**OHCHR Questionnaire on Deprivation of Liberty of Women and Girls**

**I – Justice System**

1. **What are the main causes for women coming into conflict with the law and facing the associated deprivation of liberty, including pre-trial detention? Which are the groups of women who are most vulnerable and why? Please list the types of offenses for which women, or any particular group of women, are typically charged with, including administrative offenses.**

Women are typically charged with the following offences: Theft (Article 177 of the Criminal Code of Georgia); Fraud ((Article 177 of the Criminal Code of Georgia); Violence/Domestic Violence (Articles 126/1261 of the Criminal Code of Georgia); Illegal purchase of narcotic drugs (Article 260 of the Criminal Code of Georgia); Preparing and using a false document (Article 362 of the Criminal Code of Georgia) and other offences prescribed by the law.

In 2017-2018 (Including August 2018), 1428 women have been charged for criminal offences: 801 in 2017 and 627 in 2018. Criminal offences for which women have been charged are following:

|  |  |  |
| --- | --- | --- |
| **Type of Offence and the relevant article of the Criminal Code of Georgia** | **2017** | **2018** |
| Theft, Art.177 | 149 | 119 |
| Violence and Domestic Violence, Art. 126-1261 | 115 | 122 |
| Fraud, Art. 180 | 72 | 73 |
| Illegal manufacturing, production, purchase, storage, transportation, transfer or sale of drugs, their analogues, precursors or new psychoactive substances, Art. 260 | 58 | 30 |
| Other economic offences, Art. 183, 185-196, 198, 199, 213, 215-221 | 35 | 30 |
| Appropriation or embezzlement, Art. 182 | 30 | 29 |
| Violation of traffic safety rules or rules for operating transport, Art. 276 | 20 | 11 |
| Offences against Judicial Authorities, Art. 364-381 | 20 | 8 |
| Murder, Art.108 | 2 |  |
| Murder in aggravating circumstances, Art.109 | 3 | 1 |
| Intentional infliction of grave injury, Art. 117 | 4 | 1 |
| Intentional less grave bodily injury, Art. 118 | 5 | 1 |
| Crime against Sexual Freedom and Sexual Inviolability, Art.138-141 | 1 |  |
| Robbery, Art.178 | 3 | 3 |
| Aggravated robbery, Art.179 | 2 |  |
| Falsification/ Illegal transportation or sale of forged goods, Art.197-1971 | 2 |  |
| Release, storage, sale or transportation of excisable goods without excise stamps, Art.200-2006 | 7 | 5 |
| Manufacturing or sale of forged money or securities, Art.212 | 2 | 1 |
| Breach of the procedure related to the movement of goods across the customs border of Georgia, Art.214 | 10 | 14 |
| Tax evasion, Art.218 | 2 | 2 |
| Membership of the “criminal underworld”; “being a thief in law”, Art.2231 | 1 |  |
| Illegal purchase, storage, carrying, manufacturing, transportation, forwarding or sale of firearms (other than hunting smooth-bore firearms (shotguns)), ammunition, explosives or explosive devices, Art.236 | 7 | 3 |
| Illegal taking of arms, ammunition, explosive substances or equipment for their appropriation or extortion, Art.237 | 1 |  |
| Hooliganism, Art.239 | 1 |  |
| Illegal production, purchase, storage, carrying, transfer and/or illegal consumption without medical prescription of a narcotic drug, its analogue or a precursor in small quantity, Art.273-2731 | 2 | 2 |
| Other drug-related crimes, Art.261, 263-272, 274 | 1 | 5 |
| Crimes against Environmental Protection and Natural Resource Use, Art.287-302, 305, 306 |  | 2 |
| Abuse/ Exceeding of official powers, Art.332-333 | 1 | 1 |
| Bribe-taking/ Bribe-giving/ Influence peddling, Art.338-3391 | 2 | 1 |
| Other official misconduct, Art.337, 340, 341, 342 | 4 | 5 |
| Other offences | 214 | 133 |

Further, in accordance with the Code of Administrative Offences resolutions have been issued against 1068 women in 2017 for administrative offenses and against 412 women in 2018 (Jan-June).

As for the statistical information regarding female victims, in 2017-2018 women have been victims of following offences:

|  |  |  |
| --- | --- | --- |
| **Relevant article of Criminal Code of Georgia** | **2017** | **2018 (Jan-Aug)** |
| ***total*** | ***73*** | ***1565*** |
| Murder, Art.108 | 7 | 1 |
| Liability for domestic crime/murder, Art.111-108 | 5 | 1 |
| Attempt of Murder, 19-108 | 3 | 0 |
| 111-19-108 | 3 | 2 |
| Murder under aggravating circumstances, Art.109 | 15 | 4 |
| 111-109 | 2 | 0 |
| 111-19-109 | 0 | 3 |
| 19-109 | 3 | 1 |
| Intentional murder in a state of sudden, strong emotional excitement, Art. 111 | 1 |  |
| 19-111 | 0 | 1 |
| Incitement to suicide, Art.115 | 0 | 1 |
| 111-115 | 1 | 3 |
| Killing by negligence, Art.116 | 2 | 1 |
| Intentional infliction of grave injury, Art.117 | *Data have not been processed for this article in 2017.* | 3 |
| 111-117 | 5 | 4 |
| Intentional less grave bodily injury, Art.118 | *Data have not been processed for this article in 2017.* | 6 |
| 111-118 | *Data have not been processed for this article in 2017.* | 3 |
| Intentional light bodily injury, Art. 120 | *Data have not been processed for this article in 2017.* | 15 |
| 111-120 | *Data have not been processed for this article in 2017.* | 21 |
| Intentional grave or less grave bodily injury by exceeding the self-defense limits, Art.122 | 0 | 1 |
| Grave or less grave bodily injury through negligence, Art.124 | *Data have not been processed for this article in 2017.* | 2 |
| Beating, Art.125 | *Data have not been processed for this article in 2017.* | 11 |
| Violence, Art.126 | *Data have not been processed for this article in 2017.* | 219 |
| Domestic Violence, Art.1261 | *Data have not been processed for this article in 2017.* | 1045 |
| 111-1261 | *Data have not been processed for this article in 2017.* | 3 |
| 111-126 | *Data have not been processed for this article in 2017.* | 30 |
| Failure to assist, Art.129 | 1 | 0 |
| Sexual Assault, Art.137 | 2 | 5 |
| 111-137 | 1 | 1 |
| 19-137 | 3 | 0 |
| Another action of a sexual nature, Art.138 | 2 | 1 |
| 111-138 | 1 | 0 |
| Coercing into penetration of a sexual nature of the body of a person, or into another action of a sexual nature, Art.139 | 3 | 2 |
| Penetration of a sexual nature into the body of a person below the age of 16, Art.140 | *Data have not been processed for this article in 2017.* | 16 |
| 111-140 | *Data have not been processed for this article in 2017.* | 40 |
| Lewd act, Art.141 | 7 | 1 |
| 111-141 | 1 | 0 |
| Unlawful imprisonment, Art.143 | *Data have not been processed for this article in 2017.* | 27 |
| Human trafficking, Art. 1431 | 2 | 2 |
| 111-143 | *Data have not been processed for this article in 2017.* | 2 |
| Humiliating or inhuman treatment, Art.1443 | 1 | 0 |
| 111-150 | *Data have not been processed for this article in 2017.* | 2 |
| Coercion, Art.150 | *Data have not been processed for this article in 2017.* | 2 |
| Threat, Art.151 | *Data have not been processed for this article in 2017.* | 22 |
| 111-151 | *Data have not been processed for this article in 2017.* | 54 |
| Stalking, Art.1511 | 1 | 7 |
| 111-1511 | 1 | 0 |

1. **Please indicate if there are cases of women facing detention in relation to civil law suits and identify the particular groups of women mostly affected.**

For today court system does not produce statistical data on this matter.

As regards forms of conﬁnement of women, the most common form of forced conﬁnement of women is traﬀicking. Combatting traﬀicking is one of the priorities for the Government of Georgia.

Most victims (VoT) and statutory victims (SVoTs) are sexually exploited women in Georgia. Analysis carried out by the Traﬀicking in Persons Interagency Council (the TIP) cases shows that females especially from Central Asia such as Uzbekistan are the victims of sexual exploitation in Georgia. In addition, Georgian citizens are also at risk of sexual exploitation. The age of Georgian victim/statutory victims of sexual exploitation varies from 16 to 22. Georgian legislation ensures the protection and assistance of witness/potential victims or statutory victims of traﬀicking in persons. The victims/statutory victims and witnesses as well as persons providing legal services and assistance to them have the right to request protection of their own security and security of their family members at any time, in accordance with procedures established by the Georgian legislation. Identity, address and other personal data of (statutory) victims and witnesses of traﬀicking is conﬁdential and its disclosure is prohibited except in cases envisaged by law.

In addition, Witness and Victim Coordinators appointed in Chief and regional prosecutors’ oﬀices are facilitating communication between citizens and prosecutor (court) and providing them with detailed information related to the progress of proceedings.

In addition, On 19 December, 2017 the TIP Council approved the revised Guideline for the Law Enforcements on the Investigation and Prosecution of Traﬀicking Cases and Treatment with Victims and Statutory Victims of Traﬀicking in Persons, which was adopted by the TIP Council in February 2014. The main aim of the revision was to reﬂect the legal amendments introduced to the Criminal Procedure Code of Georgia and respond the current trends of human trafficking. Notably, the practice of the ECHR was taken into account and the standards of the Court’s case law were incorporated. The document was revised by a Working Group composed of the representatives from the Ministry of Justice, Ministry of Internal Aﬀairs and the Prosecutor’s Oﬀice of Georgia.

To encourage victims/statutory victims to witness and provide detailed information they are also informed that they will not be subject to any kind of liability for their participation in any unlawful conducts if they had to behave so due to her being (statutory) victim of human traﬀicking.

Also, Georgian legislation guarantees the right of victims/statutory victims of traﬀicking to request reimbursement of moral, physical or material damages, which she incurred as result of crime of human traﬀicking, in accordance with Civil Procedure Code and the Criminal Procedure Code of Georgia.

Furthermore, the victims/statutory victims are also explained that Government of Georgia assists foreign victims/statutory victims of traﬀicking and ensures their safe return to their country of origin; provide them with the subsequent documentations as travel documentation. During the criminal proceedings and their staying in Georgia, victims are provided with temporary residence permits issued by Public Service Development Agency of Ministry of Justice.

Georgia has high penalties for the crime of human traﬀicking, which varies from 7 years to life imprisonment.

In order to ensure the protection of victims and statutory victims of Human Traﬀicking they are referred to shelters of State Fund for Protection and Assistance of (Statutory) Victims of Human Traﬀicking. In case of such need, they are involved in Special Protection Program of Victims and special protective measures are applied. Victim data is conﬁdential and its disclosure is prohibited.

All victims have access to services, including psychological, medical and legal support, shelter, crisis center, one-oﬀ compensation, rehabilitation and reintegration programs. The victims and statutory victims are informed about the full package of services oﬀered by the State Fund and all this state run services are available for them without discrimination. The services of State Fund are also available to the minor victims/statutory victims of human traﬀicking and depended children.

Translator and defense counsel are always present during an interview and participate in investigative activities. In case of a female victim investigative activities are carried out by female investigators.

1. **What are the main challenges for women’s access to justice, including, for example, the availability and quality of legal representation, the ability to pay for bail and the existence of gender stereotyping and bias in judicial proceedings?** N/A

**4. What have been the main drivers for the decreasing of the female prison population in your country in the past decade?**

Numerous amendments have been made to the Criminal Code of Georgia over the last decade based on which Female Prison Population in Georgia decreased from 1174 (as of December, 2010) to 325 (as of September, 2018).

First of all, it should be mentioned that in 2013, new amendments were introduced in the Criminal Code of Georgia aiming at abolishment of the unconditional totality principle which meant that in case of the several committed crimes, the judge was obliged to add up all the sentences prescribed for each committed crime and impose the cumulative sentence to the convicted person.

New amendments have introduced the principle of absorption of the sentence according to which if a person has committed several crimes, the more severe sentence will absorb the less severe sentence. Furthermore, in case of the committed crimes with equal penalties, one sentence shall absorb the other sentence.

In the case of recidivism, when imposing a final sentence for cumulative crimes, a more severe sentence shall absorb a less severe sentence or the sentences prescribed for these crimes shall be added up in part or in full.

When imposing a sentence in the case of cumulative sentence, the court shall, fully or partially, add to the sentence imposed under the latest judgement the outstanding part of the sentence imposed under the previous judgement, or the sentence imposed under the latest judgement shall absorb the outstanding part of the sentence imposed under the previous sentence.

Furthermore, the term of imprisonment imposed as the final sentence in the case of cumulative sentences may not exceed 35 years and in the case of recidivism, the term of imprisonment imposed as a final sentence for cumulative crimes may not exceed 30 years.

These amendments have led to significant decrease in rates of imprisonment and for each committed offence the sentence complies with the domestic, as well as international and the human rights’ standards.

In addition, the mechanism of diversion has been enacted under the Criminal Procedure Code of Georgia. A prosecutor may not initiate or terminate criminal proceedings against the person having committed less severe or severe crime, if a person (the subject of diversion) satisfies certain requirements envisaged by the law.

This mechanism also helps to reduce the number of inmates, including the female ones.

Apart from it, since 2017 a new form of non-custodial sentence was introduced to the Criminal Code of Georgia – House Arrest. The House Arrest means that a person imposed this sentence is obliged to stay in his/her place of residence during a specific period of a day- night. This non-custodial measure is enforced outside the penitentiary establishment.

Furthermore, the local council for female offender’s reviews cases of convicted women and grants the early conditional release or commutation of a sentence with a less grave punishment. In recent period, the local council granted early conditional release and /or commutation of a sentence with a less grave punishment, including community service or house arrest.

In addition, reforming of the Juvenile Justice System has been one of the top priorities for the Government of Georgia (GoG) over the last few years.

To secure the decrease of juvenile prison population, including girls, numerous initiatives have been implemented. Specifically, the Juvenile Diversion and Mediation Program was enacted in 2010 on the basis of the amendments introduced to the Criminal Procedure Code of Georgia. In 2012, the program was extended and in August 2013 the pilot mode was completed. In November 2014, the Ministry of Justice Centre for Crime Prevention started the implementation of the diversion and mediation program. Various important changes were introduced: the categories of crimes to which diversion applies were extended; the diversion procedures were improved; the rules of conduct for the professionals were established; and the role of a mediator was enhanced.

The culminating milestone initiative for decreasing the rates of incarcerating juveniles, was the adoption by the Parliament of Georgia of the first separate and specialized Juvenile Justice Code on 12 June 2015. The new Code expands the alternatives to criminal prosecution, such as diversion and mediation, and diversifies the sanctions available to judge to ensure that the **detention and imprisonment** **are used only as the measures of the last resort** as derived from the principle of the best interests of the child and other international standards under the UN Convention on the Rights of the Child and relevant international instruments.

Furthermore, due to new regulations enacted by the Juvenile Justice Code the scope of application of the Juvenile Diversion Programs have been expanded to embrace the adults of 18-21 years of age since 2016; the judge has been granted the authority to return the case to the prosecutor for the diversion; new diversion measures have been established; the Diversion and Mediation Program became the primary considerable remedy for the professionals in the justice system.

It is worth noting that, according to the Juvenile Justice Code, juvenile justice procedures are administered only by investigators, prosecutors and judges, mediators, social workers and other professionals, who are specifically specialized in the juvenile justice

**To what extent are non- custodial measures used, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules)?**

The Criminal Code of Georgia prescribes the following forms of non-custodial sentences: fine, community service, correctional work, house arrest, deprivation of property, deprivation of the right to occupy a position or pursue a particular activity and restriction of the service in the military.

In most cases, the court imposes a fine or community service as a form of non-custodial sentences in relation to convicted women.

As for to the judgments in respect to pregnant and/or parenting women, the court mostly imposes non-custodial measures, in accordance with the Bangkok Rules. Moreover, the court takes into consideration the type of committed crime, gravity and the causes of the crime, the prior criminal record, family status and economic factors.

In addition, mostly the court imposes non-custodial sentences to the convicted women for less severe crime or misdemeanor, committed for the first time.

**II - Other institutions**

1. **What other institutions outside the justice system exist in your country wherein women and girls are institutionalized on grounds such as care, correction, protection and prevention against potential harms, etc.? Please list the groups of women and girls who are most concerned in each situation.**

The Government of Georgia implemented the State program “on Social Rehabilitation and Child Care” annually, providing different services for the beneficiaries, including services for women and children. 24 hour services are carried out by the state program of social rehabilitation and child care, such as: sub-program of shelter for mother and children. The main goal of sub-program is prevention of child abandonment and strengthening of child’s biological family. The target group is the mother with various problems, along with the juvenile child (children), if one of the children is under 10 years of age and the latter is at risk of being abandoned or institutionalized; A woman with various problems that are at least 26 weeks pregnant (with underage children, if at least one of them is under 10 years old and is in danger of being abandoned or forced into the institution).

Subprogram activities include:

1. providing 24-hour shelter;
2. providing safe environment;
3. provision with food and items appropriate of age, gender and season and also personal hygiene products;
4. promotion of professional and informal education;
5. organizing outpatient and inpatient medical services if necessary;
6. psychologist service;
7. providing other additional needs necessary for the implementation of the service.

5 shelters for mother and children are operating in Georgia under the state program: 1- in Kutaisi, 3 in Tbilisi, 1 in Khashuri.

The Regional Council (LEPL Social Service Agency, as the Advisory Body of Guardianship and Care Authority), makes decision on enrollment matters. The services provided in the above mentioned institutions are fully financed by the state.

1. **Please explain the decision-making process for the institutionalization of women and girls in each situation, including the role of women and girls themselves in the decision on institutionalization. Please highlight any good practices in terms of enabling women to exercise agency within institutional systems, with due respect to their rights?**

The placement of a person in the specialized institution and its withdrawal from the institution is regulated by the order N 52 /N of 26th February of 2010 of the Minister of Labor, Health and Social Affairs of Georgia on "Approval of the placement of the person in the special institution and the procedure and conditions of withdrawal from this institution".

The following documents are required for the person /persons for placement in the institution:

A) copy of identity card (ID card or passport of the applicant) or a copy of the birth certificate - if the person (s) is a minor;

B) A certificate of health of the applicant (medical document form №IV-100 / a).

Decision on placement of a person in a specialized institution shall be based on the conclusion of the social worker, the decision shall be made by the regional council / chairperson of the regional council.

The Regional Council (LEPL Social Service Agency, as the Advisory Body of Guardianship and Care Authority), makes decision on enrollment matters.

The agreement between the service provider and adult beneficiary is provided for receiving services in mothers and children shelter.

The withdrawal / removal from the shelter of mothers and children of the beneficiary can be done in the following situations:

1. mother's wish;
2. in case of violation of the term of temporary leave;
3. in case of death of a mother and / or child;
4. upon expiry of the term of placement;

E) On the basis of the request of the institution, the beneficiary may be exempt from the institution in case of repeated violation after the written notice of beneficiary due to the violation of the terms of the contract concluded;

F) If a mother is in pre-trial detention or a court decision is in a penitentiary establishment.

Regarding appeal or challenge of their placement in institutions, children and their families in compliance with the regulations of the country, have the opportunity to apply to:

1. Service provider – "Technical Regulations - On approval of Child Care Standards" approved on 15th January of 2014 N 66 Decree - 10th Article (Feedback and protests procedures – standard N 10) the beneficiary / its legal representative has the opportunity to express feedback on the form and quality of the protests and services, therefore the service provider is obliged to:
2. Establish a simple and clear procedure of expression and protest, which is given in the regulation and known for the beneficiaries;
3. Provide conditions in order to enable the beneficiary / its legal representative to provide anonymous feedback on the service structure and content;
4. The beneficiary's comments are regularly reviewed at least once a month;
5. Take into account the opinion of the beneficiary and views during discuss of the issues related to the beneficiary and ensure their involvement in the decision-making process;
6. Maintain all reasonable cases of protest / feedback.

# LEPL - Social Service Agency, care and custody of the advisory body - the Regional Council.

## 3. The Court.

**III - Forced confinement in private contexts**

1. **What forms of forced confinement of women and girls exist in a private or social context sanctioned by family, community or group of individuals such as abduction, servitude, guardianship and ‘’honor’’ practices, trafficking, home detention, ‘’witch camp’’, widowhood rites, etc?**

The LEPL-State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking” (hereinafter the State Fund) has been functioning under the state control of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

The general aims of the State Fund are the following:

* Protection, assistance and rehabilitation of the victims/statutory victims/alleged victims of human trafficking and/or domestic violence and/or violence against women and/or sexual abuse;
* Creation decent living conditions for elderly, disabled people/children and children without parental care.

Violence committed by another member(s) of her family that is expressed in locking her inside a house, threatening her against health and life or restricts her liberty and right of free movement by forbiding her to leave a room/a house. This may be expressed by trafficking and/or physical violence, psychological violence, coercion or other forms of domestic violence.

It is possible, violence against women to be committed on gender grounds by arbitrary deprivation of woman's liberty, that is implemented by an offender with different forms of violence (coercion, threat, physical violence) and restricts a women’s liberty and free movement.

In the abovementioned cases, if a woman has been recognized as a victim of domestic violence and/or violence against women and/or human trafficking by the competent authorities (law enforcement bodies, victims’ identification group), will be provided with information/explanation about her (as a victim) rights and protection guarantees.

The State Fund provides the victim and/or statutory victim and/or alleged victim of violence against women and/or domestic violence and/or trafficking and/or sexual abuse with the following services within the **Shelters and the Crisis Centers**:

* Providing psychological-social assistance/rehabilitation;
* Organizing/receiving medical service;
* Providing Legal assistance (including legal representation in court and in law enforcement agencies);
* Translator service, if necessary;
* Promoting reintegration in a family and society and other services;
* Daily accommodation in the shelter (only for victim and/or statutory victim with his/her dependent(s)), including: nutrition, hygiene and other essentials.
* Daily accommodation in the crisis center (for alleged victim with his/her dependent(s)), including: nutrition, hygiene and other essentials.

There are 5 Shelters for victims of violence: in Batumi (opened in 2006), in Tbilisi (opened in 2010), in Gori (opened in 2010), in Kutaisi (opened in 2013), in Sighnaghi (opened in 2016) and 3 Crisis Centers - in Tbilisi (opened in 2016), in Gori (opened in 2018) and in Kutaisi (opened in 2018) functioning under the State Fund.

**Hotline Service**

A 24-hour hotline for the victims of violence is functioning at the State Fund. Anyone can call on the hotline: 116 006 (Euro number) and get professional consultations from qualified operators and information about the services of the State Fund. Since 2017, the consultations of the State Fund`s hotline on the issues of domestic violence, violence against women, trafficking, sexual violence have been available in 8 languages: in Georgian as well as in English, Russian, Azerbaijani, Turkish, Armenian, Arabic and Persian languages. The service is free and anonymous.

Moreover, the services of the State Fund are available regardless of the race, skin color, language, sex, religion, political or other opinions, national, ethnic, and social affiliation, origin, property or social status, place of residence. The Georgian legislation prohibits any kind of discrimination in public and private spheres. The internal regulations of the State Fund are in accordance with the Georgian legislation.

The following institutions for elderly, disabled people/children and children without parental care operate under the State Fund:

* **Two boarding houses for the elderly– in Tbilisi and in Kutaisi;**
* **Three boarding houses for disabled people – in Dusheti, Martkopi and Dzevri;**
* **House for disabled children – in Kojori;**
* **Infant house - in Tbilisi.**

The **general aims** of the above-mentioned institutions are:

1. Creating home-like conditions that promotes beneficiaries’ mental, emotional and physical development and social rehabilitation;
2. Keeping beneficiaries in contact with their biological families and other relatives.
3. Promoting beneficiaries’ health and social protection, medical rehabilitation and supporting their integration into society;
4. Protecting beneficiaries’ rights and interests;
5. Creating adequate environment encouraging beneficiaries’ talents, abilities and potential.

The **main functions** of the above-mentioned institutions are:

1. Feeding minimum four times a day, one of which should be a three course meal.
2. Providing social rehabilitation of beneficiaries;
3. Providing beneficiaries with 24-hour service, as well as first aid medical assistance and if necessary, organizing ambulatory and stationary medical service;
4. Supporting beneficiaries’ integration into society;
5. Creating adequate environment for beneficiaries to entertain and relax.

In addition, the other functions of **Tbilisi Infant House and Kojori House for disabled children** are:

1. Promoting formal education, such as - assistance in preparation of lessons, etc.;
2. Promoting non formal education through interactive games, discussions, literary reading, acting games and other methods;
3. Developing creative skills;
4. Teaching healthy lifestyle and developing living skills;
5. Developing the necessary skills to lead an independent life;
6. Involving in cultural-sport activities.
7. Providing first aid medical service and medical-rehabilitative procedures; ambulatory and stationary medical service, if necessary;
8. Providing psychological assistance;
9. Carrying out activities established by the individual service plans;
10. All the other activities that promote beneficiaries’ complete development.

# What is the role of law and policy (including customary law and authorities) in your country concerning these types of confinement?

The Law of "violence against women and/or prevention of domestic violence, protection and assistance of victims of violence" determines the actions against violence towards women and /or domestic violence abuse detection and prevention of the legal and organizational basis, as well as victims’ social and legal guarantees for the protection and assistance.

The National Strategy 2014-2020 for the Protection of Human Rights has been adopted by the Decree №2315-IIs of the Parliament of Georgia on April 30, 2014 ensures gender equality, protection of women's rights and fight against domestic violence and realization of child rights, including improvement of child protection and aid systems, development of social services, decrease in poverty and mortality rate, and providing quality education.

The Government of Georgia Resolution N 182 of April 17, 2018, approved the "Human Rights Action Plan for 2018-2020 includes protection of women from violence and the fight against domestic violence and also the protection of children's rights.

On May 2, 2014 the Parliament of Georgia adopted the Law of Georgia on Elimination of All forms of Discrimination. The aim of the Law is to eliminate all forms of discrimination and ensure equal rights of every natural and legal persons under the legislation of Georgia, regardless of race, skin color, language, sex, age, citizenship, origin, place of birth, place of residence, property and rank, religion or faith, national, ethnic and social origin, profession, marital status, health condition, disability, sexual orientation, gender identity and expression, political and other beliefs.

The Resolution N 437 of the Government of Georgia of September 12, 2016 on the approval of Procedures for Child Protection (Referral) shall be noted. This decree defines a circle of institutions engaged in child protection (referral) procedures.

**IV - Migration and Crisis Situations**

1. **What are the specific risks of detention and confinement encountered by women on the move in the context of asylum seeking, internal displacement and migratory processes?**

Pursuant to Georgian legislation female asylum-seekers or international protection holders in Georgia benefit from special legal and procedural guarantees due to their need of international protection. While going through asylum procedures, their rights and obligations are regulated under Law of Georgia on International Protection.

According to Georgian legislation asylum-seekers, including female asylum-seekers are exempt from criminal responsibility for illegal or undocumented entry or presence on the territory of Georgia.[[1]](#footnote-1)

Asylum legislation defines the grounds and conditions for detention in asylum context as well.

Under Article 3(o) of the Law of Georgia on International Protection, detention is restriction of freedom of movement by placing an asylum-seeker at the temporary accommodation centre of the Migration Department of the Ministry of Internal Affairs of Georgia.

Under Article 9(2) of the Law of Georgia on International Protection, there are three alternative ground for detaining an asylum-seeker, in particular, when:

# There is a threat that s/he will abscond and/or will not cooperate with authorized official;

* 1. *if identity of a person cannot be established;*
  2. *If there are serious reasons to believe that person might be a threat to national security.*

Article 9(4) enshrines procedural guarantees for female detainees who go through asylum procedures in Georgia. Under this provision, detained asylum-seeker shall be placed separately from the detainees on different grounds. Female detainees should be segregated from males unless they are family members.

Apart from that, under Article 3 of the Law of Georgia on International Protection, Pregnant Woman, as well as Single Parent with Minor Children are considered as persons with specific needs and preferential treatment is provided for them. Detained asylum-seekers enjoy the same rights as other asylum-seekers not being detained, in particular, they have the right: Not to be removed from the territory of Georgia or expelled until her/his application on international protection is determined or until the final judgment of the Court enters into force; To receive information on her/his rights and obligations; as well as procedures for examination of application on international protection; If possible, to be interviewed, upon request, by a competent official of the same sex and be provided with the interpreter of the same sex; To receive free interpretation service during the asylum procedure; To receive free legal aid and representation at Court related to the issues of granting international protection, as provided by the Law of Georgia on Legal Aid; To be provided with an Asylum-seekers Certificate and Temporary Identification Card during procedures for examination of application on international protection; After requesting international protection, to be provided with social- economic assistance and proper living conditions pursuant to Georgian legislation; To receive healthcare from the Universal Healthcare Program of Georgia as provided for citizens of Georgia, with exceptions pursuant to Georgian legislation; To withdraw the application on international protection on a voluntary basis; To be exempted from any fees for appeal against a decision related to the application on international protection; To have the right to address administrative bodies and Courts pursuant to Georgian legislation; To be informed about the possibility to contact UNHCR; To enjoy other rights enshrined under Georgian legislation for aliens and stateless persons, unless the Law of Georgia on International Protection provides otherwise.

Internally displaced women in Georgia have not encountered detention and confinement during their displacement. However, it must be noted that they had to live in dire conditions. After the displacement, part of the IDPs found a solution to the problem individually – they settled with relatives, friends, or rented an apartment and part of the IDPs were placed in collective centers - schools, kindergartens, factories, hotels and different administrative buildings. These buildings were built for different purposes, were unusable for long-term, and frequently, even short-term accommodation. The Georgian government puts a lot of effort and resources in order to provide the IDPs with housing, until they will have opportunities for the safe and dignified return to their places of origin. Overall out of 280,055 IDPs 110,835 had received housing from the Georgian government.  
2**. What is the policy relating to the administrative detention of women migrants including pregnant women and women with children?**

Georgian Law on Legal Status of Aliens and Stateless Persons and Order of the Minister of Internal Affairs of Georgia on Approval of the Rule of Detention and Placement of Aliens in the Temporary Accommodation Center consider the best interests of women, especially of pregnant women and of women with children. While considering their best interests, applicable legislation stipulates detention of the pregnant women and women with children in exceptional cases and for a short period.

Before placement at Temporary Accommodation Center of the Ministry of Internal Affairs, a person of the same gender conducts inspection of detained women in presence of an individual of the same gender. An authorized person (medical personnel of the center) questions detainees concerning their health condition. An authorized person examines an individual carefully in a separate room without presence of other persons (in case of making a request gender issues shall be taken into account). In the Temporary Accommodation Center, there are separate blocks for women and families. Women are placed with their children and during their detention are provided with different daily routine.

1. Article 7 of the Law of Georgia on International Protection [↑](#footnote-ref-1)