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Social Work – The Missing Puzzle Piece in Combatting Domestic Violence in Georgia

POLICY BRIEF

Summary

The EU-Georgia Association Agenda section on equal treatment (part 2.1) highlights combatting domestic violence in Georgia as a milestone in achieving equal treatment of men and women. The section emphasises implementation of legislation against domestic violence, points out the need for capacity building of specific professional groups and underlines the need to increase access to counselling services.

Combating domestic violence has been a priority for Georgia for a decade. The law on domestic violence was adopted in 2006, which was followed by state action plans and changes to criminal and administrative legislation. Nevertheless, domestic violence remains one of the most underreported and neglected crimes. After a dramatic rise in femicide in Georgia in 2014, law enforcement agencies became more effective in investigating domestic violence cases. The crime of domestic violence is now more visible and public awareness is growing steadily, but the Ministry of Labour, Health and Social Affairs (MoLHSA) is minimally engaged in combating domestic violence, undermining progress on this issue.

International best practice as well as the 2006 Law of Georgia on the Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence (hereinafter the law on domestic violence) both highlight the important role of social work in combating and preventing domestic violence. To achieve tangible results in fighting domestic violence, social workers have to intervene in every reported case. They should protect the interests of children, inform victims of domestic violence of available remedies and services and work with abusive spouses. Underdeveloped legislation and the lack of financial and human resources are obstacles to the development of social work as a key to successful fight against domestic violence. The MoLHSA has to design a social mechanism and hire specialised social workers to effectively engage in combatting domestic violence.

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Introduction

Domestic violence is an acute problem in Georgia. Even though official crime statistics have not increased over the last few years, crimes committed within the family are on the rise.¹ Both the government and the civil sector admit that the rapid rise in cases of domestic violence is related to law enforcement's improved response to these crimes.

2014 saw an unprecedented increase in the number of femicides² and caused a public outcry. The Georgian Women's Movement organised protests in 25 cities in Georgia on 25 November 2014,³ television programmes covered domestic violence issues throughout the entire week⁴ and even political talk shows were dedicated to the issue. Civil society's increased pressure on the government resulted in an adequate response. Prime Minister of Georgia Mr Irakli Gharibashvili declared that the government is ready to undertake policy level changes to combat the violence.⁵ This resulted in a change in the state's criminal policy towards domestic violence: domestic violence was identified as a serious problem followed by a number of legislative and policy changes.

Some of the more visible changes took place within the Ministry of Internal Affairs. The ministry launched a public awareness campaign on violence against women. While the campaign was criticised for multiple reasons,⁶ it ultimately succeeded in increasing the knowledge and sensitivity of the police officers involved in the campaign. More victims of domestic violence are now told by the police that combating domestic violence is a priority. Consequently, cases of domestic violence are treated more seriously and effectively.

Since 2014, the crime of domestic violence has been on the rise. If trust in the police holds and the effective response from law enforcement continues, statistics will continue to rise as well. While the readiness of law enforcement agencies to combat domestic violence is promising, the same cannot be said regarding social work. So far, the Social Service Agency's involvement remains minimal due to legal gaps and the lack of financial and human resources. The present policy brief describes the mentioned shortcomings in detail and offers solutions.

Approaches and Results

Statistical data regarding domestic violence has significantly changed during the last few years. The table below provides information regarding the number of reports received on the police hotline, commenced investigations on domestic violence and protective orders issued by the police.

¹ Criminal Justice Statistics, available at: http://geostat.ge/?action=page&p_id=601&lang=geo; Statistics on crimes related to domestic violence committed during 2007- 2014, available at: <http://police.ge/files/pdf/9%20ოჯახური%20ძალადობა%202007-2014--6%20თვე.pdf>, Statistics on crimes related to domestic violence committed in 2015 - http://police.ge/files/pdf/statistika%20da%20kvlevebi_new/geo/sxvadasxva%20statistika/2015/ოჯახში%20ძალადობა%202015წ.pdf

² Georgian Young Lawyers' Association, "Court Decisions on Femicide 2014", Available at: https://www.gyla.ge/files/news/2016%20წლის%20გამოცემა/femicidi_ge.pdf

³ "STOP Violence against women" - a public demonstration organised by Georgian Women's Movement on November 25, 2014 - <https://georgianwomenmovement.wordpress.com/2014/11/12/მოდო-25-ნოემბერს-1300-ზე/>, <https://www.youtube.com/watch?v=LKmn18xdy40>.

⁴ "Stop" - A campaign condemning violence against women organised by Primetime, joined by media representatives, journalists, actors, psychologists and other public figures: <http://primetimenews.ge/shewyvite-axali/>; <http://imedi.ge/index.php?pg=nws&id=39045>

⁵ The first interagency meeting with the Prime Minister of Georgia Irakli Gharibashvili on domestic violence: http://gov.ge/index.php?lang_id=GEO&sec_id=380&info_id=45181; A statement made by the Prime Minister regarding violence against women on 25 November 2014 - http://gov.ge/index.php?lang_id=GEO&sec_id=380&info_id=45798

⁶ The campaign "No to violence" was initiated by the Minister of Internal Affairs of Georgia - <http://police.ge/shs-ministris-initsiativit-datskebuli-kampania-/7435>. The Emergency and Operative Response Center -112 joined the campaign "No to violence" - http://112.gov.ge/?m=8&news_id=94;

Table #1 – Data on Domestic Violence⁷

	2013	2014	2015
112 – police hotline reports regarding family conflicts	5 447	9 290	15 910
Restraining orders issued by police	212	902	2 726
Investigation on domestic violence (Articles 111 and 1261 of Criminal Code of Georgia)	185	350	949

The abovementioned data show that reporting of domestic violence has increased and that more people report domestic conflicts to the police using the hotline. The police also shows readiness to intervene in cases of administrative and criminal violations, which results in issuing restraining orders and the commencement of investigations. The increased reporting is related to the awareness raising campaign successfully conducted by civil society at large and mass media, covering and condemning cases of severe domestic violence and femicide. Though, the difference between hot line notifications and actions undertaken by law enforcers is vast and concerning.

As the police become more active, social workers remain practically uninvolved in the fight against domestic violence. Currently, social workers intervene only in cases of domestic violence where children are involved, namely in cases where victims of domestic violence are children.⁸ In other cases, for instance where victims of domestic violence are women, social workers play no role. This is the case because Article 8 of the law on domestic violence, which deals with social work, is suspended by Article 22(3) of the same law.⁹ So one of the barriers for using social work to fight domestic violence lies within legal regulations.

Legal Framework

There are specific laws that pertain to the role of social workers, such as laws on child adoption, pension, war veterans, social aid for insolvent families, etc.¹⁰ These laws identify the role of social workers, but there is no separate law that regulates social work in Georgia.

The law on domestic violence was adopted in 2006. The law in its transitional provisions, Chapter VII, Article 1(2) set a deadline for the MoLHSA 'to define mechanisms for providing social services and support training (preparation) of social workers.'¹¹ Currently the law defines the date for the development of social work as 1 July 2016. The deadline for setting up the mechanisms of social services has been postponed repeatedly thought these ten years.

The law on domestic violence identifies areas where social work is necessary, such as the role of the Social Service Agency in identifying cases of domestic violence.¹² The MoHLSA is also identified as one of the state institutions assigned to fulfil preventive activities. The law enumerates the mechanisms for the prevention of domestic violence, including those that mainly fall under the scope of MoHL-

⁷ Statistics on reports received by 112 are taken from the special reports prepared by the Public Defender of Georgia: Women's Rights and Gender Equality 2013, pg. 13, available at: <http://ombudsman.ge/uploads/other/3/3280.pdf> Women's Rights and Gender Equality 2014, pg. 24, available at: <http://ombudsman.ge/uploads/other/3/3288.pdf> Women's Rights and Gender Equality 2015, pg. 33, available at: <http://ombudsman.ge/uploads/other/3/3722.pdf> Statistics on number of restraining orders and prosecutions under Article 111 and 1261 are taken from the official website of the Ministry of Internal Affairs: <http://police.ge/en/home>.

SA, namely: implementing preventative measures for persons at risk of becoming abusers and for persons who have committed domestic violence and carrying out an awareness raising campaign regarding the rights, available remedies and rehabilitation services for abusers.¹³

It should be mentioned that no rehabilitation services are available for abusers and no preventive mechanisms have been designed or implemented for the abusers, or those who are at high-risk of committing domestic violence. The date to set up rehabilitation services for abusers is 1 July 2016. According to information on the MoHLSA's official website and the correspondence received from the named agency, preparations to design rehabilitation services for abusers are not in progress. Clearly the law needs implementation and the MoHLSA is obliged to take steps in this direction.

International obligations

Combating domestic violence effectively is an international obligation for Georgia. While the prevention of and response to domestic violence is a sophisticated challenge, international organisations consistently identify the importance of prevention of domestic violence.

The political dialogue and reform section of the EU-Georgia Association Agenda, which outlines activities to promote equal treatment, urges the Georgian Government to strengthen the implementation of legislation against domestic violence, including awareness-raising of both the general population and of specific professional groups, such as the police, particularly in rural and minority areas. This section also calls on the government to increase the access of victims to counselling services and shelters. The implementation of domestic violence legislation in Georgia demands the improvement of social work, as the law highlights the importance and role of social work in the fight against domestic violence. Social workers constitute one of the specific professional groups, which are in need of in-depth trainings and capacity building.

Social work is included in different international frameworks to which Georgia is a party. To this end, the development of social work and increase in the number of social workers and the relevant budget was highlighted in a number of recommendations accepted by Georgia during its second UN UPR cycle.¹⁴ The concluding observations made under CEDAW also highlight the importance of preventive measures in relation to domestic violence and femicides.¹⁵

Capacity of Social Services in Georgia

An official letter received from the MoHLSA confirms that state social workers will be engaged in the fight against domestic violence after 1 July 2016. However, no information has been provided regarding the services developed or preparatory work undertaken in advance of Article 8 of the law on domestic violence entering into force. Social mechanisms to prevent domestic violence have not yet been de-

⁸ The official website of the Social Service Agency states that social workers engage in domestic violence cases only when a child is involved: http://ssa.gov.ge/index.php?sec_id=801&lang_id=GEO

⁹ Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, available at: <https://matsne.gov.ge/ka/document/view/26422?impose=original>

¹⁰ List of relevant laws available at official website of Social Service Agency, available at: http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=716

¹¹ Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims, 2006, available at: http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/law_of_georgia_on_domestic_violence_-_translation_used_in_assessment.doc

¹² *ibid* Art. 91.

¹³ *ibid* Art. 6.

¹⁴ UN UPR, second cycle, Georgia, 23rd session. A/HRC/31/15, recommendations number: 118.2; 117.25; 118.16. Available at: http://www.upr-info.org/sites/default/files/document/georgia/session_23_-_november_2015/recommendations_and_pledges_georgia_2016_0.pdf

¹⁵ CEDAW, Concluding observations on the combined fourth and fifth periodic reports of Georgia, C/GEO/CO/4-5, para. 21.

signed and no information was provided with regards to the trainings and capacity building of social workers to perform new tasks related to domestic violence. The only measure undertaken by the MoHLSA is the elaboration of a draft of a referral mechanism for domestic violence cases.¹⁶ This limited activity demonstrates that the MoHLSA is not ready to fully implement the mission of social work as assigned under the law on domestic violence.

The total number of social workers in Georgia is extremely low. There are 600 employed in both the governmental and non-governmental sector, out of which only 240 are employed by the Social Service Agency of the MoHLSA.¹⁷ The population of Georgia is 3.7 million according to the last official state census of Georgia.¹⁸ That makes one state social worker for 15 416 persons. These 240 social workers are in charge of performing all the social work related to children, the elderly, and persons with disabilities. Even before adding the activities associated with preventing and reacting to domestic violence, they are overburdened.

The Georgian Association of Social Workers recommended to the MoHLSA that social workers should be assigned 20 cases per month, taking into account the special characteristic of Georgia, such as role of the social worker, structure of society, existing resources, etc.¹⁹ At present, social workers carry a caseload that is two times more than what is recommended, while in capital and other big cities the average monthly workload of social worker amounts to 80 cases per month.²⁰ Starting 1 July 2016, all cases of domestic violence will be assigned to the existing 240 social workers. Clearly with this number of social workers and with this workload, there is no chance that social workers will be able to fully and effectively perform their new duties to combat and prevent domestic violence. In addition, social workers need further training on domestic violence and gender-based violence. Therefore, new social workers should be hired and trained to deal with cases of domestic violence. This requires extra financial resources from the state budget.

Conclusion

In order to effectively implement domestic violence legislation and policy in Georgia, establishing a mechanism of social work and engaging specialised social workers is of vital importance. The role of social workers in preventing and combatting domestic violence is of paramount importance. No further delays in developing of social work are acceptable now that femicide and domestic violence are on the rise.

Domestic violence cannot be effectively addressed without the preventive function of social work. The 240 overloaded social workers are not in a position to take over new tasks related to domestic violence. Therefore, the Georgian Government should consider hiring a number of new, specialised social workers. Consequently, both legislative and budgetary changes are necessary.

¹⁶ Official Letter from MoHLSA of 02.06.2016, #04/42466.

¹⁷ Information on social Workers (duties, tasks and obligations, their spheres of competences) is available on the official website of the Social Service Agency (only in Georgian): http://ssa.gov.ge/index.php?sec_id=801&lang_id=GEO

¹⁸ Statistics on population of Georgia by National Statistics Office of Georgia, available at: http://www.geostat.ge/?action=page&p_id=472&lang=geo

¹⁹ Defining Workload of Social workers, Methodological Guidelines, Georgian Association of Social Workers, 2015.

²⁰ Social Work Situational Analysis of Georgia, 2011, Georgian Association of Social Workers, available at: https://www.osgf.ge/files/news/2012/29-02-12/SW_Situational_Analysis_Report_Georgia_GASW_GEO_29_11_2011_F.pdf

Recommendations

To effectively fight domestic violence and to prevent the grave violation of women's human rights, the Georgian Government should undertake the following actions:

- ▶ Adopt a law on social work;
- ▶ Elaborate a mechanism of social work in preventing and combatting domestic violence;
- ▶ Adopt an inter-sectoral approach to combat domestic violence that involves a coordinated response among the police, social workers and healthcare professionals;
- ▶ Hire and train a sufficient number of social workers to deal with domestic violence cases;
- ▶ Allocate financial resources in the state budget for the development and maintenance of social work;
- ▶ Develop rehabilitation services for abusers.

