON ARMS

Article 1. The following amendments and additions shall be made to the Law of Georgia on Arms (Legal Newsletter, №14, 3.06.2003, Article 90):

1. Part 3 of Article 10 shall be read as follows:

“3. Abuser defined in Subsection “”h” of Article 4 of the Law of Georgia on the “Prevention of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence”, (hereinafter “Abuser”) is prohibited to bear personal arms in cases and terms defined by protective/ restrictive orders, and is restricted or prohibited to bear professional arms. During the validity period of protective/ restrictive order or during the term defined by the order, a person shall be deprived of personal arms and his right to bear professional arms shall be restricted or prohibited. The confiscated arms shall be retained according to the law.”

2. Part 5 of Article 19 shall be read as follows:

“5. The Abuser is prohibited from purchasing arms during the validity period of and in cases defined by the protective / restrictive order.”

3. The following Part 3 shall be added to Article 20:

“3. Conditions for keeping or temporary confiscation of personal arms (including professional arms), during the validity period of protective/ restrictive order or the period defined by the order, are defined by the order. During the validity period of protective/ restrictive order or in the cases defined by the order, rules and conditions for the confiscation of personal arms from the abuser, as well as the rules and conditions for the restriction and/or confiscation of professional arms are defined by decree of the Ministry of Internal Affairs.”

4. The subsection “h” of Part2 of Article 27 shall be read as follows:

h) A protective/ restrictive order is issued against the applicant for a gun license (permit) – in cases and for the period defined by the order.”

5. The following Sub-paragraph “e” shall be added to Part1 of Article 28:

h) In the cases and for the period defined in the protective / restrictive order issued against him/her.”

Article 2. Within six months of the date this law enters into force, the Ministry of Internal Affairs of Georgia should approve the regulation on rules and conditions for the confiscation of personal arms from Abusers, as defined by Subsection “”h” of Article 4 of the “Law of Georgia on the “Prevention of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence”, as well as rules and conditions for restriction and/or confiscation of professional arms.

Article 3. This law shall enter into force on April 1, 2010

President of Georgia
Mikheil Saakashvili Tbilisi

December 28, 2009
#2511– RS

LAW OF GEORGIA

AMENDMENT TO THE LABOUR CODE OF GEORGIA

Article 1. Following sub-paragraph “ e1“ shall be added to the Part 2 of Article 36 of the labor Code of Georgia (Official Gazette “Matsne”, № 23, 19.06.2006, Article 183) shall be amended as follows:

“e1) Placement of a victim of domestic violence in a shelter and/or crisis center when he/she cannot perform his/her job for a period not exceeding 30 calendar days in a year..”

Article 2. This law shall enter into force on April 1, 2010

President of Georgia
Mikheil Saakashvili Tbilisi

Tbilisi
December 28, 2009
N 2508 – RS

LAW OF GEORGIA

AMENDMENT AND ADDITION TO THE LAW OF
GEORGIA ON “PUBLIC SERVICE”

Article 1. The Law of Georgia on Public Service (Official Gazette “Matsne”, № 45, 21.11.1997, page 55) shall be amended as follows:

1. Part 2 of Article 88 shall be read as follows:

“2. When employment relations have been suspended, the public servant receives the salary, bonuses or other kind of compensation according to the rules prescribed by legislation, except in the cases of military service, described in sub-section “f” of Article 89, or in the cases when a victim of domestic violence has been placed in a shelter or crisis center, as described in sub-paragraph f1 of Article 89.”

a) 2. The following sub-paragraph “f1” shall be added to Article 89

“f1) When a victim of domestic violence has been placed in a shelter or crisis center and cannot perform his/her job for a period not exceeding 30 calendar days per year. Herewith, the responsibility of informing the employer of the victim rests with the service provider organization.”

Article 2. This law enters into force on April 1, 2010

President of Georgia
Mikheil Saakashvili Tbilisi

Tbilisi
December 28, 2009
#2509– RS

ACTION PLAN FOR THE PREVENTION OF DOMESTIC VIOLENCE AND FOR THE PROTECTION AND REHABILITATION OF VICTIMS OF DOMESTIC VIOLENCE

NATIONAL REFERRAL MECHANISM

The action plan for the prevention of domestic violence and the protection and rehabilitation of victims of domestic violence (hereinafter referred to as the National Referral Mechanism) is a document for cooperation and mutual agreement between Georgian State Institutions, international organizations and NGOs working on the issues of domestic violence. The objective of the National Referral Mechanism is to determine actions to be taken to prevent domestic violence as well as to protect and support victims.

Domestic violence is a complicated problem. A single general action plan cannot be applied in every situation. The action plan presented here is based on the important stipulation that the major strategic function of the National Referral Mechanism is the creation of system for protection of victims and provision of timely and efficient assistance..

Therefore this action plan incorporates a set of actions against domestic violence based on the following principles:

- The prevention of domestic violence;
- Prompt implementation with efficient and flexible mechanisms that stop the perpetrator;
- Protection of victims;
- Early intervention;
- Support of victims, with assistance in starting new life.

Principles of coordinated activities shall be developed taking into account that an effective action plan shall include easily available and integrated services for victims of domestic violence. These principles shall include both the development of policy and respective action plans with coordinated implementation of existing policy. This statement primarily implies cooperation and joint activities of state and non-governmental sectors. Cooperation and coordinated activity on its part are important preconditions for the efficient implementation of the National Referral Mechanism.

WHAT IS DOMESTIC VIOLENCE

According to Article 3 of the “Law of Georgia on the Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” (hereinafter “Law on Domestic Violence”): “Domestic violence stands for the violation of constitutional rights and freedoms of one family member by

another, through the physical, psychological, economic or sexual violence or coercion or threat to undertake such actions”.

Therefore, the law defines five forms of Domestic Violence:

- **Physical violence** (beating, torture, physical injury, illegal restriction of liberty or any other action that causes physical pain or suffering; failure to meet requirements concerning his/her state of health that may cause harm to the health of the family member, or that may lead to his/her death)
- **Psychological violence** (assault, blackmail, degrading treatment, intimidation or any other act that violates the honor and dignity of a human being)
- **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)
- **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 jointly owned possession and to dispose of his/her own share)
- **Coercion** (act of physical or psychological coercion to make a person perform or abstain from performing an act which is their right to perform, or forcing a person to undergo certain influences against his/her will).

For the purpose of the Law on Domestic Violence the concept of “**Family Member**” is broadened in comparison to the traditional definition and includes the following persons: mother, father, grandfather, grandmother, spouse, child (stepchild), adopted child, foster parents, grandchild, siblings, parents of spouse, daughter-in-laws, son-in-law, as well as former spouse, partner in non-registered cohabitation, guardians.

According to “family member” definition, the **Victim** of domestic violence is one or more family members who undergo physical, psychological, sexual, economic violence, or coercion from another family member; **Abuser** is a family member who imposes physical, psychological, sexual and/or economic violence or coercion against another family member.

Entities Participating in the Process of the Elimination and Prevention of Domestic Violence, and the Protection and Rehabilitation of Victims of Domestic Violence

Entities participating in the process of elimination and prevention of domestic violence, protection and rehabilitation of victims of domestic violence (hereinafter “the Referral Process”) are:

Patrol Police Department of the Ministry of Internal Affairs (hereinafter “Patrol Police”) and territorial district units of the Ministry of Internal Affairs (hereinafter “District Police”), Courts, the State Fund for Protection and Assistance of Victims of Human Trafficking (hereinafter “State Fund”), State Institutions of Education, Health and Social Protection, the Interagency Council for the Prevention of Domestic Violence (hereinafter “the Interagency

Council”), the Prosecutor’s Offices, authorized international and local non-governmental organizations.

Patrol/District Police – Structural and territorial units of the Ministry of Internal Affairs that identify, eliminate, conduct respective proceedings, and prevent the fact of domestic violence, protect victims and issue restrictive orders;

Courts –Organs of the System of Courts of general jurisdiction of Georgia that provide respective procedural litigation on the fact of domestic violence, issue protective orders and approve restrictive orders;

State Fund – Legal Entity of Public Law “State Fund for Protection and Assistance of Victims of Human Trafficking” under the Ministry of Health, Labor and Social Protection that coordinates the referral system, ensures proper functioning of Victim Identification Group, and referring to shelter or crisis center;

Institutions of Education, Health and Social Protection – Structural and territorial units of the Ministry of Health, Labor and Social Protection, as well as healthcare institutions (primary healthcare organizations, hospitals, psychiatric services, expert institutions, etc.) that identify and prevent the cases of domestic violence, provide primary medical and psychological assistance, as well as social service; in case of necessity, they provide guardianship and care to minors.

Interagency Council – supports and coordinates activities of state institutions working on the issues of elimination, prevention and combating domestic violence, protection and assistance of victims of domestic violence. The Interagency Council makes decisions and monitors implementation of crisis center’s services by non-governmental/international organizations participating in the referral system.

Prosecutor’s Offices – Prosecutor’s offices get involved only in cases when the fact of domestic violence carries evidence of crime.

Authorized International and Local Non-governmental Organizations – International and local NGOs that operate in Georgia and work on the issues of domestic violence and protection and assistance of victims, have respective working experience in the sector, provide services that meet the standards of referral system, and express readiness to participate in the activity by signing the memorandum together with state institutions participating in the referral system. The non-governmental/international organizations get agreement from the State Fund for implementation of crisis center’s services.

The presented National Referral System includes three stages for implementation of domestic violence prevention, protection and rehabilitation of victims:

1. Identification of Domestic Violence
2. Identification of Victim and Abuser
3. Protection and Rehabilitation of Victim

PART ONE

IDENTIFICATION OF DOMESTIC VIOLENCE

1.1. Identification of domestic violence implies set of legal and organizational actions that aim at revealing, identification and evaluation of the fact of domestic violence and implementation of primary and emergency activities for its elimination.

Identification of domestic violence is implemented both through immediate intervention on acts of domestic violence and intervention to acts of ongoing domestic violence that occur regularly and intentionally, using different forms of violence.

Necessary components to identify domestic violence include the analysis and evaluation of all actions (both active and passive) and coercion that may be considered as bases for domestic violence.

The person (entity), identifying domestic violence analyses and evaluates all means and methods that were used by one member of a family to violate another member's constitutional rights and freedoms.

1.2. Information on the act of domestic violence shall be submitted to law enforcement bodies (Patrol/District Police), court, State Fund, Public Defender's office, and in special cases, to authorized international and local non-governmental organizations (hereinafter "authorized International/Non-governmental organizations"). The above organizations, within their own mandates, shall adequately and efficiently react on the act of domestic violence upon receipt of the relevant information.

1.3. Patrol/District Police

1.3.1. Irrespective of who addresses the Patrol/District Police with the request to react on the case of domestic violence, the Patrol/District Police shall ensure security of that person, according to the legislation.

1.3.2. Upon receipt of information on domestic violence, the patrol police shall immediately go to the place of crime for intervention. In the territorial units that do not fall within the mandate of the Patrol Police of the Ministry of Internal Affairs, this function shall be implemented by the District Police of the Ministry.

1.3.3. The Patrol Police shall be summoned by calling 022 and informing about the act or potential act of domestic violence. In order to ensure immediate, adequate and efficient intervention, the Patrol Police shall take all essential and necessary measures, prescribed by the legislation.

1.3.4. In order to intervene in the case of domestic violence, the District Police shall receive a complaint from the victim/potential victim, family member, other authorized body/institution/person or any other interested person.

1.3.5. Upon receipt of the complaint, the District Police, within the time frame defined by legislation, shall visit the family, where domestic violence occurred and talk to family members. In case of necessity, the policemen can get information on the family and domestic violence from their neighbors, relatives and respective organizations/persons. Action taken by the police and collected information shall be documented in writing.

1.3.6. Upon arrival at the scene, the police shall immediately identify the acts that violate the law and define the following:

- a) What kind of violence occurred;
- b) In terms of frequency, was the violence unexpected, the first time or regularly occurring;
- c) Whether the violence was accompanied by threats, physical harm to a person, or attempts of physical harm;
- d) Whether property was damaged/destroyed, etc
- e) Whether the arms were used; whether substantial/serious physical harm was inflicted to a person
- f) Whether the violence was against child (minor);
- g) Identification of victim(s) and abuser(s);
- h) Other important information.

The Patrol Police makes a record on the fact of domestic violence and on the applied measures and presents to the prosecutor in charge.

1.3.7. The District Police enters the names of abusers revealed as a result of domestic violence in the "District Passport". Special attention shall be paid to the cases where victims are children (minors).

1.3.8. Police shall deal with case of domestic violence in the same way as in other cases of violence.

1.4. Prosecutor's Office

1.4.1. The police record, which includes information on the case of domestic violence and action taken is submitted to the prosecutor in charge..

1.4.2. The prosecutor in charge reviews the protocol and restrictive order with the aim to define whether the case of domestic violence involves the elements of crime, that require further proceedings.

1.4.3. If there is an evidence of criminal violation in the record, the prosecutor in charge initiates criminal proceedings as prescribed by law.

PART TWO

IDENTIFICATION OF VICTIM AND ABUSER

1.5. An important component of police intervention in cases of domestic violence is the identification of a victim and an abuser.

1.6. The Patrol/District Police or court makes a decision on the issue of granting the status of victim of domestic violence. If these instances are not addressed, the Group for Granting the Status of Victim of Domestic Violence under the Interagency Council for Prevention of Domestic Violence carries out the identification of alleged victims of domestic violence.

1.7. The Patrol police, District police, authorized international/local non-governmental organization, social worker, State Fund, medical institution, educational and pre-school institution, and Public Defender's office can have initial interactions with the alleged victim of domestic violence.

1.8. In case of informing the relevant bodies/ institutions about the fact of domestic violence or self-identification of a victim, the body/institution, within its mandate, shall take adequate and efficient action.

1.9. Patrol/District Police

1.9.1. After identifying a case of domestic violence as defined in Article 1.3.5, the Patrol/District police, identifies the victim of domestic violence and the abuser.

1.9.2. The Patrol/District Police shall prevent and eliminate domestic violence, separate the parties, and identify the victim and the abuser.

1.9.3. Upon arrival on the scene of violence, representatives of Patrol Police shall interrogate parties of the conflict: alleged victim(s) and alleged abuser(s). Special interrogation procedures are used: The parties of the conflict are placed so that they cannot see each other's faces. If possible, the parties shall be interrogated in different rooms. The policemen shall not lose sight of each other and shall maintain visual contact between each other. One policeman interrogates the alleged victim and another interrogates the alleged abuser. Later, the policemen change places--the one who interrogated the victim now interrogates the abuser and vice versa. According to the policemen's instruction, the suspects do not move while the policemen change positions. The policemen take new positions so that they do not lose sight of each other and of the conflicting parties.

In addition to the alleged victim and abuser, the Patrol police interrogates other members of the

family, witnesses and - if possible - neighbors. After completion of interrogation, the patrol policemen, without losing sight of the parties (alleged victim and alleged abuser), exchange the information gained as a result of the interrogation.

Based on information obtained, the police identifies the victim(s) of domestic violence and the abuser(s) and makes a record that is signed by the parties of the conflict and witnesses.

1.9.4. When a complaint is filed, the District Police, within the timeframe defined by the legislation, shall take respective actions that include a visit to the family (where domestic violence occurred) and talking to family members. The representative of the District Police is authorized to interrogate the alleged victim(s) and alleged abuser(s). He/she is authorized to get information on alleged victim(s) and alleged abuser(s) from the neighbors, and where necessary, address respective bodies/persons in order to get additional information on family members. Based on the above, the district policeman identifies victim(s) and abuser(s). The district policeman enters name of abuser(s) charged in domestic violence in the **District Passport**.

1.9.5. After verifying a case of domestic violence, the Patrol police is authorized to transfer victim(s) and their dependents to the Domestic Violence Shelter if they wish so.

1.10. Group for Granting the Status of Victim of Domestic Violence under the Interagency Council for Prevention of Domestic Violence

1.10.1. In cases when identification and restrictive actions defined by the Article 3 of the “Law of Georgia on Prevention of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence” are not used, the issue of initial identification of victim of domestic violence and granting the status of potential victim is reviewed by the Group of Granting the Status of Victim of Domestic Violence under the Interagency Council for Prevention of Domestic Violence (later Victim Identification Group), within three days after a complaint is filed by the respective entity.

1.10.2. The Interagency Council for the Prevention of Domestic Violence establishes the Victim Identification Group.

1.10.3. The Victim Identification Group consists of no less than three persons, including social worker, psychologist, and lawyer.

1.10.4. The Victim Identification Group makes a decision on granting the status of alleged victim of domestic violence to a person, based on the information submitted through a special Identification Questionnaire. When necessary, the Victim Identification Group is authorized to meet the alleged victim in order to get additional information.

1.10.5. The Victim Identification Group makes decision on granting the status of alleged victim by two-thirds vote.

1.10.6. The special Identification Questionnaire is completed by the relevant international and local non-governmental organizations based on interview with potential victim and is submitted to the Victim Identification Group. The Victim Identification Group reviews the issue of granting the status of alleged victim to a person, based on the above mentioned questionnaire.

1.10.7. After granting the status of alleged victim to a person, the victim, in case of his/her wish, can be transferred to the Shelter for Victims of Domestic Violence.

1.10.8. The Victim Identification Group regularly provides information to the State Fund on the cases of rejection or granting the status of victim.

1.11. Authorized International and Local Non-governmental Organization

1.11.1. Victim/alleged victim can address authorized international and/or local international organization with the request to react on the case of domestic violence by both written application and verbally. The authorized international/non-governmental organization shall take appropriate action within 3 days from the receipt of an application. These actions include the following:

- Authorized international and/or local non-governmental organization requests victim to fill in a special questionnaire;
- Authorized international and/or local non-governmental organization gets additional information (by interviewing victim and other members of the family);
- Authorized international and/or local non-governmental organization submits the collected information and completed questionnaire to Victim Identification Group.

1.11.2. The authorized international/non-governmental organization gets information on the risk of domestic violence only from family members. Therefore, the organization is authorized to interview party(s) of the conflict – alleged victim(s) and alleged abuser(s). Authorized international/non-governmental organization can visit family of the alleged victim in order to get information from the alleged abuser and other members of the family. Visiting a family is permitted only in cases of the other party's consent. Authorized international/non-governmental organization does not have the right to use force in order to enter the family residence.

1.11.3. The authorized international/non-governmental organization can, in case of victim's consent, involve district policeman in the case, who, for their part, can get additional information from neighbors and respective organizations/persons. Consequently, authorized international/non-governmental organizations examine the reasons for conflicts, make respective analyses, and document everything in writing.

1.11.4. Before granting the status of victim and in case of a person's wish, he/she can be placed in the Crisis Center.

1.12. Educational Institution

1.12.1. In cases when the physical and psychological condition of a child (minor) creates suspicions as to the existence of domestic violence in his/her family, and when such violence is reflected in the physical and psychological health condition of a child, as well as the child's development and his/her relation with friends and teachers, the educational institution shall inform the respective guardianship and child care services or law enforcement bodies about the case.

1.12.2. The educational institution addresses a law enforcement body if it suspects that there is a very serious case of violence in the child's (minor's) family that requires the involvement of a law enforcement body for identification and prevention measures.

1.13. The Public Defender's Office

addresses law enforcement bodies, State Fund and/or authorized international/non-governmental organization with the aim of identification of the fact of violence, victim, and abuser.

1.14. Medical Institution

In cases when a patient's physical injuries/damages/trauma/poisoning and/or other kinds of injuries of his/her body or any of its part creates suspicions that they are caused as a result of domestic violence, or when the patient himself/herself admits the fact of violence, the medical institution shall immediately inform the law enforcement body about the case. The medical institution shall provide information to the potential victim about the State Fund and hotline.

1.15. When the authorized international/non-governmental organization, Public Defender's Office, or Medical Institution obtains information on cases of domestic violence against a child (minor), they shall inform the respective guardianship and childcare services or law enforcement bodies about the case.

PART THREE

PREVENTION OF DOMESTIC VIOLENCE AND LEGAL MECHANISMS FOR INTERVENTION IN CASES OF DOMESTIC VIOLENCE

1.16. The Prevention of domestic violence is implemented according to mechanisms defined in Chapter 2 (articles 6, 7, 8) of the "Law of Georgia on Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence" and includes a set of social, economic, legal, and other actions aimed at the elimination of the reasons and preconditions of domestic violence, the elimination of cases of domestic violence, conducting legal proceedings against abusers, and the rehabilitation and adaptation of victims and abusers.

Protective and Restrictive Orders

According to Georgian legislation, the relevant bodies for the purpose of urgent intervention for Domestic violence may issue protective and restrictive orders, as a temporary measure. The orders are issued by authorized bodies or officials and ensure protection of victims of domestic violence and the restriction of certain activities of the abuser.

A protective order is an act issued by the first instance court judge, which defines temporary protection measures of victims in cases of domestic violence.

A restrictive order is an act issued by the authorized employee of police towards the alleged abuser, which defines temporary protection measures of victims in cases of domestic violence and which shall be submitted to the court for approval within timeframe defined by the legislation.

Issues related to issuing/approval of protective and restrictive orders are regulated by the “Law of Georgia on Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” and administrative procedure legislation.

PART FOUR PROTECTION AND REHABILITATION OF VICTIMS

1.17. An Integral Part of Referral Mechanism is the provision of legal, medical, psychological and other types of services to victims of domestic violence. This is implemented according to principles and mechanisms defined in the cooperation document of state institutions and authorized international/non-governmental organizations.

1.18. Information about the identity of a victim, his/her health and psychological condition is confidential and it can be revealed only in cases and according to rules prescribed by the law.

1.19. A victim of domestic violence has the right to request free psycho-social and legal assistance. The victim gets information about these services and the service providers from State Fund, authorized international/non-governmental organizations, and Public Defender’s Office.

2.16. The Crisis Center

1.20. The Crisis Center is an institution established to provide victims and alleged victims of domestic violence with temporary lodging. The Center provides psycho-social rehabilitation, primary and emergency medical assistance, and legal services to victims.

1.20.1. The Crisis Center shall meet the standards defined for this kind of institution.

1.20.2. A Resident of the Crisis Center is an alleged or confirmed victim of domestic violence, who has addressed the institution/organization/body defined by the referral system and was placed in the Crisis Center (hereinafter “Resident”).

1.20.3. The placement of an alleged victim in the Crisis Center is done for 5 working days. If, during this period, the alleged victim is granted the status of victim, he/she can be transferred to the Shelter for victims of domestic violence, with his/her consent. In case of refusal, the victim shall leave the Crisis Center. However he/she has right to benefit from other services of the Crisis Center. If the Victim Identification Group refuses to grant the status of victim to the alleged victim, the latter shall immediately leave the Crisis Center.

1.20.4. The victim of domestic violence is placed in the Crisis Center for not more than six days. Upon expiration of this term, the victim shall leave the Center. However, he/she has right to benefit from other services of the Crisis Center.

1.20.5. The Crisis Center provides psycho-social rehabilitation, primary and emergency medical assistance, and legal services to victims, including:

- Psychological assistance;
- Support in the process of re-socialization;
- Medical consultations;
- Emergency and primary medical services;
- Legal consultations;
- Court representation for getting a protective order.

1.21. Shelter

1.21.1. After the identification of a victim of domestic violence, the victim is authorized to be placed in the temporary Shelter for victims of domestic violence;

1.21.2. The Patrol Police can transfer the victim(s), in case of their consent, to the Shelter for victims of domestic violence;

1.21.3. After the Victim Identification Group confirms the status of victim of domestic violence, the victim--in the case of his/her will and in coordination with the State Fund-- can be transferred to the Shelter for victims of domestic violence. “Coordination with the State Fund” means informing the Fund about the necessity to place a victim in the Shelter and getting the respective approval from the Fund.

1.21.4. The Shelter shall meet the standards prescribed by the law.

1.21.5. The Shelter for victims of domestic violence provides psychosocial rehabilitation, legal and medical assistance to victims, ensures protection of their legal rights and interests.

1.21.6. A victim is placed in the Shelter only in case of his/her consent.

1.21.7. The Shelter for victims of domestic violence provides the following services and conditions:

- a) Secure and adequate accommodations;
- b) Food and clothes;
- c) Medical first aid;
- d) Psychological consultations;
- e) Legal aid and court representation;
- f) Assistance in getting involved in short-term and long-term programs aimed at the rehabilitation of victims and their reintegration in the family and society (vocational and other educational programs, support in employment)

1.21.8. An adult person is placed in the Shelter according to his/her age and gender and based on an individual contract. In the case of a child (minor), guardianship and child care services get involved and act as a representative of a child (minor).

1.21.9. Victims can voluntarily leave the Shelter before the expiration of their term.

1.21.10. The victim of domestic violence is placed in the Shelter for two months. In case of necessity, the term can be extended according to the rules defined by the operating procedures of the Shelter, except in cases where the victim does not want to extend the term.

1.21.11. If --after expiration of the term-- the victim is still in danger, the Shelter administration shall inform the law enforcement bodies about the danger

1.21.12. The Shelter is managed according to its operating procedures.

1.21.13. Operating Procedures of the Shelter shall comply with recognized standards of shelters and are mandatory for shelter personnel and victims.

1.21.14. The violation of operating procedures by personnel or by a victim may cause termination of contract.

1.22. The Shelter administration shall ensure the confidentiality of victims' identity. Violation of confidentiality entails penalties according to the law

DECREE OF THE PRESIDENT OF GEORGIA

#304

April 23, 2009

Tbilisi

On Approving 2009-11 Action Plan on Prevention of Domestic Violence and Protection of Victims of Domestic Violence

1. For the purpose of developing respective legislative base for implementation of effective and multiple measures against domestic violence and implementation of a set of complex activities by the Georgian government against this problem, to approve attached 2009-11 Action Plan (hereinafter referred to as Action Plan) related to the prevention of domestic violence and protection of victims thereof.
2. Monitoring of performance of State Institutions against the Action Plan Obligations and planning of future activities in relation to the prevention of domestic violence shall be carried out by the Interagency Council (hereinafter referred to as Interagency Council).
3. Governmental Structures referred in the Action Plan shall prepare quarterly reports on the action plan implementation and submit to the Council's discussion once in every three months.
4. In consideration of monitoring carried out by the Interagency Council and performance against the Action Plan obligations and for the purpose of achievement of set goals, Action Plan can be amended at the end of the Action Year.
5. Ask the Consultation Council of Gender Equality co-existing under the Chairman of Georgian Parliament to take part in the implementation of the Action Plan within the limits of its competence and to cooperate with Interagency Council and other relevant stakeholders.

signed sealed
Mikheil Saakashvili

Approved by the #304 Decree of the
President of Georgia, issued on April 23, 2009

2009-11 ACTION PLAN ON PREVENTION OF DOMESTIC VIOLENCE AND PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE

Goal	Objective	Activity	Executor	period	Indicator
<p>1. Develop legislative base and state policy on prevention of domestic violence and relevant legislative base in the field of protection and assistance of violence victims.</p>	<p>1.1. Develop referral mechanism (hereinafter referred to as National Referral Mechanism) in the field of protection and assistance of domestic violence victims</p>	<p>1.1.1. Develop National Referral Mechanism</p>	<p>Interagency Council, executor of prevention measures of domestic violence (hereinafter referred to as Interagency Council); Ministry of Labour, Health and Social Affairs (MoLHSA), Ministry of Internal Affairs (MoIA), Ministry of Education and Science (MoES), Ministry of Justice of Georgia; State Fund (hereinafter referred to as Fund) of protection and assistance of trafficking victims (hereinafter referred to as Fund) ; (with participation of relevant non-governmental and international organizations)</p>	<p>2009</p>	<p>Regulatory Document on National Referral Mechanism</p>
	<p>1.2. Develop the legislative base in the field of prevention of domestic violence and protection and assistance of victims of domestic violence.</p>	<p>1.2.1 Prepare amendments and additions to the Georgian Law "On Prevention of Domestic Violence, Protection and</p>	<p>Interagency council, MoLHSA, MoIA, MoES, Ministry of Justice, Fund (with participation of NGOs and international organizations)</p>	<p>Throughout the plan implementation</p>	<p>Packet of amendments designed</p>

			Assistance of Victims of Domestic Violence" and secondary legislation thereof; lobby the launch of discussions in compliance with the rule established by the law.			
			1.2.2. Define the status of current social workers and legitimize their functions	MoLHSA, Interagency Council, Fund	Throughout the plan implementation	Document determining the temporary status
			1.2.3. Prepare and institutionalize training program for social workers	MoLHSA, Interagency Council, MoES, Fund (with participation of NGOs and international organizations)	2010	Program developed by MoLHSA Prepare relevant regulations by MoES
			1.2.4. Carry out legal analysis and evaluation of current practice in relation to juvenile victims of domestic violence and if needed, prepare respective recommendations	Interagency Council, MoIA, MoLHSA, MoES, Ministry of Justice, Fund (with participation of NGOs and international organizations)	Throughout the plan implementation	Conclusion made on the basis of legal and practice analysis
	1.3. Survey on scope	1.3.1. Record		MoIA, MoES, MoLHSA,	Throughout	Number of domestic

	of domestic violence	number of domestic violence cases. 1.3.2. Analysis of domestic violence cases providing the confidentiality of respondents, including the ongoing investigation. 1.3.3. Manage statistics of domestic violence cases and make relevant analysis. 1.3.4. Carry out anonymous survey on victims, focusing on the reasons of violence.	MoF, Fund Interagency Council, (with participation of NGOs and international organizations)	t the plan implementation	violence cases (statistical indicator) and relevant analysis
2. Protection, assistance and rehabilitation of victims of domestic violence	2.1. Develop and establish programs for protection, assistance and rehabilitation of victims of domestic violence .	2.1.1. Improve mechanisms of protection and assistance of victims of domestic violence, establish national referral mechanisms. 2.1.2. Provide special trainings	Interagency Council, MoIA, MoES, MoLHSA, MoF, Fund (with participation of NGOs and international organizations)	Throughout the implementation	Current national referral mechanism
			Interagency Council, Ministry of Justice,	Throughout the plan	Number of trainings/participants

		<p>aimed at introducing specifics of the National Referral Mechanisms and domestic violence-related issues. Trainings will be delivered to the following target groups:</p> <ul style="list-style-type: none"> a) MoIA staff (district and patrol police) b) Ministry of Justice (prosecutors). c) Judicial system (judges) d) Social workers e) Medical workers, including psychologists. f) General educational institutions (staff). g) Pre-school care institutions (staff); h) Child care services (staff). i) Service providers in the field of protection of victims of 	<p>MoIA, MoES, MoLHSA, local self-government organs (with participation of NGOs and international organizations)</p>	<p>implementation</p>	
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		including juveniles.	organizations)		
	2.2. Strengthening legal mechanisms for protection of victims of domestic violence	2.2.1. Develop/establish monitoring programs on implementation of restraining and protective orders 2.2.2. Recording/classification of domestic violence cases identified through the hotline; train operators	Interagency Council, Mo/A, MoLHSA (with participation of NGOs and international organizations) Mo/A	2010	Program developed and operated
3. Prevention of domestic violence and increased level of public awareness in the field of domestic violence	3.1. Develop prevention methods of domestic violence 3.2. Provide relevant informational activities necessary for promoting and establishing national referral mechanisms.	3.1.1. Develop concept of rehabilitation of abusers in the family 3.2.1. Manage informational-educational campaign through: a) Thematic video commercials, radio and TV programs. b) Prepare and spread informational materials. 3.2.2. Conduct informational-educational activities for various target groups.	Interagency Council, MoLHSA, Mo/A (with participation of NGOs and international organizations) Interagency Council, Fund (with participation of NGOs and international organizations)	2010	Number of incoming calls/trained operators Concept Number of video commercials, radio/TV programs prepared within the public awareness campaign, indicators of the second year: comparison of second and first year results, indicator of progress, number of events.

DECREE OF THE PRESIDENT OF GEORGIA
№625, DECEMBER 26, 2008, TBILISI

COMPOSITION AND CHARTER OF INTERAGENCY
COUNCIL FOR THE PREVENTION OF DOMESTIC VIOLENCE

1. An Interagency Council for Prevention of Domestic Violence shall be established with the following composition:

Lali Papishvili	Judge, Constitutional Court of Georgia, Chairperson of the Interagency Council
Irakli Giorgobiani	First Deputy Minister Ministry of Labor, Health and Social Protection
Ekaterine Zguladze	First Deputy Minister Ministry of Internal Affairs
Nino Kaladadze	Deputy Minister Ministry of Foreign Affairs
Tamar Kintsurashvili	Adviser to the President of Georgia
Dimitri Dzagnidze (6.07.2009 #382)	Deputy Minister Ministry of Justice
Irine Kurdadze (27.10.2009 #755)	First Deputy Minister Ministry of Education and Science
Ketevan Khutsishvili	Independent Expert

2. The following people shall be invited to participate in the work of the Interagency Council (12.10.2009 #705)

Lela Bakradze	UNFPA Representative
Dorothy Bell	Political-Economic Assistant, US Embassy
Koba Bochorishvili	Chairman, Center for Protection of Constitutional Rights
Ia Dadunashvili	ILO Representative
Giorgi Vashakidze	Specialist, Rule of Law Project, USAID

Marina Tabukashvili	Chairman, Fund “TASO”
Rusudan Kervalishvili	Deputy Chairman, Parliament of Georgia
Donald Carroll	Political Officer, US Embassy
Joy Davy Kichner	Political Officer, US Embassy
Irina Lortkipanidze	ABA Representative
Natia Imnadze	Head of Monitoring and Investigation Department, Ombudsman’s Office of Georgia
Tamar Sabedashvili	UNIFEM Representative
Natia Partskhaladze	UNICEF Representative
Melinda Fontain	Political Officer, US Embassy
Rusudan Pkhakadze	Chairperson, NGO “Sakhli”
Nino Kochishvili	Representative of EU Commission in Georgia
Nato Shavlakadze	Chairperson, National Network of Protection against Violence
Natia Cherkezishvili	UNDP representative
Khatuna Chitanava	GYLA Representative
Mark Hulst	Anti-Trafficking Program Officer, IOM

3. The attached Charter of the Interagency Council for Prevention of Domestic Violence shall be approved.

4. The decree shall enter into force upon publication

Mikheil Saakashvili

Approved by the Decree of President #626,
December 26, 2008

CHARTER OF THE INTERAGENCY COUNCIL FOR PREVENTION OF DOMESTIC VIOLENCE

Article 1. General Provisions

1. The Interagency Council for Prevention of Domestic Violence (hereinafter referred to as “the Interagency Council”) is established pursuant to the Presidential decree.
2. The Interagency Council acts according to the Constitution of Georgia, International Agreements of Georgia, Georgian legislation and this charter.
3. The structure, competence and activities of the Interagency Council are regulated by this charter.

Article 2. Structure of the Interagency Council

1. Composition of the Interagency Council is defined by the Government of Georgia and approved by the President of Georgia through a decree.
2. In addition to representatives of state bodies, members of the council are representatives of non-governmental and international organizations active in the sector, representatives of mass media, experts and scientists.
3. The Council Chairperson can invite representatives of the Parliament and Government of Georgia, heads of government bodies, representatives of non-governmental and international organizations, to participate in the work of the Council.
4. A member of the Council can be discharged at the initiative of the President of Georgia or by a nominating body.

Article 3. Objectives of the Interagency Council

The basic objectives of the Interagency Council are:

- a) To support efficient implementation of functions of state organizations working on the issues of elimination, prevention and combating domestic violence, as well as assistance to, protection and rehabilitation of victims and to ensure coordination of their activities.
- b) To develop proposals on combating and elimination of domestic violence and causes of domestic violence, and to present them to the President of Georgia for review;
- c) In the process of reviewing the issues of elimination of domestic violence, protection of and assistance to victims, to cooperate closely with state bodies of Georgia, non-governmental sector, international and local organizations working on the issues and to develop joint proposals for submission to the President of Georgia.
- d) Monitoring the prevention of domestic violence.

Article 4. Work Organization of the Interagency Council

1. The Chairperson of the Interagency Council chairs the Council and its meetings. The chairperson is appointed by the President of Georgia from the members of the Council.
2. In case of chairperson’s absence, one of the members of the Council, designated by the chairperson, implements his/her functions.
3. Meetings of the Interagency Council are convened based on necessity, but not less than twice a

year (5.10.2009 #664).

4. The Chairperson of the Interagency Council can convene the Council meetings earlier than scheduled.
5. The Secretary of the Interagency Council's Meetings conducts preparatory works for the meetings.
6. The Chairperson of the Interagency Council and other members of the Council are authorized to present issues at the meetings.
7. The Interagency Council has a valid quorum if more than half of its members are present.
8. The decisions of the Interagency Council are made by a simple majority of votes. If the votes are equal, the vote of the chairman is decisive.
9. The meetings of the Interagency Council are recorded in formal minutes that are signed by the Chairman and Secretary.

Article 4¹. Victim Identification Group (5.10.2009 #664)

1. In order to implement its objectives, the Interagency Council establishes a Group for Granting the Status of Victim of Domestic Violence (hereinafter referred to as "the Victim Identification Group") that has coordinator and experts.
2. The Interagency Council defines composition, competence, and activities of the Victim Identification Group.

Article 5. Conclusions

Amendments and additions to the charter are made by a decree of the President of Georgia.

DECREE OF THE PRESIDENT OF GEORGIA
№665, OCTOBER 5, 2009, TBILISI
IDENTIFICATION OF VICTIMS OF DOMESTIC VIOLENCE

1. The attached Statute on the Identification of Victims of Domestic Violence shall be approved.
2. The decree shall come into force upon publication.

M. Saakashvili

**STATUTE ON THE IDENTIFICATION OF VICTIMS OF
DOMESTIC VIOLENCE**

Article 1. Sphere of Regulation

The present Statute establishes unified rules for the identification of victims of domestic violence, determines entities participating in the identification process and their competence.

Article 2. Authorized Entities for the Identification of Victims of Domestic Violence

1. The Patrol Police Department of the Ministry of Internal Affairs, territorial units of the Ministry of Internal Affairs and the court carry out the identification of victims of domestic violence within their own mandates and according to the procedures established by the legislation of Georgia.
2. The entities listed in Part 1 of the Article identify the victims of domestic violence by issuing restraining and protective orders, according to the Georgian legislation and within their own mandates.
3. In case the entities listed in Part 1 of the Article are not addressed, the identification of alleged victims of domestic violence is carried out by the Group for Granting the Status of Victim of Domestic Violence under the Interagency Council for Prevention of Domestic Violence (hereinafter "Victim Identification Group").

Article 3. Victim Identification Group

1. The Interagency Council for Prevention of Domestic Violence establishes the Victim Identification Group.
2. The Victim Identification Group consists of not less than three persons, including a social worker, a psychologist, and a lawyer.
3. The Victim Identification Group meets on necessity bases within three days after the receipt of an Identification Questionnaire.
4. The Victim Identification Group regularly submits information on alleged victims and actions carried out to the Legal Person of Public Law -State Fund for the Protection of and Assistance to the Victims of Human Trafficking and Sufferers (hereinafter "State Fund").
5. Members of the Victim Identification Group shall keep the identification data of alleged victims confidential, irrespective of whether they granted or did not grant the status of victim.

Article 4. Granting the Status of Victim of Domestic Violence by the Victim Identification Group

1. In cases where protective and restrictive orders set forth in Article 3 of the Law of Georgia on Prevention of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence are not used for identification and prevention of domestic violence, the issue of initial identification of a victim of domestic violence and granting the status of alleged victim is considered by the Victim Identification Group within three days from the receipt of an application from the authorized entity.
2. The Victim Identification Group makes a decision on whether to grant the status of alleged victim of domestic violence to a person, based on information submitted by relevant organizations and in a special identification questionnaire. In case of necessity, the Victim Identification Group is authorized to meet the alleged victim in order to get additional information.
3. The Victim Identification Group takes decision on granting the status of alleged victim by, two/ thirds majority vote.
4. The special identification questionnaire is filled in by the authorized international or local non-governmental organization based on an interview with an alleged victim. The questionnaire is then submitted to the Victim Identification Group. The Victim Identification Group reviews the issues for granting the status of alleged victim to a person, on the basis of the questionnaire.
5. After granting the status of alleged victim, he/she can be transferred to the Shelter for Victims of Domestic Violence, if they wish so. Before granting the status of victim and in case the person wishes so, he/she can be placed in the Crisis Center.
6. While granting the status of alleged victim, the Victim Identification Group informs the alleged victim on the Shelter, the Crisis Center and other available programs.
7. The Victim Identification Group informs the State Fund on whether or not the status was granted to the alleged victim.

(Legal Newsletter 29.27.2008, #107, Article 1190)

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MINISTRY OF LABOR, HEALTH AND SOCIAL
PROTECTION OF GEORGIA DECREE № 183/N
JULY 28, 2008, TBILISI

**“MINIMUM STANDARDS FOR THE ARRANGEMENT OF
TEMPORARY SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE
AND REHABILITATION CENTERS FOR ABUSERS”**

In order to implement Article 21 of the Law of Georgia on “Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence”, I decree:

1. The following shall be approved:
 - a) Minimum standards for the temporary Shelter for victims of domestic violence (Annex 1);
 - b) Minimum standards for a Rehabilitation Center for Abusers (Annex 2);
2. The decree shall enter into force upon publication.

Al. Kvitashvili

ANNEX 1

MINIMUM STANDARDS FOR TEMPORARY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE

Article 1. General Provisions

1. The present minimum standards have been developed based on the Law of Georgia on the “Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” and sets forth the requirements for establishing and managing a temporary Shelter for victims of domestic violence.
2. A Shelter is a temporary place of residence for victims of domestic violence.
3. The sanitary conditions of the Shelter, its internal environment and living conditions shall be adequate for the protection of its residents, to ensure good health conditions, contribute to their psycho-social rehabilitation, and to prevent the spread of infectious and other diseases.

Article 2. Definition of Terms

1. Shelter- temporary residence of domestic violence victims, or a place of temporary placement of victims of domestic violence, founded 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.
2. Resident of Shelter – a victim of domestic violence who has addressed the shelter and has been accepted (hereinafter “Resident”)

Article 3. Territory and Building Requirements

1. The Shelter shall be protected
2. The Reception shall be placed near or integrated into the security post. It shall include:
 - a) A lobby with a wardrobe and special temporary storage cells for Residents’ personal belongings;
 - b) A room for employees on duty;
 - c) A room or specially enclosed place to change clothes;
3. The Shelter shall have the following additional rooms: bedrooms, sanitary rooms (bathroom/ toilet), and kitchen/eating area.
4. The building where the Shelter is located shall meet necessary requirements for living: regular cold and hot water, a sewage system, heating, ventilation, and electricity.
5. The bedrooms shall be arranged in a way to accommodate not more than 2 persons of the same gender. Not less than 6m² shall be allocated per person.
6. Rooms designated for parents and children (3-4 persons) shall be not less than 15-20m².
7. Bedrooms shall not be located in cellars and basements.
8. It is desirable that each bedroom has a washstand, bath cabin and/or toilet. If not possible, then common sanitary facilities shall be arranged as follows: 2 toilets and 2 bath cabins per 10 persons; washstands shall be located in toilets and bathrooms – not less than 2 wash-stands per 10 persons.

9. Sanitary facilities shall have toilets and washstands for children – 1 washstand and 1 toilet per 10 children.
10. The door of sanitary facilities shall open from inside to outside.
11. The shelter shall have a laundry area for washing, drying, and ironing clothes.

Article 4. Rooms for Disinfecting and Washing

1. A room for washing shall be located with a room or chamber for disinfecting and both shall be isolated from the bedroom area. The washing room shall have cold and hot water and washing machines of an appropriate capacity.
2. Before washing, linens shall be disinfected using liquids prescribed by Decree 64/n, dated March 19, 2002, of the Ministry of Labor, Health, and Social Affairs on “Improvement of Medical and Protective Disinfecting Activities in the Country”.
3. The drying and ironing room shall be located together within the washing-disinfecting room.

Article 5. Food Area

1. The Food Area shall consist of two parts: a Kitchen (not less than 8-10m²) and a Dining room (with the space of 1,2m² per person).
2. Kitchen equipment, devices, utensils shall be adequate to maintaining optimal health conditions of the Shelter Residents.
3. Walls of the kitchen and dining room shall be covered with special tiles up to a height of 1.7 m or other material suitable for cleaning and disinfecting.
4. The Kitchen and Dining Area shall be kept clean. Washing shall be carried out daily in the kitchen, using washing and disinfecting products according to needs.
5. A thorough cleaning and disinfecting shall be carried out monthly. If necessary, special measures to disinfect the area and pest controls shall be carried out according to the rules.
6. Washing and products for disinfecting shall be used according to their instructions. Washing and products for disinfecting shall be kept in specially designated places and in their original packages.
7. The Kitchen and dining room shall have an appropriate number of utensils.
8. Utensils shall be kept in closed cupboards or shelves hung at a height of 0,5m from the floor.
9. The Kitchen/Dining Area shall have refrigerators of an appropriate capacity.
10. Food supplied to the Kitchen shall comply with requirements prescribed by Decree 301/1n, dated August 16, 2001, of the Ministry of Labor, Health and Social Protection on “Approval of Sanitary Rules and Norms for Raw Material for Food and Food Products”.
11. In order to avoid food poisoning and the spread of infectious diseases it shall be prohibited to supply food which is produced in violation of relevant regulations.
12. Food shall be kept according to the rules and at a temperature prescribed by the producer.
13. Perishable food products shall be kept according to the rules prescribed by Decree #303/n, dated August 16, 2001, of the Ministry of Labor, Health, and Social Protection on “Approval of Conditions and Terms for Storing Perishable Products”.

Article 6. Psychological Consultation Room

1. In the room of psychosocial consultations, the Resident receives counseling from a psychologist, a doctor, and a lawyer, and gets familiarized with the Reintegration Program.
2. The Consultation Room shall be equipped with appropriate furniture and audio equipment in order to ensure a comfortable environment for psychological counseling sessions.

Article 7. Medical Assistance

1. Upon arrival in the Shelter (within 24 hours), every resident undergoes medical screening conducted by an invited doctor or, if necessary by a specialist from a specialized medical institution.
2. In order to provide the Residents with emergency medical services, the Shelter shall have a qualified nurse on the staff.
3. In order to provide emergency medical assistance (before involvement of doctor), the Shelter shall have (stored in places unavailable for Residents) a minimum amount of medicines and bandages (as described in the attached table). The nurse shall monitor usage of the stock.
4. In case of identification of infectious disease or parasites among the Residents, they shall be isolated and then placed in medical institution until full recovery as a measure of epidemic control. In addition, the Shelter shall disinfect its premises and screen any persons who were in contact with the infected person.
5. If infectious disease is identified or if there are suspicions about the existence of infectious disease, the Shelter shall immediately inform the respective body of the Ministry of Labor, Health and Social Protection and conduct epidemic controls according to their instructions.
6. The shelter carries out immunization for children of the Residents according to the Immunization Calendar of Georgia.

ANNEX 2

MINIMUM STANDARDS FOR REHABILITATION CENTERS FOR ABUSERS

Article 1. General Provisions

1. These minimum standards have been developed according to the Law of Georgia on the “Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” and they set forth requirements for the creation and management of the Rehabilitation Center for Abusers.
2. A Rehabilitation Center is a temporary place of residence for abusers.
3. Sanitary conditions of the Rehabilitation Center, its internal environment and living conditions shall be supportive to the protection of its residents, maintaining good conditions for their health, allow for their psychosocial rehabilitation, and prevent the spread of disease and infections.

Article 2. Definition of Terms

1. A Rehabilitation Center is a place for the temporary placement of an abuser and serves the purpose of their rehabilitation, critical intervention and medical assistance.
2. The Resident of a Rehabilitation Center is an abuser, member of a family-- who uses physical, psychological, economic or sexual violence or coercion against another family member.

Article 3. Territory and Building Requirements

1. The Center shall be protected with an appropriate security system.
2. The Reception area of the Center shall include:
 - a) A lobby with a wardrobe and special temporary storage cells for Residents' personal belongings;
 - b) A room for employees on duty;
3. The Center shall have the following rooms: bedrooms, sanitary facilities such as bathroom/toilet, and the kitchen/eating areas
4. The building of the Center shall meet essential living conditions: cold and hot water, a sewage system, heating, ventilation, and electricity.
5. The bedrooms shall accommodate no more than 2 persons of the same gender. Not less than 6m² shall be allocated per person.
6. Bedrooms shall not be located in cellars and basements.
7. It is desirable that each bedroom has a washstand, shower stall and toilet. If this is not possible, then common facilities shall be arranged as follows: 2 toilets and 2 shower stalls per 10 persons; there shall be wash-stands in the toilets and bathrooms – not less than 2 washstands per 10 persons.
8. The door of toilet and bathroom facilities shall open from inside to outside.
9. The Center shall have rooms for washing, drying, and ironing.

Article 4. Rooms for Disinfecting and Washing

1. Laundry rooms shall be located near a room for disinfecting clothes and both shall be isolated from the living areas. The laundry shall have cold and hot water supply and washing machines of an adequate capacity.
2. Before washing, linens shall be disinfected using liquids prescribed by Decree 64/n, dated March 19, 2002, of the Ministry of Labor, Health, and Social Affairs on "Improvement of Medical and Protective Disinfecting Activities in the Country".
3. A drying and ironing room shall be located near the washing-disinfecting room.

Article 5. Food area

1. The Food Area shall consist of two parts: a Kitchen (not less than 8-10m²) and a Dining room (with the space of 1,2m² per person).
2. Kitchen equipment, devices, utensils shall be adequate to maintaining optimal health conditions of the Shelter Residents.
3. Walls of the kitchen and dining room shall be covered with special tiles up to a height of 1.7m or other material suitable for cleaning and disinfecting.

4. The Kitchen and Dining Area shall be kept clean. Washing shall be carried out daily in the kitchen, using washing and disinfecting products according to needs.
5. A thorough cleaning and disinfecting shall be carried out monthly. If necessary, special measures to disinfect the area and pest controls shall be carried out according to the rules.
6. Washing and products for disinfecting shall be used according to their instructions. Washing and products for disinfecting shall be kept in specially designated places and in their original packages.
7. The Kitchen and dining room shall have an appropriate number of utensils.
8. Utensils shall be kept in closed cupboards or shelves hung at a height of 0,5m from the floor.
9. The Kitchen/Dining Area shall have refrigerators of an appropriate capacity.
10. Food supplied to the Kitchen shall comply with requirements prescribed by Decree 301/1n, dated August 16, 2001, of the Ministry of Labor, Health and Social Protection on "Approval of Sanitary Rules and Norms for Raw Material for Food and Food Products".
11. In order to avoid food poisoning and the spread of infectious diseases the Kitchen it shall be prohibited to use food produced in violation of relevant regulations.
12. Food shall be kept according to the rules and at a temperature prescribed by the producer.
13. Perishable food products shall be kept according to the rules prescribed by Decree #303/n, dated August 16, 2001, of the Ministry of Labor, Health, and Social Protection on "Approval of Conditions and Terms for Storing Perishable Products".

Article 6. Psychological counseling room

1. In the psychological counseling room, the Resident gets consultations from a psychologist.
2. This room shall be equipped with appropriate furniture and audio equipment to ensure a comfortable environment for counseling sessions.
3. A common living room is designated for leisure and shall be equipped with TV set and other means of information.

Article 7. Medical Assistance

1. Upon arrival in the Center (within 24 hours), every resident undergoes medical screening by a doctor or, in case of necessity, by a specialist from a medical institution as appropriate.
2. In case infectious or parasitic diseases are found among Residents, as an epidemic control measure they shall be isolated then placed in a medical institution until full recovery. Additionally, the Center disinfects its premises and carries out medical screening of any persons who were in contact with the diseased resident.
3. If an infectious disease is discovered or suspected, the Center shall immediately inform the appropriate authorities within the Ministry of Labor, Health and Social Protection carry out epidemic controls according to the authorities' instructions.

Table Minimum Stock of Medicines and Bandages

Name	Quantity
Ketolong 10 mg. pills #10	1
Baralgin 0,5 mg. pills #10	1
No-spa 40 mg. pills #1000	1
No-spa 40 mg/2ml ampoule	5
Paracetamol pill, 0,5 mg #10	2
Suprastine 25 mg, pill #20	1
Suprastine 2% 1 ml ampoule #5	1
Korvalol 25 ml	2
Valerian solution 25 ml	2
Valokordin 20 ml	1
Citramon P pills #10	1
Valerian 0,02 gr. pills #50	1
Euphilin 2,4% 5ml #10	1
Physiological salt 5ml #10	1
Papaverin Hydrochloride 2% 2ml ampoule #10	1
Cofein 10% 1ml ampoule #10	1
Niphedipin 10 mg pills #10	1
Nitroglicerin 0,5 mg pills #40	1
Validol 0,06 gr. pills #10	2
Ethyl green 1% 10 ml	1
Iodine 5% solution 10 ml	1
Ethanol 95% 50 ml	1
NH4OH 10% 100ml	1
Rivanol solution 0,1% 50ml	1
Carbon activated 0.25 gr. pills #10	2
Hydrogene Peroxide 3% 40 ml	1
Disposable Syringes 2.0	5
Disposable Syringes 5.0	5
Disposable Syringes 10.0	5
Band-aids 4*500	1
Band-aid bactericide #100	1
Sterile Bandages 10X10	5
Non-sterile Bandages 10X10	5
Cotton 50.0	2
Medical Gloves	5 (pairs)
Thermometer	2
Medicine Dropper	1
Blood pressure monitor	1
Spatula (disposable)	10
Rubber hot-water bottle	1
Enema #1	1
Enema #3	1
Enema combined	1

“MINIMUM STANDARDS FOR THE ESTABLISHMENT AND FUNCTIONING OF A CRISIS CENTER”

ARTICLE 1. GENERAL PROVISIONS

1. The presented minimum standards define the main requirements for establishing, operating and functioning of a Crisis Center.
2. The Crisis Center is a place that offers temporary shelter for potential victims or victims of domestic violence. A person (as well as his/her dependents) can be placed in the crisis center:
 - a) Before granting him/her the status of victim;
 - b) After granting the status, if a person does not want to be transferred to the shelter and only requires psycho-social rehabilitation, and/or legal assistance, and/or emergency and primary medical assistance.
3. A Crisis Center is established by the Ministry of Labor, Health and Social Protection, and/or a non-governmental organization and serves the purpose of psycho-social rehabilitation, primary and emergency medical assistance and legal aid to victims.
4. Residents of the crisis center are potential victims (minor or adult as well as his/her child/children and victims of domestic violence who have addressed institutions/organizations/bodies included in the referral system and who - before or after granting the status--have been placed in the Crisis Center (hereinafter “Resident”).
5. The potential victim of domestic violence is placed in the crisis center for a period not exceeding 5 working days. If, during this period, the potential victim is granted the status of victim, he/she has the option to be transferred to the shelter for victims of domestic violence. Otherwise, the victim should leave the crisis center. However, he/she can continue to benefit from other services of the Crisis Center. If the Victim Identification Group does not grant the status of victim to the potential victim, he/she should immediately leave the Crisis Center.
6. The victim of domestic violence is placed in the Crisis Center for a period not exceeding 6 days. After expiration of this term, the victim should leave the Crisis Center. However, he/she can benefit from other services of the Crisis Center.
7. Sanitary conditions of the Crisis Center, its internal environment and living conditions should protect the security of the adults and minors living in the Center, maintain their health as well as their psychosocial well-being and rehabilitation.

Article 2. Services of Crisis Center

1. The Crisis Center provides psychosocial rehabilitation, primary and emergency medical assistance and legal services to all persons placed in the Center.
2. Psycho-social rehabilitation includes:
 - Psychological assistance;
 - Support for social re-integration.
3. Primary medical assistance includes:
 - Emergency primary medical services.
4. Legal assistance includes:

- Legal consultations;
 - In case of necessity, court representation.
5. Services of the crisis center should take into account the specific needs of children (minors).

Article 3. Territory and Building Requirements

1. The Crisis Center should be properly protected and isolated. Entrance of third parties into the Center must be strictly regulated.
2. The Crisis Center should have the following rooms: bedrooms; bathroom/toilet; a children’s room (or corner); rooms for psychosocial consultations, legal aid, and primary medical assistance; and kitchen/dining area.
3. The building of the Crisis Center should meet necessary safety and hygiene conditions: supply of cold and hot water, sewage system, heating, ventilation, and energy supply.

Article 5. Kitchen/Dining area

1. Kitchen equipment, devices, utensils should be adequate to maintaining proper health conditions of the Center Residents.
2. The Kitchen/Dining area should be kept clean. Wet cleaning should be applied in the kitchen, using washing and disinfecting materials daily and according to needs.
3. The kitchen should have the required cooking utensils.
4. The utensils should be kept in closed cupboards or shelves hung at least 0,5m from the floor.
5. The kitchen should have refrigerators of an appropriate capacity for the number of expected residents.
6. In order to avoid spreading infectious diseases and food poisoning, the food supplied shall be prepared in accordance with sanitary regulations.
7. Food should be kept according to the rules and at temperatures prescribed by the producer.

Article 6. Consultation room

1. In the consultation room a resident receives consultations from a psychologist, a doctor and/or a lawyer;
2. The consultation room should be equipped with the necessary furniture and materials for psychotherapy, medical checkups and legal advice.

Article 7. Medical Assistance

1. In order to provide the Residents with emergency medical services, the Crisis Center should have a qualified nurse.
2. In order to provide emergency medical assistance before involvement of doctor, the Crisis Center should have minimum basic medicines, including medicines for children and bandages (stored in secure places unavailable for Residents). These materials are under disposal of the nurse.
3. Upon identification of incidence of infectious disease or suspicions thereof, the Center should immediately inform the respective body of the Ministry of Labor, Health and Social Protection and conduct an epidemic control according to the Ministry’s instructions.