GYLA’s Assessment of Women’s Rights

March 8, International Women's Day, has been the date of the struggle for women's equality for years. In a patriarchal society, women and girls are in an unequal position, gender-based violence is rampant, women's labor is underestimated, and women's role is diminished.

In recent years, Georgia has taken various measures to ensure the equality of women and to protect them from violence, in order to fulfill its obligations under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the so-called Istanbul Convention). Despite the steps taken, the issue of gender equality remains a problem and requires the state to work on many aspects.

Women and girls often experience serious forms of violence such as domestic violence, sexual harassment, sexual violence, femicide, forced marriage, forced abortion. Despite the steps taken by the state, many years of training of law enforcement officials, the timely and effective investigation of sex crimes especially is still problematic for women. Justice for such crimes is often conducted using an outdated methodology, which is one of the main reasons for access to justice for sexual violence

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Femicide

A femicide is a homicide whose victim is a woman and which occurs for a reason related to a woman's gender. Femicide is a gender crime that is part of the general context of structural inequality, subordination, and violence against women[2]. Annual cases of gender-related crime femicide show the weakness of state prevention policies.

According to the data of 9 months of 2020, 19 women were killed in Georgia, and 20 attempted femicide were committed, including 12 cases of femicide and in case of 11 attempted homicide - signs of domestic crime have been manifested[3]. Such tragedies sharply demonstrate the lack of a strong, effective and coordinated policy based on preventive mechanisms on the part of the state. Any activity carried out by a government agency that serves prevention is largely chaotic and unsystematic, which reduces the effectiveness ration of prevention work.

It is also particularly important to investigate the nature of gender-based crimes, establish effective victim protection mechanisms, and increase access to justice for women and girls. In order to identify a gender motive in a case, the investigating authorities and the court must have the appropriate knowledge and a clear vision of what should be considered a gender motive. It is necessary for the state bodies to respond effectively and swiftly to specific facts. Prosecution Service, and then the court, should determine the motive for the crime, which will lead to the imposition of appropriate responsibility on the person.

Sexual offense

Sexual violence remains one of the most serious, covert and unpunished forms of gender-based violence. Existing legislation and practice fail to provide effective, victim-oriented, gender-sensitive legal mechanisms for sexual violence. Justice for women victims of violence is inaccessible and/or difficult to access.

Cases of sexual violence in January 2021 increased by 5 compared to the same period of the previous year, while the percentage increased by 21 units[4]. This year, a number of serious cases of sexual offenses have become known to the public, the victims of which are minors. The facts of sexual violence against minors and its

serious consequences show that it is problematic to investigate sexual violence against girls under 16 and qualify the crime correctly.

Serious cases of sexual violence require the state to work actively to prevent similar crimes. Whereas, in the event of a crime being committed, the relevant authorities need to conduct a prompt, effective investigation, as well as equip the victims of sexual violence, especially juvenile victims, with appropriate effective protection and assistance services[6].

Forced abortion/ Coerced abortion

Forced abortion falls within the scope of the rights protected by Articles 3 and 8 of the European Court of Human Rights. Forced abortion is considered to be one of the most difficult forms of violence against women by article 39 of the so-called Istanbul Convention.

Despite the obligation undertaken by ratification of the Istanbul Convention, the issue of forced abortion is still not regulated by law and is not a criminal act punishable by law. It is important that national law reflects the requirements of the Istanbul Convention as soon as possible, that amendments are made to the Criminal Code, and that cases of forced abortions and coerced abortions are criminalized[7].

Forced marriage and early marriage

There is no universally accepted definition of forced marriage, although it can be interpreted as a marriage entered into without the consent of one or both partners and therefore against the will of one of them. Forced and early marriages, in addition to being illegal in nature, lead to gross human rights violations, as in many cases after forced marriages the victim has limited fundamental rights such as physical and mental health, access to sexual and reproductive services, education, personal life, the right to liberty and more.

According to a study published by GYLA in 2020, the rate of forced marriage investigations in Kvemo Kartli in 2016-2019 is the highest compared to other regions of the country, we also encounter the practice of coerced engagement/affiance more often[8]. It is important for the state to intensify its work on the prevention of early marriage and forced marriage, since according to international practice, prevention is

an effective way to combat such facts. Establishing a minimum age limit for marriage, maximizing access to education for girls, and raising public awareness are important levers for preventing forced marriage.

Domestic violence

In Georgia, as in many other countries worldwide, the risk of domestic violence and domestic crime increased during the pandemic. To protect the measures taken to stop the COVID-19 pandemic, they had to stay at home, which the perpetrators took advantage of and used the situation against the victims to strengthen their control over them.

Against the background of the increase in domestic violence cases during the pandemic period by one third[9], in Georgia, the official rate of cases of domestic violence against women during the pandemic did not increase significantly, which is the basis to raise a certain question in the context of global trends.

Various measures introduced in the event of a state of emergency or pandemic also reduced the ability of lawyers to engage and assist victims, which is an additional barrier for women and girls to insure an access to justice[10]. In addition to access to justice, it is important that in pandemic conditions, victims have access to the services offered by the state and that they have access to comprehensive information. On the one hand, this information should be easily accessible to them, and on the other hand, the state should provide their assistance and support at the local level. Although Georgian law provides for the involvement of local governments in victim assistance and support programs, unfortunately, no assistance measures have been taken during the pandemic.

To prevent violence against women and impose proper liability on the facts of violence, the following is important:

- Establish a systematic prevention mechanism to plan preventive measures for women's equality, including on the following issues: domestic violence, sexual harassment, early and forced marriage;

- In order to empower women economically, introduce and implement appropriate vocational training programs;

- The Ministry of Internal Affairs and the Prosecution Service should ensure proper

registration of all cases of sexual violence, conduct investigations with a gender-sensitive methodology, and in all cases use appropriate qualifications of the gravity of the crime;

- The Parliament of Georgia should make legislative changes in the definition of sex crimes, thus bringing national legislation in full compliance with international human rights standards. Also, criminalize forced abortion and coerced abortion.

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