The State's discriminatory policy in relation to abduction of girls should be amended

The Coalition for Equality responds to another fact disseminated through the media on the abduction of an underage girl for the marriage purposes in Kvemo Kartli and the alleged ineffective response of the Police to the above fact. [1] The Coalition believes that such incidents of violence are the result of the State's discriminatory policy in relation to the crimes in which victims are women and girls. The State's failure to prevent, investigate and punish the violent acts against women violates the principle of equality as stipulated in the law and is discriminatory towards women. [2]

The practice of women's abduction with alleged marriage purposes, which is a criminal offense, is the method of enhancement of the power and control over women, disregards women's will and perceives them as disempowered subjects, humiliates a woman's sexual autonomy and the right to make her own reproductive choice. In most cases, women abducted for marriages are raped, and their parents refuse to take them back under the pretext of protecting the "family's" dignity. Since men

usually remain unpunished or receive inadequate penalty for such offense, the practice continues to exist and is often supported by the public.

The State shall eradicate the patriarchal practice and customs that exacerbate women's submissive state and is the main cause of crimes against women and girls. The State is obliged to alter public and cultural norms which acquit, underestimate or conceal violence against women. [3] The Coalition believes that this goal should be achieved by the State through raising the public awareness, strengthening women's economic condition and enforcing the effective criminal law policy.

As the Azeri community representatives point out there is a tendency of strengthening the liberal approach of the State to the crime which is likely to encourage the above practice. The criminal law that eliminates the imposition of a penalty on the offense (infliction of a fine after a plea bargain agreement is signed) is discriminatory towards women and may not contribute to preventing the crime in the long run.

Investigation of abduction of women and girls for marriages (illegal restriction of liberty, the Article 143 of the Criminal Code) [4] should be based on the gender perspective and the general context of violent traditions against girls. The offense committed for marriage should be deemed as a gender crime and shall constitute an aggravating circumstance of an offender's liability. [5]

The Coalition believes that the state policy should gradually become tougher on the offenses motivated by women's subdue condition, and adjudications shall be proportionate to the committed crime in order to protect a victim's dignity and prevent the recurrence of the offense.

In the process of crime prevention, investigation and punishment, due consideration should be given to the special experience of ethnic minorities in respect of different forms of discrimination, the latent nature of gender violence and the lack of access to the means of protection against violence. [6] In the case of juvenile victims, the starting point of the Criminal Justice should be the protection of the best interests of a child, [7] dignity and confidentiality.

The Coalition believes it is important that relevant agencies (including the General Inspection / Internal Audit Offices) should evaluate the efficiency of the response of the police, as well as the social agencies and the school in the above-mentioned cases and identify those systemic gaps that impede adequate prevention and response to

such incidents.

In addition, by taking into consideration the social aspect of the identified offenses, the Ministry of Internal Affairs, the Ministry of Education and the Social Agency should plan a consistent campaign for raising awareness of the needs and social peculiarities of respective regions. At the same time it is essential to carry out complex activities to enhance the knowledge on gender, health and reproductive issues in respective public schools, as well as legal and social assistance services in case of gender violence, which should include not only schoolchildren but also parents, school teachers and administration.

Coalition for Equality

"Coalition for Equality" is a non-formal union created in 2014 with the support of the Open Society Georgia Foundation and comprises of seven NGOs. Members of the Coalition are: "Human Rights Education and Monitoring Center (EMC)", "Article 42 of the Constitution", Union "Sapari", "Georgian Young Lawyers' Association", "Women's Initiatives Supporting Group (WISG)", "Partnership for Human Rights (PHR) and "Identoba".

[1] See goo.gl/v5liLW and http://netgazeti.ge/news/104366/

 [2] See the UN General Recommendation of the Committee on the Elimination of Discrimination against Women on Access to Women's Justice, July 23, 2015: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_3

[3] See UN Convention on the Elimination of All Forms of Discrimination against Women, Article N5 (a).

[4] Article 143 of the Criminal Code of Georgia - illegal restriction of liberty is punishable by imprisonment from 2 to 4 years. Any illegal act committed to a minor - with imprisonment between 7 and 10 years.

[5] According to the article 53.3^1 of the Criminal Code of Georgia, an offense motivated with discriminatory grounds shall constitute an aggravating circumstance of the liability.

[6] See UN Women, the UN Study on the Needs and Priorities of Ethnic Minority Women in Georgia, 2014, p. 49-50: http://sapari.ge/wp-content/uploads/2016/05/Ethnic-Minority-Women_Geo.pdf

[7] See Convention on the Rights of Children, Article 3.1.