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## **ADMINISTRATIVE PROCEEDING RELATED TO THE PREVENTION OF VIOLENCE AGAINST WOMEN AND/OR DOMESTIC VIOLENCE, PROTECTION AND ASSISTANCE TO VICTIMS OF VIOLENCE**

### **Abstract**

Domestic violence represents one of the most acute and sensitive social problems in contemporary society. It is prevalent in almost every country in the world and transcends social, economic, cultural, and geographical boundaries. Despite its prevalence, domestic violence is often hidden, as victims prefer silence due to shame, fear, and stigma. Violence against women and children is particularly severe, posing serious threats to their physical and psychological safety. The state, as the guarantor of human rights, plays a crucial role in the prevention and elimination of this problem.

Analysis of the research shows that domestic and gender-based violence is not merely an individual problem it constitutes a significant legal and social policy challenge for the state. Although Georgia has a legal framework that includes mechanisms for preventing violence, protecting victims, and responding to incidents, these mechanisms often fail to function effectively in practice. The main obstacles include weak institutional coordination, a lack of resources, and insufficient public awareness regarding the problem of violence.

An analysis of conflict contexts (the Abkhazia war, Ukraine) demonstrates that sexual violence is often deliberate, systematic, and used as a weapon of war. These crimes, despite being internationally recognized as severe violations, largely remain unpunished in Georgia, undermining victims' rights and reducing the state's accountability.

Effective implementation of legislation requires systemic prevention, including education, strengthening institutional capacities, and raising public awareness. Clear responses to all forms of violence and systemic accountability for violations are obligations of the state under both domestic and international legal standards.

**Keywords:** Domestic violence, legislation, sexual violence.

### **Introduction**

Domestic violence is one of the most pressing and sensitive issues facing modern society. It is widespread in almost every country in the world and transcends social, economic, cultural, and geographical boundaries. Despite its prevalence, domestic violence often remains hidden, as victims frequently choose silence due to shame or fear. Violence against women and children is particularly common, posing serious threats to their physical and psychological security. The state, as the guarantor of human rights protection, holds a special responsibility in the prevention and eradication of this problem.

Domestic violence manifests in various forms: physical, psychological, sexual, economic, and emotional

abuse. It may be committed against a spouse, child, parent, or other individual. A particularly troubling aspect of domestic violence is its cyclical nature victims often remain under constant threat and control, which significantly limits their ability to seek help.

Statistically, the majority of victims especially women do not report incidents to law enforcement bodies or other governmental or non-governmental organizations. This is driven by numerous psychological and social factors, including fear, financial dependence on the abuser, the desire to protect children, or societal pressure. The widespread belief that “family problems should remain within the household” greatly hinders the detection and prevention of violence.

In Georgia, legal measures to combat domestic violence<sup>A</sup> have been actively evolving. In 2006, the Law of Georgia on “Prevention of Domestic Violence, Protection and Assistance to Victims of Domestic Violence” was adopted, establishing the responsibilities of state bodies, including law enforcement and social services, in responding to and preventing domestic violence.

Despite the existence of a legal framework, challenges persist particularly in ensuring timely response, adequate safety for victims, and accessibility of social services.

Strengthening preventive mechanisms requires improved institutional coordination as well as increased public awareness. Integrating anti-violence programs into the education system, implementing large-scale public information campaigns, and ensuring access to psychological assistance are key components of the fight against domestic violence.

Domestic violence is not merely a problem of individual families or specific socio-economic groups it is a systemic and structural challenge that shapes the fundamental values of society. Protecting victims, preventing violence, and ensuring effective response constitute a collective obligation of the state, civil society, and society as a whole. Ignoring this issue endangers fundamental human rights, safety, and dignity.

### **Global Context of Violence against Women**

Globally, one in every four women is a victim of domestic violence. According to a World Health Organization study conducted in 10 countries with 24,000 women surveyed, intimate partner violence affects 20% of women in Japan, 70% in Ethiopia and Bangladesh, and more than 50% in Peru and Tanzania. In low-income countries, 14-32% of women report experiencing violence during pregnancy, while in high-income countries this figure ranges from 4-11%. Between 19% and 48% of adolescent girls in various countries reported instances of sexual violence. Thirty-eight percent of femicides worldwide are committed by an intimate partner. In the United States, a women’s movement dedicated to combating domestic violence emerged at the beginning of the 21st century and achieved significant progress.

Beginning in the 1960s, the women’s movement in the United States began drawing public and governmental attention to domestic violence. At this early stage, it became evident that male dominance was recognized not only at the societal level but also within the family structure. It was during this period that the movement advocating for women who were victims of violence began to take shape, as it became clear that the widespread incidence of domestic violence against women constituted an unacceptable social problem. By the 1970s, statistical research had confirmed that violence against women was a national issue, and victims became more visible within society. Women and children who fled dangerous conditions in their homes often ended up living on the streets. Law enforcement agencies and the courts were rarely able to provide effective assistance to victims. The urgent need for immediate support triggered a nationwide campaign to establish shelters. The United States has since developed a well-organized network of local shelters, allowing victims of domestic violence to live in a safe environment and begin a

new life free from abuse.

The 1990s marked a turning point in the United States regarding domestic violence policy. The federal government adopted the **Violence Against Women Act (VAWA)**, which allocated more than one billion dollars to the creation of shelters, training of law enforcement officers and judges, and the prevention of crimes involving violence against women.

### Statistical Overview of Domestic Violence in Georgia

The Information-Analytical Department of the Ministry of Internal Affairs of Georgia provides quantitative data on violence against women. Below is the official statistical report for **2024-2025**:

In **2024**, a total of **1,091** incidents of domestic violence were recorded throughout Georgia. These included: **Physical violence**: 175 cases. **Psychological violence**: 836 cases. **Economic violence**: 6 cases. **Sexual violence**: 45 cases. **Coercion**: 29 cases. From the analysis of this data, it is evident that the highest rates of domestic violence occur in **Tbilisi and the Adjara region**. See the official report: <https://info.police.ge/uploads/679cc3e37c5d0.pdf>

#### Restraining Orders – Violence Against Women (Reporting period: 01.01.2024–31.12.2024)

A total of **893 restraining orders** were issued, the majority against male perpetrators. Only **39** orders concerned female perpetrators. Victims' age distribution was as follows: Under 13 years: 4. Ages 14–17: 46. Ages 18–24: 132. Ages 25–44: 499. Ages 45–60: 110. Age 61 and above: 21. See the report: <https://info.police.ge/uploads/679cc3cf64420.pdf>

According to the Information-Analytical Department of the Ministry of Internal Affairs, **from 1 January to 31 March 2025**, a total of **217** incidents of domestic violence were recorded across the country: **Physical violence**: 36 cases. **Psychological violence**: 171 cases. **Economic violence**: 1 case. **Sexual violence**: 6 cases. **Coercion**: 3 cases. Even within this short reporting period, data again shows that the highest incidence of domestic violence was recorded in **Tbilisi and Adjara**.

#### Restraining Orders – Violence Against Women (Reporting period: 01.01.2025–31.03.2025)

A total of **188 restraining orders** were issued, of which **8** concerned female perpetrators and **180** male perpetrators. Distribution of victims by age was as follows: Under 13 years: 2. Ages 14–17: 9. Ages 18–24: 39. Ages 25–44: 111. Ages 45–60: 19. Age 61 and above: 6. See the report: <https://info.police.ge/uploads/68138541bd233.pdf>

### Sexual Violence in Armed Conflicts: The Case of Abkhazia and International Parallels

The **Abkhazian War (1992-1993)** was one of the most tragic conflicts in Georgia's recent history. It resulted in thousands of deaths, hundreds of thousands of internally displaced persons, and large-scale ethnic cleansing. Within the context of the war, gender and age-based violence became particularly pronounced, especially against **women and children**.

Analysis of the information we have obtained regarding the Abkhazian War shows that **sexual violence against women was used systematically**, with extreme brutality and multiple forms of degrading and inhumane treatment. Sexual violence is frequently employed as a tactic of war to **humiliate, intimidate, and control** communities. For example, a study conducted by **Human Rights Watch** documented widespread, systematic sexual violence against women and girls in conflict zones, where rape was used as a weapon to terrorize and destabilize communities (Human Rights Watch, 2010).

According to the **Rome Statute of the International Criminal Court**, rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence of comparable

gravity constitute **crimes against humanity and war crimes**. Importantly, these crimes are **not subject to a statute of limitations** (International Criminal Court, 1998).

At present, **no fully functioning women's shelter operates in Abkhazia** to provide victims with safe accommodation. However, several organizations offer psychological and legal assistance to women who suffer from domestic violence.

The **Association of Women of Abkhazia (AWA)** operates a crisis center in Sokhumi, offering legal and psychological support for women and children who are victims of domestic violence. However, it does **not** provide shelter, and its sustainability depends on external grant funding. The **Kiaraz Foundation** is a social assistance organization supporting large families and attempting, when possible, to rehabilitate perpetrators. This organization also lacks a shelter facility. A **Social Assistance Service**, functioning with UNICEF support, is the only structure collecting domestic violence statistics in Abkhazia. While it conducts preventive work and engages with perpetrators, it likewise does **not** operate a shelter.

**Additional resources near Abkhazia:** For women in Abkhazia who urgently require safe housing, shelters located in neighboring regions may be considered. The **Merkuri Association** in Zugdidi (operational since 2018) is the only shelter in Samegrelo, offering accommodation as well as psychological and legal assistance to victims of violence. However, access from Abkhazia involves significant bureaucratic and security challenges.

The **Women's Fund "Sokhumi"** operates a rehabilitation center in Kutaisi that provides temporary shelter (10-15 days) to women including those not yet formally recognized as victims of violence and their children, ensuring a safe environment during crisis situations.

Rape, as a **strategic weapon of war**, can be used to destroy the enemy's morale, assert dominance, demonstrate masculine power among combatants, and is often perceived as a "reward" associated with territorial conquest and occupation. Moreover, in conflict settings, violence against women is frequently employed as a means of **demoralizing male opponents** and weakening the overall fighting spirit of the adversary.

## Comparative Perspective: Conflict-Related Sexual Violence in Ukraine

The recent events in Ukraine have once again brought the problem of conflict-related sexual violence to the forefront of global attention. Shockingly, children are often among the victims. In March 2022, the United Nations established the **Independent International Commission of Inquiry on Ukraine**. According to its findings, victims of sexual crimes ranged in age from **4 to 80 years**. By January 2023, the Office of the Prosecutor General of Ukraine was investigating **155 cases** of conflict-related sexual violence. Pramila Patten, the UN Secretary-General's Special Representative on Sexual Violence in Conflict, described these numbers as only **"the tip of the iceberg."**

In Georgia, this issue is rarely discussed publicly, but during the **Abkhazian War**, countless women and children became victims of sexual violence. Tragically, **these crimes have never been investigated**, and no perpetrators have been brought to justice.

The terror of rape haunted many, including those who managed to escape from Abkhazia. The media periodically published individual cases. One of the most horrifying incidents occurred in **Gagra**, where a 19-year-old woman, M.A., was raped by thirteen fighters in front of her father; afterwards, both father and daughter were tied to a tree and burned alive. In the **Ochamchire district**, 25 Georgian girls between the ages of 12 and 16 were raped in front of the entire village; similar atrocities occurred in other villages of the region.

When the fall of Sokhumi became imminent, women feared **rape even more than death**. In many

cases, this fear alone forced them to flee their homes and become internally displaced. For countless women, however, sexual violence was not merely a horrifying fear but a lived experience one that left deep psychological trauma from which they have been unable to recover even decades later.

Behind any act of violence lies the perpetrator's desire to demonstrate power and to humiliate the victim. Sexual violence is no exception. **Mass sexual violence functions as a psychological weapon of war**, intended to demoralize the enemy. In the mind of the attacker, such acts serve to "dishonor" not only the individual woman but the entire nation.

**Historical parallel:** Genghis Khan regarded the violation of enemy women and the enslavement or killing of their children as a primary duty of the ideal warrior. Aware of this, men would sometimes kill their wives and then take their own lives to spare them such fate. When Beijing fell, tens of thousands of young women threw themselves from the city walls.

Special legislation against wartime rape has existed for many years. In 1988, for the first time in human history, the **International Criminal Tribunal for Rwanda** equated mass rape with an act of genocide. In 2001, the **International Criminal Tribunal for the former Yugoslavia** recognized rape as a crime against humanity.

Under **international humanitarian law**, captured or detained women must be held separately from men and supervised by female personnel. Women must be fully protected from rape, enforced prostitution, and all other forms of indecent assault (Geneva Convention IV, Article 27; Articles 75–76, Additional Protocol I). During evacuation from areas of hostilities, priority must always be given to pregnant women, women who have recently given birth, and mothers of infants (Article 70, Protocol I).

However, laws alone cannot solve this problem. **Prevention is essential**, particularly through the establishment of a universal educational system that instills a fundamental rejection of all forms of violence. This requires coordinated action by international institutions and national governments alike.

In contemporary society, alongside violence against women, **domestic violence** remains one of the most acute social problems. It encompasses a wide range of abusive behaviors among family members. Although the family has historically been viewed as a sphere of love, protection, and support, in reality it often becomes a site of violence, domination, and coercion. Domestic violence is closely tied to violations of fundamental human rights and requires systematic, multidisciplinary state intervention.

Domestic violence includes a broad spectrum of conduct from isolated incidents to systematic and recurring abusive behavior. The forms differ in purpose, method, and consequence, but in every case, the victim's constitutional rights are violated.

#### **The four primary characteristics of domestic violence:**

1. **Intentionality** – The abuser may claim positive motives, but the real objective is control and domination.
2. **Restriction of personal freedom** – The victim often loses autonomy, which affects their legal situation and self-esteem.
3. **Asymmetry of power** – The abuser holds material, psychological, or other forms of advantage.
4. **Resulting harm** – Whether physical, psychological, or economic. Psychological and emotional harm is particularly challenging to identify.

#### **Legal Regulation of Domestic Violence in Georgia**

In Georgia, the systematic development of the legal framework on domestic violence began in 2006 with the adoption of the Law on **"Prevention of Domestic Violence, Protection and Assistance to Victims of Domestic Violence."** This law legally defined domestic violence for the first time, established its forms, and introduced the relevant legal mechanisms.

#### **Forms of domestic violence:**



- **Physical violence** – bodily injury, battery, torture;
- **Psychological violence** – blackmail, threats, humiliation;
- **Economic violence** – appropriation or restriction of material resources;
- **Sexual violence** – coerced or forced sexual intercourse;
- **Coercion** – physical or psychological pressure to perform or refrain from certain actions.

In Georgian legislation, two primary legal instruments are established to ensure the prompt prevention of violence and the protection of victims: protective orders and restraining orders. A protective order is an act issued by a first-instance court, which determines temporary measures for the protection of a victim of violence in cases where criminal proceedings have not yet commenced. A restraining order, by contrast, is a document issued by an authorised police officer and must be approved by the court within 24 hours. Its purpose is the immediate separation of the perpetrator from the victim and the prevention of repeated acts of violence. In cases of domestic violence, criminal, administrative, and special preventive measures may be applied. Criminal mechanisms are activated when the incident contains elements of a criminal offence, such as severe bodily harm, rape, or unlawful deprivation of liberty. Administrative mechanisms are applied in cases involving less severe violations. The law also provides for preventive measures aimed at deterring violence, raising public awareness, and ensuring inter-agency coordination. Victim rehabilitation and support constitute one of the central components of combating violence. The State has established specialised shelters where victims can access temporary accommodation, psychological counselling, legal assistance, and medical services.

In Georgia, several shelters and crisis centres operated by state and non-governmental organisations are available for victims of violence against women. These facilities provide temporary accommodation, psychological, legal and medical assistance, as well as programmes for rehabilitation and social reintegration. Currently, five shelters and seven crisis centres operate nationwide, offering the following services to women victims of violence and their children: temporary accommodation (for up to three months, extendable if necessary); psychological counselling; legal assistance; facilitation of medical services; social rehabilitation and support.

In 2023, an additional shelter space was opened in Tbilisi, adapted for persons with disabilities and designed to accommodate 15 beneficiaries. This project was implemented with the support of UN Women and the United Nations Population Fund (UNFPA).

### Role of NGOs and International Organizations

Non-governmental organisations are also actively involved in assisting victims. The NGO sector plays an essential role through the operation of shelters, the provision of psychological and legal support, and engagement in preventive measures. If you or someone you know requires assistance, you may contact the State Care Agency or the above-mentioned organisations. It is also possible to apply to the Human Rights Protection Department of the Ministry of Internal Affairs, which coordinates efforts against violence.

Victim protection within shelters is carried out with enhanced security measures. Psychologists assist victims in overcoming emotional trauma, lawyers ensure the protection of their legal rights, and medical personnel provide treatment and monitoring of physical injuries.

NGOs contribute significantly not only to victim support but also to the broader process of violence prevention. They frequently conduct training, carry out research, and play a major role in inter-agency cooperation. International organisations, including UN Women, support policy development, technical assistance, and the implementation of strategic recommendations.

## Prevention Strategies and Policy Recommendations

Domestic violence is a serious social, legal, and ethical problem that requires firm and multifaceted responses. Legislative reforms and mechanisms established in Georgia create the legal framework for protecting victims and ensuring accountability for perpetrators; however, numerous practical challenges still remain. It is essential to overcome societal stigma, strengthen preventive policies, and increase resources so that every victim can receive timely and effective support.

The fight against domestic violence must be a shared responsibility of society, the State, and each individual citizen. In our view, the most essential measure capable of genuinely reducing the prevalence of domestic violence and violence against women is education systemic, comprehensive education beginning in schools. Children must learn from an early age what equality means, how to respect personal boundaries, and how to recognise signs of violence both as potential victims and potential perpetrators. Prevention requires a multidimensional approach: legal responses must be strengthened to ensure the prompt punishment of perpetrators and the effective protection of victims, and these mechanisms must be not only formal but also fully implemented in practice.

**Accessibility of Services** – Psychological and legal assistance must be available to all women, particularly in rural areas and regions. **Public awareness campaigns** are essential to break the silence, reduce stigma, and promote solidarity. Prevention cannot be a one-off effort; it requires a combination of cultural, legal, and educational transformations.

We would like to highlight several additional aspects that, in our view, constitute decisive steps toward reducing violence: **Engaging men in violence prevention** – Violence against women is not solely a “women’s issue.” It is essential that men actively participate in education and awareness-raising on this topic. **Perpetrator rehabilitation programs** – Punishment alone often fails to change behaviour. Special psychological and socio-educational programs should be available and mandatory for perpetrators. **Economic empowerment of women** – Victims of violence often lack the resources to escape abusive situations. Economic independence is one of the strongest tools for empowering women.

We assert that reducing violence requires profound structural changes ranging from education to economic empowerment, from legal systems to cultural norms. This is not a unilateral struggle; it is a responsibility shared by society as a whole.

## Conclusion

The analysis of this study demonstrates that domestic and gender-based violence is not merely an individual problem it constitutes a significant legal and social policy challenge for the State. Although Georgia’s current legal framework includes mechanisms for violence prevention, victim protection, and response, in practice these mechanisms often function inadequately. Contributing factors include weak institutional coordination, limited resources, and insufficient societal recognition of the problem.

Analysis of armed conflict contexts, such as the Abkhazia war and the ongoing situation in Ukraine, indicates that sexual violence is frequently systematic and targeted, often employed as a weapon of war. Despite international legal assessments of such crimes, in Georgia these acts largely remain unpunished, which violates victims’ rights and diminishes the State’s accountability.

For effective implementation of legislation, systemic prevention is essential, encompassing education, the strengthening of institutional capacities, and heightened societal awareness. A clear and consistent response to all forms of violence, and a systematic approach to addressing rights violations, is the State’s obligation under both domestic and international legal standards.

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