



Assessment on Sexual and Gender-Based Violence (SGBV) among UNHCR  
persons of concern – asylum-seekers, refugees, humanitarian status  
holders and stateless persons

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ACRONYMS AND TERMINOLOGY:

GBV	GENDER-BASED VIOLENCE
GIA	GENDER IMPACT ASSESSMENT
ISTANBUL CONVENTION	THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE.
PGA	PARTICIPATORY GENDER AUDIT
SGBV	SEXUAL AND GENDER-BASED VIOLENCE
UN CEDAW	UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF VIOLENCE AGAINST WOMEN
UN CRPD	UN CONVENTION ON RIGHTS OF PERSONS WITH DISABILITIES
UN CRC	UN CHILD RIGHTS CONVENTION
VICTIMS AND SURVIVORS	PERSONS SUBJECTED TO SEXUAL AND GENDER-BASED VIOLENCE

The report “*Assessment on Sexual and Gender-Based Violence (SGBV) among UNHCR persons of concern – asylum-seekers, refugees, humanitarian status holders and stateless persons*” has been conducted and prepared by an individual expert – **Ms. Anna Arganashvili** who was contracted by UNHCR Georgia office under the **US Safe from the Start** programme.

## 1. Introduction

Gender-based violence ("GBV") is one of the most widespread human rights violations. Women who have fled their country of origin and sought refuge in another place have repeatedly been victims of gender-based violence. Its silent nature increasingly impacts women who are scared to report and lack trust in Government. GBV can be both reasons to migrate and constantly occurring during flight and refuge<sup>1</sup>. It is vested power relations and structures disproportionately affecting women. It is further reinforced by discriminatory treatments practiced in society that remain invisible unless revealed. GBV may take multiple forms, including physical, psychological, sexual or economic violence. Men and boys can also be subjected to GBV for the "explicit purpose of reinforcing inequitable gender norms of masculinity and femininity<sup>2</sup>."

Georgia has made significant progress in preventing and handling GBV since adopting the first national law against domestic violence<sup>3</sup>. With the active support of international donors and UN Agencies, the Government has organized crisis centers, DV shelters, and other services. The legislation is based on the non-discrimination principle and applies to all women residing in Georgia, regardless of their legal status. However, specific gaps remain in full enforcement of DV legislation concerning refugee women:

National Statistics Office of Georgia reports around 38000 refugee women in Georgia by 2020<sup>4</sup>; however, the Ministry of Internal Affairs website does not present desegregated statistics of GBV against refugee women. Furthermore, GBV against refugee women is not sufficiently documented in the National Study on Violence Against Women in Georgia, 2017<sup>5</sup>. Based on the participation of only 4 refugee women in a single focus group, the National Violence Study reports that **"overall, women spoke positively about their experience in Georgia and indicated that intimate partner violence and non-partner violence were largely experienced in their home countries"**; seemingly they did not identify any

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<sup>1</sup> UNHCR, Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.

<sup>2</sup> IASC GBV Guidelines for Integrating GBV Interventions in Humanitarian Action, 2015, Part 1, available ([https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines\\_lo-res.pdf](https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf))

<sup>3</sup> EU, UN Women, GeoStat, National Study on Violence Against Women in Georgia, 2017. Available at: <https://georgia.un.org/sites/default/files/2020-05/national%20vaw%20study%20report%20eng.pdf>

<sup>4</sup> National Statistics Office of Georgia, Women and Men in Georgia, Statistical Publication, 2021. Available at: <https://www.geostat.ge/media/41855/WOMEN-AND-MEN-IN-GEORGIAN-2021.pdf>

<sup>5</sup> UN Women, National Study on Violence Against Women in Georgia, 2017. Available at: <https://georgia.unwomen.org/en/digital-library/publications/2018/03/national-study-on-violence-against-women-in-georgia-2017>

challenge in this regard in Georgia. Furthermore, the National Statistical Book on Gender Equality does not provide any statistics on refugee women<sup>6</sup>. Finally, the Annual Parliamentary report of the Public Defender of Georgia 2020, presented to the Parliament, does not provide any quantitative or qualitative data on GBV against women refugees in Georgia.<sup>7</sup>

With the support of UNHCR, the current study was conducted to address these flaws - as one of the first attempts to assess the situation of refugee women in terms of being protected from gender-based violence in Georgia. The study aims to analyze the availability of services to refugee women, identify barriers, and develop specific recommendations to reduce these gaps.

## 1.2. Methodology and participants

The present research was conducted with the initiative of UNHCR. The invited researcher has applied a qualitative social study methodology based on the Grounded Theory approach, initially developed by Glaser and Strauss<sup>8</sup>. This approach strives to generate theory from data inductively. It implies developing a comprehensive research outline followed by data collection and analysis simultaneously, with one informing the other. After conducting the semi-structured interviews, the data is grouped into concepts, categories and themes that are finally integrated into the research report.

The researcher involved focus groups and in-depth interviews with refugee women and duty bearers, state as non-state actors. The participants included 62 persons distributed among 3 groups and 34 in-depth interviews; certain individuals participated in focus groups and interviews.

3 focus groups were held with the refugee community in Tbilisi, Kutaisi and Batumi with 27 participants:

- 13 Community Group Facilitators
- 14 refugee women.

20 individual in-depth interviews were conducted with women from the refugee community:

- 6 Community Group Facilitators,
- 6 residents of Martkopi Residential Center,
- 7 refugee women living in the community.

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<sup>6</sup> EU, UN Women, GeoStat, National Study on Violence Against Women in Georgia, 2017. Available at: <https://georgia.un.org/sites/default/files/2020-05/national%20vaw%20study%20report%20eng.pdf>

<sup>7</sup> Public Defender of Georgia, Annual Report on the Situation of Human Rights and Freedoms in Georgia, Available at: <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

<sup>8</sup> Glaser, B., & Strauss, A. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Mill Valley, CA: Sociology Press.

- 1 child member of the refugee family.

9 individual in-depth interviews were held with the representatives of the governmental authorities:

- 2 representatives of the Migration Department of the Ministry of Internal Affairs,
- 2 representatives of the Agency of Internally Displaced Persons, Ecomigrants and Livelihood.
- 5 representatives of the State Care Agency (2 directors of the DV and crises shelters, one psychologist, one social worker, and one head of the monitoring department).

Two interviews with NGO service providers:

- “World Vision” representative.
- “World Vision” representative.

4 interviews with the legal professional:

- 2 lawyers from NGO “Rights Georgia.”
- 2 lawyers from Free Legal Aid Service.

In order to ensure a safe and trusting environment for study participants, each interview was held with complete anonymity. Therefore, the refugee community members were not asked about their full names and country of origin either.

## 2.2. Theoretical frameworks underpinning data analysis:

### 2.2.1. intersectionality

Migration is a complex issue that needs an in-depth analysis capturing different layers of structural inequality. To serve this purpose, intersectionality was selected as one of the analytical frameworks:

**"Intersectionality is a way of understanding and analyzing the complexity in the world, people, and human experiences. The events and conditions of social and political life and the self can seldom be understood as shaped by one factor. Many factors generally shape them in diverse and mutually influencing ways. When it comes to social inequality, people's lives and the organization of power in a given society are better understood as being shaped not by single axes of social division, be it race or gender or class, but by many axes that work together and influence each other<sup>9</sup> ".**

The lives and experiences of refugee women can hardly be grasped in a single concept. Therefore, the narratives should be analyzed considering historical and current inequalities from multiple

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<sup>9</sup> Collins, Patricia and Sirma Bilge. Intersectionality, Polity Press, 2016. Pro Quest Ebook Central.

perspectives. These women face unequal treatment at interpersonal, disciplinary, cultural and structural levels, and the importance of each should be thoroughly appreciated.

In the interpersonal domain, every woman has personal relations with others; some women are advantaged or disadvantaged in social interactions. In addition, women at the individual level experience social class, age, gender, ethnicity, and national influence. Using intersectionality as an analytical lens highlights the multiple nature of individual identities and how varying class, gender, race, sexuality, and citizenship categories position each individual differently.

Power is also present in the context that a woman is born and raised under different societal rules, creating different and complex realities named as the disciplinary domain of power. For example, some women are told they are not allowed to go to school or work. One cannot expect the same reaction to the restrictions from women raised in different disciplinary realities restricting or securing fundamental freedoms and rights. Different practices make women vulnerable to gender violence and exploitation by different actors.

The cultural domain of power entails different explanations for social inequality. In some cultures, women are assured that their work and self-realization endeavors are not appreciated. The constant assurance of inferiority from different cultural agents, including mass media, impacts their self-perception.

As for the structural domain of power, women face constant rejections from official structures and systems, ruling necessary fields like health care, social assistance, work and productivity.

Understanding the narratives and stories of refugee women requires us not only the acknowledgment of different facets of social inequality but also different dimensions of power relations. Understanding of these stories is often beyond either/or binary thinking modality. The application of relationality shifts the scope of analysis from distinguishing race and gender concepts to examining their interconnection. The "gender only" arguments are insufficient since refugee women experience bigger gender hostilities. Comparing the status and challenges of these women to the ones experienced by local women would be an oversimplification of the case that would fail to find relevant solutions to the problems.

### 2.2.2. Trauma-Informed practice

Another theoretical approach guiding this analysis is the Trauma-Informed Practice which provides the reader with the tool to:

- Understanding of trauma's effect on behavior;
- Impact of trauma on memory.
- Understanding GBV and SGBV victims

- Prevalence and the manifestation of trauma in the refugee community.

This approach ensures that research does not expose additional trauma to the research participants and provides them with enough space, time, and a sense of safety and security. The trauma-informed approach was also utilized to analyze research data from treating women susceptible to trauma with relevant precautions while developing the relevant recommendations.

### 3. Understanding Gender-Based Violence

Before starting data analysis, there is a need to agree on the concept of Gender-based violence and the factors that increase the risks of gender-based violence. For instance, when we hear stories of victims of violence, some words and phrases are already established in the history of violence against women and mean more than mere words. In addition, there are some agreements in the theory and practice of combating violence against women: that the denial of violence by the victim may indicate not the absence of violence but the dangers of retaliation against her. Hence, it is essential to agree on the set of principles and values we all adhere – when discussing Gender-based violence.

The most comprehensive document defining violence against women in Georgia is the Council of Europe Convention on preventing and combating violence against women and domestic violence ("Istanbul Convention"), ratified by the Georgian Parliament in 2017. Its ratification was accompanied by a complete revision of the legal framework and a full review of existing practices. The Istanbul Convention also significantly impacted the cultural and public perception of violence against women, as it called gender-based violence acts that had not previously been identified as violence and were not legally prohibited in the country. For example, the Convention criminalized "stalking" for the first time in history and imposed on the state not only a response to violence against women but also preventative measures.

According to Article 3 of the Istanbul Convention, violence against women means:

"Violence against women" is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life;

In this definition, we must pay attention to the fact that physical, psychological, economic, sexual, or any other form of violence against women is only the form that can always change. Moreover, the central aspect of this definition is that violence against women violates women's rights due to discrimination or inequality. Therefore, the subject of our research is the violation of women's rights in any form that occurs **because of** gender or disproportionately harms her **due to** being a woman.



As for the forms of violence, the Convention offers the most common forms, which is not an exhaustive list, but due to its frequent prevalence, we need to emphasize in particular:

Violence against women can take the following forms:

- A) Domestic violence.
- B) Psychological violence
- C) Physical violence
- D) Sexual violence.
- E) Forced marriage.
- F) Genital mutilation,
- G) Forced abortion and sterilization
- H) Sexual harassment

The state has the following obligations towards each or multiple forms of violence<sup>10</sup>11:

1. Prevention
  - 1.1. Awareness-raising campaigns.
  - 1.2. Education in non-violence and equality between women and men
  - 1.3. Encourage the media and the private sector.
  - 1.4. Challenging Gender-stereotypes.
  - 1.5. Promoting women's empowerment.
  - 1.6. Establishing programs for perpetrators.
  - 1.7. Encouraging engagement and contribution from men and boys in the prevention of violence.
  - 1.8. Ensuring training of the professionals.
2. Protection
  - 2.1. Providing information to victims on their rights
  - 2.2. Provide access to support services (specific to violence and general services such as legal advice/aid, psychological counseling, financial assistance, education, healthcare, social services and assistance in finding employment)
  - 2.3. Providing access to regional and international complaints mechanisms.
  - 2.4. Access to shelters.

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<sup>10</sup>Council of Europe, The Four Pillars of the Istanbul Convention, Convention on Preventing and Combatting Violence against Women and Domestic violence. <https://rm.coe.int/coe-istanbulconvention-brochure-en-r03-v01/1680a06d4f>

- 2.5. Access to rape crisis or sexual violence centers.
  - 2.6. Everyone is encouraged to report to relevant authorities.
  - 2.7. Access to emergency barring orders.
  - 2.8. Access to protection and restraining orders.
  - 2.9. Safe custody and visitation rights for children.
  - 2.10. Access to free telephone helplines.
  - 2.11. Rights and needs of child witnesses.
3. Prosecution.
- 3.1. Dissuasive Sanctions for perpetrators
  - 3.2. Effective public prosecutions
  - 3.3. Consideration of aggravating circumstances
  - 3.4. Legislation criminalizing violence against women
  - 3.5. Effective police investigation
  - 3.6. Protection of child victims
  - 3.7. Co-ordinated risk assessments
  - 3.8. No victim-blaming
  - 3.9. Victims' rights to privacy
  - 3.10. Victims' right to information and support
  - 3.11. Victims' protection during the investigation and judicial proceedings.
4. Co-Ordinated Policies
- 4.1. Inter-Agency cooperation
  - 4.2. Support and work with civil society and NGOs
  - 4.3. Co-ordinate action and monitor implementation
  - 4.4. Human rights-based policies
  - 4.5. Whole society response
  - 4.6. Funding for policies and services
  - 4.7. Comprehensive legislation and sensitive policies.
  - 4.8. Research and data collection

The current study will focus on the prevention, protection, and prosecution of GBV against refugee women and will deliberately omit the analysis of state coordination policies. This area exceeds the original scope of this research and requires an in-depth desk review and data gathering from many stakeholders.

#### 4. Substantive Equality v. Formal Equality of all women, including refugee women

Article 4 of the Istanbul Convention reiterates that all persons should be equally protected, particularly women, to live free from violence in public and private areas - irrespective of their race, nationality, or other grounds. This provision also accentuates that all women, including women asylum seekers and refugees, should equally benefit from the Convention.

In line with the understanding of equality of the Istanbul Convention, the Parliament of Georgia introduced the following amendment to the Constitution of Georgia:

The state shall provide equal rights and opportunities for men and women. In addition, the state shall take special measures to ensure the **substantive equality** of men and women and eliminate inequality.

Traditionally, gender equality has been understood in formal terms requiring that likes are treated alike, but it has not captured the full richness of the philosophy of the concept. Consequently, the term Substantive Equality was introduced, which is a four-dimensional understanding and it entails<sup>12</sup>:

- a) redressing disadvantages associated with gender.
- b) ensuring the protection of dignity, aiming to address stigma, prejudice, humiliation and violence.
- c) ensuring transformative justice, addressing social and structural change.
- d) ensuring the equal participation of those whose voices are not heard.

In order to ensure substantive equality for refugee women, Istanbul Convention proposes special measures for the protection of these women and incorporates 3 discrete provisions: Article 59 – Residence status, Article 60 – Gender-Based Asylum Claims and Article 61 – Non-refoulement.

These provisions deal with the right of refugee women to seek international protection due to gender-related persecutions within the meaning of Article 1 A(2) of the 1951 Convention relating to the status of refugees. The forms of GBV identified by the Istanbul Convention, such as female genital violence, dowry-related violence, serious domestic violence, or trafficking, are acts of persecution, whether perpetrated by state or non-state actors<sup>13</sup>. Parties to the Istanbul Convention are requested to **acknowledge in law and practice that GBV against women may be recognized as a form of serious harm giving rise to complementary/subsidiary protection**<sup>14</sup>. Regarding persecution

<sup>12</sup> <http://www.austlii.edu.au/au/journals/UTSLRS/2014/8.pdf>

<sup>13</sup> <https://www.istat.it/it/files/2017/11/ExplanatoryreporttoIstanbulConvention.pdf>

<sup>14</sup> IBIS.

on the grounds of race, nationality, or religion - women may also be susceptible to certain gender-related crimes that should be considered very carefully by the parties:

- Sexual violence and control of reproduction in the cases of racial and ethnic "cleansing."
- Honor crimes.
- Persecuted for non-conforming to religious norms and customs.
- Women fleeing from female genital mutilation.
- For not conforming to society's roles.

Istanbul Convention imposes several obligations regarding gender-based asylum claims:

- A. Developing gender-sensitive reception procedures that consider women's and men's differences in experiences and specific protection needs to ensure their right to safety when considering treatment standards for the reception of asylum seekers. (among other things, the code of conduct also applies to private service providers, providing information to women and girls on gender-based violence and available assistance services.)
- B. Developing support services for asylum seekers to assist in a gender-sensitive manner that caters to their particular needs.
- C. Developing and implementing gender guidelines for relevant actors to understand how they can include gender-sensitive elements in their policies and practice that also enhance awareness and responsiveness to cultural and religious sensitiveness or personal factors and **recognition of trauma**. Parties are also obliged to take **specific measures** to implement such guidelines.
- D. Developing gender-sensitive asylum procedures, which include procedures governing refugee status determination and application for international protection, **conducting gender-sensitive interviews led by an interviewer and assisted by an interpreter when necessary, elaborating gender guidelines on the adjudication of asylum claims, and training.**

The Non-refoulement principle enshrined in Article 33 of the 1951 Convention that has accustomed the status of customary law is further reiterated in the Istanbul Convention concerning victims of gender-based violence who may fear persecution if returned.

As for the Residence status – the Convention considers that an autonomous residence permit should be granted in the event of gender-based violence so that the **victims of violence are not avoiding reporting a crime due to the fear of losing their residence permits.**

Through the coming chapters, the qualitative data will be analyzed considering all the stipulations mentioned above from a two-fold perspective:

- Analyzing refugee women's access to all existing services against gender-based violence and crimes.
- Analyzing the specific regulations from a gender-sensitive approach.

## Prevention

### Human Rights Approach in awareness-raising activities

As the research data reveals, the lack of information on gender-based violence is one of the most significant problems in the refugee community. During the focus-group discussions and individual interviews, almost all of the respondents acknowledged that they had been provided some information on gender-based violence by the State Care Agency and NGOs; however, this information appears to be general, focused on existing services rather than on the human rights. Participants of the focus groups, particularly CGFs, lacked information that would empower them to apply to the human rights mechanisms and enable them to seek justice against perpetrators but also against Government's omissions. Information about them as rights holders was markedly appreciated, and further inquiries were made about relevant duty bearers.

#### **Recommendations:**

- It is essential to inform refugee women about violence against women with the human rights approach.
- When providing information, it is vital to pay special attention to the law not as a means of restraining but as an instrument of women's empowerment.
- It is important to emphasize specific legal concepts such as discrimination in delivering information; thus, refugee women can claim equality before the law.
- When providing information, it is essential to emphasize the state's obligations, mechanisms of appeal, deadlines, collection of evidence, etc.

### Information for Empowering and regaining agency through action

The respondents clarified that they were seeking the information that would increase their power to choose between different paths to act, regain control over the present and future that sometimes felt obscure, and strengthen their ability to set their own goals, bring positive change in their lives. However, on the other hand, information that deprives them of their agency and depicts women as victims might bring more insecurities than expected.

During the interviews, it was mentioned that the refugee community would particularly benefit from receiving information that would answer the question "how" rather than "what." Most participants found useful, practical information on how to realize their rights.

**"We might be told what our right is and who is responsible for helping us, but we are unaware of how it will be implemented. So for the community members, it is crucial to know in advance what to expect"** – man participant.

Women are terrified of the unknown procedures; their sense of insecurity regarding asylum-seeking procedures is already intense and cannot bear more loading:

**"We do not know what will happen if we report,"** – a woman participant.

**"We need to see a clear path of support to dare to report"** – women respondent.

**"We do not know our rights when the police come,"** – man respondent.

**"We cannot recognize if they do their legal job or if they are violating"** - man respondent.

Women refugees would sometimes feel judged and questioned because of their choices, primarily due to widespread stereotypes and existing biases concerning a woman's "typical" conduct.

#### Recommendations:

- It is essential that refugee women understand clearly what choices they have and the possible risks of making each choice when providing information about violence against women.
- The information must be provided with empathy and less judgment; when receiving the information on GBV, it should not victimize a woman so that she feels more dependent on others.
- Refugee women need to know and are entitled to know what will happen if they report every step to take and expected assistance from official structures.

#### Learning from survivors

Women research participants regularly expressed their wish to meet with actual GBV survivors who have gone through the protection system and have benefited from it. They desired to listen to the victims who have experienced living in DV shelters and have received relevant services from the Government. The respondents would feel safer asking questions they are interested in the actual survivor rather than to the service providers that are pretty expected to be biased.

**"We need to meet the actual victims who have survived and understand how they are feeling,"** – woman participant.

Respondents also suggested using multiple awareness-raising modalities and not limiting information to the social-media ads. Video clips in different languages were strongly suggested.

Recommendation:

- It is important to hold meetings where refugee women are informed by refugee women victims of violence who have already undergone protection mechanisms against violence.
- It is important that information on refugee violence protection mechanisms is disseminated in an accessible format on various platforms and is not limited to social media.

### Tackling gender stereotypes

Many respondents have mentioned that the cultural stereotypes and religious norms hinder refugee women from reporting violence and applying for help. Women from Muslim countries experience significant societal pressure imposing social norms and limiting their self-expression. Research participants indicated that the pressure continues upon refugee women once they migrate together with their families. They identified that the gender roles and customs prevent refugee women from acting and recognizing the acts of violence against them.

Many respondents see the need to change gender stereotypes but fear that the change process has been over-simplified by locals. They reflect that changing gender stereotypes is not a linear process. Changing cultural prejudices is a complex issue and takes time. Therefore, it should be guided with caution not to cause backlash:

**"Refugee community is from different continents and countries. Refugees and host communities are unaware of each other's culture and want to integrate immediately. That causes huge problems."** – man participant.

Some participants ponder that changing the well-set prejudices and stereotypes cannot happen as a result of mechanical activities like meetings. Prejudices and stereotypes need to be discussed among the host and refugee communities. First, learning about culture, including stereotypes, should occur. Applying firm pressure to change social norms and behavior can be counterproductive and cause further isolation of refugee women and girls. The process of changing stereotypes should be dealt with by those who treat refugee communities respectfully. The participants often regretfully mention that they are not heard:

**"Neither of the communities would accept each other because they did not know about each other initially"** – man participant.

The respondents reflect that cultural integration is a two-way street. Refugees and the host community should both respect and accept each other's presence. However, there is an unrealistic expectation that it should be only refugees who completely assimilate and transform their attitudes, norms, and lifestyles. This expectation is mostly unilateral against the scientific and empirical evidence on diversity and cultural integration.

Recommendation:

- It is essential to research gender stereotypes in the refugee community and, based on the research results, guided by scientific evidence, to plan discussions where respect for cultural diversity will be the key.
- It is essential to have regular activities where refugee women are listened to and heard when they share about their culture.

### Tackling stereotypes against refugees

The research data reveals that there are equally influential stereotypes against refugees from the local communities. These stereotypes often are revealed through discriminatory action and anti-foreigner sentiments that significantly weaken their social cohesion and result in their isolation.

**"We want Georgians to learn that we live together and are not their enemies; I want to live happily here and have a bright future for my children,"** a woman participant said.

Many of them feel stigmatized in public facilities and by the representatives of state authorities, which is particularly disturbing for them:

**"If I stand in the line, the operator kindly interacts with the local guy, but the behavior changes as soon as my turn comes. First, she starts to stare at me and apply rudely or close the window and deny me a service, as if she is busy with some other thing, but I see she is just scrolling the phone."** Man participant.

**"When you know this is the only place where your documents can be issued, and you face this kind of treatment, it is very frustrating,"** – Man participant.

**"They [operators] should not stare at women who wear hijab at the public service hall."** – Man participant.

Participants mention that prejudices and stereotypes from locals prevent them from doing their job and running their businesses:

**"Neighbors would throw their rubbish on our guests in the restaurant and would not allow us to turn on our national music."** – woman participant.



**"I was refused internship at many hospitals because of my scarf" – woman.**

Such a hostile attitude presents a significant hurdle for refugee women to become engaged citizens of the local community. For the same reason, many avoid interaction with neighbors, limiting linguistic integration. As a result, their social network mainly remains other women from their country of origin, and they do not feel safe building new relationships and benefit from the values of equality, autonomy and independence.

Recommendation:

- It is essential to conduct a study that examines the stereotypical attitudes of the local population towards refugees, especially women, and to conduct an information campaign to reduce stereotypes based on the results of this study.
- It is important for public officials and civil servants to participate in the training to learn about the mechanisms for detecting and combating discrimination in terms of equal treatment of refugees.

### Implicit bias among professionals

The study also showed signs of bias among professionals who work with refugee women and provide them with various services (medical, social, legal, psychological, etc.) against GBV.

The first important signal of bias was that some professionals did not talk about the existence of bias and did not recognize stereotypes in their approach and work. A simple mention of potential bias could cause concern against the well-established fact that all people carry pre-dispositions towards certain events. Lack of self-reflection about the bias one may have is yet another important sign. As it is well acknowledged, the bias impact increases in the case of rejection of bias.

The risk of bias is further increased as some professionals who provide various services do not recognize the need to have any knowledge about the country, culture, or society of the refugee women they serve. Instead, they show a firm belief that knowledge of the culture of the refugee women will not lead to any change in their work. This approach threatens to reinforce culturally insensitive practices:

**"My duty is to deal with their issues; I do not need to have in-depth knowledge about their culture"** – woman participant, service provider.

**"In our culture, it is a norm, and it probably works the same in their culture"** - woman participant, service provider.

**"I do not need any additional time and resources to prepare for the work with a person from a different country; I explore their culture during the working process."** - woman participant, service provider.

**"We have long experience working with foreigners and can handle any cultural issue"** – man participant, service provider.

At the same time, it should be noted that if service providers are not successful in their work, they swiftly assign failure to the cultural differences of refugees. However, they no longer mention how the same service provider could have prevented it. Cultural difference is a scapegoat if the system fails to protect refugee women from gender-based violence – without understanding what exactly one could have done against it.

There is a group of professionals who recognize that a lot has changed in their practice when they learn about the cultural differences of refugees through their own experience, that is, trial and error:

**"It is important to take into account cultural differences. "When I started working with them, I did not know that Iranian women could not shake hands with Iranian men."** - Participant woman, service provider.

**"I did not know that they needed a special time for prayer; when we heard this, we would set aside a separate space for them to pray, and we would adapt our work program to their spiritual needs."**- Participant woman, service provider.

**"We did not know that fasting has a different meaning for them, and there are times during the fasting period when they prefer to rest, and the work program should take this into account."**- Participant woman, a service provider.

It was also found that professionals providing services to refugee women are less encouraged to have self-reflective practice on the employer's part. They seldom talk about shortcomings in their work. Therefore, they are unwilling to question the quality of work and do not appear to be very open to feedback from refugee women.

Interviews with refugees have also revealed that they do not feel safe giving feedback to service providers and are overwhelmingly expected to be grateful for every assistance that is entitled rather than an act of kindness. Refugee women are too quick to be silenced when expressing critical opinions and avoid arguments for fear of being denied service.

Recommendation:

- It is important to identify cultural stereotypes and biases among professionals regarding refugee women and to study the impact of these stereotypes on GBV service provision outcomes and procedures.

- Service professionals must have enough time and resources to develop and provide culturally sensitive services to refugee women, prepare to meet them, and create a culturally friendly environment.
- Having guidelines explaining respect for cultural differences and diversity in service delivery is desirable.
- It is essential to foster a well-established practice of feedback provision in service delivery and to introduce self-reflection practices actively;
- Introducing a grievance mechanism procedure where refugee women can safely and anonymously express their views about the service is essential.

## Protection

### Support Services

Almost all participants in the study noted that one of the main reasons for the non-reporting of GBV violence by refugee women is the lack of support services tailored to their needs. After reporting, a woman who may be left homeless and without income does not make a call. Refugee women are mainly dependent on their male family members formally and informally. Formally - their asylum application is frequently linked to a male family member's application, and they fear losing their legal status once they report violence. Informally: due to cultural norms, these men are often the only breadwinners, while women stay at home and fulfill the responsibilities imposed by culture.

Refugee victims of violence need virtually every service created for victims of gender-based violence, including housing, employment, and psychological and legal assistance. However, in practice, these services are neither fully enforced nor sufficient. For example, the language barrier often hinders access to legal, medical, psychological and social services; lack of transportation (as the centers where they reside is often remote) deprives them of access to the same services; lack of access to kindergartens, barriers to children's enrollment in schools and many other factors keep the law on the protection of gender-based violence unenforced regarding refugee victims of GBV.

Research has shown that this discrepancy between the law and practice is precisely due to the difference between formal and substantive equality. Refugee women cannot receive their formally prescribed services because of the approach "one size fits all" that not address refugee women's specific needs.

It should be noted that service providers view the sameness of services for local and refugee women as an advantage.

“They receive the very same services as local GBV victims do”- declared several service providers without considering it as a major shortcoming of the system.

Traditionally, a mechanical (formal) understanding of equality is prevalent, which naturally harms refugee women and requires a reconsideration of the approach:

**Recommendations:**

- An in-depth study would serve to analyze the extent to which existing services for victims of GBV meet the needs of refugee women. To do this, it is necessary to identify the needs of refugee women and then assess the availability of each component of the service not by a record of the law or the services rendered but by the actual needs met.
- Existing services need to provide some flexibility for refugee women as a positive measure to eliminate discrimination.
- It would be suggested to introduce services adhering based on the principle of intersectionality for refugee women to avoid indirect discrimination caused by their unequal status and the co-existence of multiple grounds (legal status, gender, social inequality, parenting children, having disability etc.) for discrimination.

### Housing issues and living conditions

As soon as the asylum procedure starts, women with specific needs<sup>15</sup> are offered to live in Martkopi Reception Center by the Migration Department of the Ministry of Internal Affairs. As state agencies point out, Martkopi Center is, to some extent, a limited resource, and it is not accessible to everyone. It virtually avoids paying rent for these women; however, women with living experience in Martkopi Center point out that it is one of the most non-inclusive environments for children, women and other vulnerable groups.

They share the following facts:

- A) Martkopi Reception Center is actually outside the city. There are no jobs in the vicinity of the Center, so women have to commute to the place of work, a distance of about 20 kilometers, which is inconvenient for them due to the scarcity of public transport.
- B) Food and clothing are not provided in the Center. Instead, women and children are provided with one-time food packages during the settlement. Afterwards, the Center's administration requires women to provide food, clothes, school books and other necessities, but women are not

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<sup>15</sup> The Law of Georgia on International Protection assigns the status of Person with Specific needs to minor, unaccompanied minor, disabled person, elderly, pregnant woman, single parent with minor children, victims of trafficking, a person with serious physical or mental illness, victims of post traumatic disorder or consequences of torture, rape or other serious forms of psychological, physical or sexual violence, also other persons who need special procedural guarantees to enjoy the rights and take responsibilities prescribed by this Law;

allowed to leave their children in the Center while at work. Therefore, even if children attend school, women living in the Center pick them up from school and be on time for work. Women appreciate UNHCR support to meet the children's basic needs, but they say it is not enough.

C) The Center is not adapted to the needs of children and women:

- The quality internet connection is not accessible (the one provided not speedy enough for for online schooling of children).
- Families with children are not provided with enough space (e. g. a mother of six lives in one room turned into three spaces with not enough beds).
- The Center does not provide food and clothing, including children or pregnant women.
- Children do not have their private space, individual study chair and table, or individual bed.
- Children's playrooms were canceled during the research period.
- The Center is not so close to the school that children can walk independently. In one of the recent incidents, the child's safety was endangered on the way to school; Since then, the mothers are dropping/picking up children to school personally. The Center is also far from Kindergarten.
- The Center has a shared kitchen and bathroom, where residents should observe hygiene, and this often becomes a cause of conflict.
- The center administration does not provide washing liquid and detergents for residents and, at the same time, requires them to maintain hygiene in the common area, often rudely.

These circumstances turn the Center unfriendly towards refugee women and children. Research participants note in this regard:

**"I got waring for leaving kids alone [at Martkopi Reception Center] when I am gone for work. After two warnings, you will be chased out from the residence, they say"** – Woman participant.

**"Right now, as I speak, my children have not eaten breakfast. I do not have money to feed them."** – Woman participant.

**"Here, they do not provide food or anything; you have to provide for your children by yourself. Then, when I find the job, they stop me from working by saying: while you are working, no one is staying with your children, so you have to find a private babysitter and pay for her"** – Woman participant.

**"I do not have enough food as a pregnant woman should have"** -- Woman participant.

**"For 4 years old, kid, the kindergarten is very far [from the Center], and we do not have a means of transport. Marshrutka often does not stop at the bus station to commute to kindergarten. So if they see you at the bus station, they just pass you"** – Woman participant.

As one of the state service providers points out, the lack of food is so intense at the Center that the State Care Agency offered to help families in crisis, and there was a case when they had to be transferred to a mother and child shelter just because of a food problem.

**"It would be beneficial if the Migration Department offered them more services, such as registering how many refugee children are present in the Center and studying their needs. Also, when children and women have nutritional problems, the Center should have a regular nutrition program,"** said the woman participant, a service provider.

However, the Migration Department of the Ministry of Internal Affairs has a different approach to this issue and believes that this issue is more of a social protection concern that stretches beyond the capacity of their unit (that is, law enforcement) Therefore, other Agencies should take responsibility on this subject:

**"At this stage, we have specific food packages handed over to them. It is not envisaged to provide additional food or social assistance program at this stage. Women with these needs can apply to UNHCR as well. Social assistance is not a matter under the Ministry of Internal Affairs, but under different health care agencies."** man participant, MIA.

To summarize, the existing living conditions in Martkopi Reception Center requires attention to meet the urgent needs of child nutrition and basic development needs

**Recommendation:**

- Children and women living in the Martkopi Reception Center must be secured with food, clothing, internet, and all the conditions necessary for child development, as the current situation is a violation of both the international and Domestic Child Rights Law.
- It is significant for the children living in the Martkopi Reception Center to have space for play and study.
- It is important that women living in Martkopi Reception Center are supported in their employment and strive to secure living for their children. Women should be allowed to leave their children at the Center while at work; children's educational and safety needs should be thoroughly observed during this period - this can be ensured by setting up a childcare service at Martkopi Reception Center or organizing community service for that purpose.
- It is important to regulate the supply of hygiene items at the Martkopi Reception Center, as children and women living there might face health hazards due to poverty, which a violation of hygiene norms will cause.

- It is essential that pregnant, breastfeeding and women with toddlers are provided with the necessary support at the Martkopi Reception Center, as the current situation is disproportionately severe and carries gender discrimination against them.

## Employment

Employment is another critical reason, the absence of which is a deterrent to reporting violence against women. It is noteworthy that currently, with the support of UNHCR and “World Vision”, refugee women can find some job offers and strengthen their professional skills. However, the women themselves point out that their employment is highly problematic for the following reasons:

- When they arrive in a foreign country, their previous education and working experience seem to become obsolete, and they have to start from scratch; regardless of their qualifications, they only find a job in Georgia where they have to do hard physical work.
- Their salaries and contractual payments, according to them, are lower than that of local persons performing the same work.
- They do not have information about labor rights and are often discriminated against by the employer in pre-contractual as well as contractual relationships,
- They do not have information on the grievance and human rights mechanisms; they are unaware of how to access courts.
- Many employers refuse to hire because of race and gender discrimination,
- In a short time after starting at work, their employers worsen working conditions and threaten to fire them in the alternative.
- Employers do not allow sick leaves or flexibilities due to childcare roles and religious holidays.

Because of all this, refugee women believe that existing employment opportunities do not match their particular vulnerabilities and need to be improved:

**"She [refugee woman] worked at the famous hotel to clean the rooms, She worked three months, but after that, the administration changed her position to the toilet cleaner, saying: there are enough Georgian workers to clean the room, but they do not accept the job of a toilet cleaner. So her salary was reduced too"** – woman participant.

**"Some refugee women even work on construction sites but are paid less than men"** - woman participant.

**"They [Georgian employers] do not respect and acknowledge our education as if we do not have any capacity for qualified employment"** - woman participant.

"When my child gets sick, and I ask for a day off, the employer threatens: if you do not come today, you do not make a salary" - woman participant.

"I changed around 20 jobs in 2 years. In the beginning, I worked for 200 Lari per month" - woman participant.

As the study participants share, they often do not have a choice: if they get a job offer under unequal conditions, they can not refuse it since they are no alternatives and no remedies for the breach of their labor rights. They often go to work despite their poor health because the legal protection mechanisms in the law are not accessible.

### **Recommendations:**

- Refugee women need to have up-to-date and comprehensive information on labor rights and protection mechanisms against discrimination, including information on protection from sexual harassment.
- Refugee women need to have quality legal assistance to protect their labor rights.
- It is important to consider their education and work experience in the country of origin when developing employment programs.
- Refugee women need to have access to legal remedies to protect all labor rights under the Labor Code
- Trade unions should strengthen their initiatives to protect the labor rights of refugee women in the workplace.

### Crises Centers and Domestic Violence Centers

The refugee women participating in the study had relatively much information on domestic violence shelters among the mechanisms for protection from GBV. They noted that these shelters are seen as almost the only means of protecting themselves from the abuser. Some of them had used the DV shelter mentioned above and mainly were content with the service.

As for the service providers themselves, the directors of the shelters, psychologists and social workers identified the following shortcomings in providing services to refugee victims of GBV:

- ✓ **Language barrier:** Most victims of violence have a language barrier; they do not comprehend or speak Georgian, neither English or Russian, which is a significant barrier when receiving DV services. For example, in the case of psychological assistance, the presence of a third party, a translator, prevents women from sharing their issues. Psychologists have to call an interpreter from another region and conduct the work. Because of the language barrier, women cannot communicate effectively with other women and use sign language or Google Translate. Therefore, it would be helpful to have a small electronic course or conversational dictionaries in the shelter on pre-planned topics (childcare, food, house, etc.).



- ✓ Due to the language barrier and the transportation problem, refugee women are almost unable to use DV Crisis Centers, which they are entitled to apply before domestic violence is not yet aggravated, or the victim does not need shelter. The Crisis Center is one of the most effective prevention tools where psychologists, social workers and lawyers try to empower women victims of violence that does not lead to more severe consequences. Unfortunately, due to the unavailability of Crises Center service, preventive interventions with refugee DV victims are usually delayed.
- ✓ Refugee women indicate that in some cases, DV shelter staff is unaware of their cultural characteristics, such as the nature of the food, which is a custom by their culture or religion. Therefore, it is advisable for the shelter to collect this information in advance and provide women from different cultures with more sensitive environment in line with their backgrounds.
- ✓ Refugee women are in need of supported employment services under DV shelters more than local victims because many jobs are unavailable due to language barriers or other circumstances. In addition, such services (and available jobs) are mostly found in larger cities. However, the shelters of violence in the big cities are overcrowded and refugee women have to be enrolled in DV shelters in remote regions, making it difficult for them to obtain an independent source of income that would allow not to return to the abuser.
- ✓ According to the gender equality policy developed in the country, DV shelters are only one link in the chain of services. As the service provider participant points out, the DV shelter does not meet all the needs of women, so they have to turn to local governments (municipalities) for extra help. The local governments provide for these women different kinds of assistance, among them: regular rent payments, emergency financial assistance, medicines, and even baby diapers. However, these services are inaccessible to refugee women because the local Government does not consider them as their registered residents. This indicates that assistance from DV shelters to refugee women should be tailored to their needs and should not remain as “one size fits all” model.

**"The international approach for DV victims that we have introduced is the joint collaboration to assist among many services. So, for instance, when a woman leaves our shelter, we contact the local Government and ask for support, because this approach is not applicable to refugee women, it means that they need different type of approach "- woman service provider.**

#### **Recommendations:**

- It is desirable for DV shelters to develop a practical, short and remote Georgian language course that will make it easier for refugee victims of violence to use the Center's services and communicate with other women and professionals.
- It is vital to make domestic violence crisis centers accessible to refugee women and allocate the resources to overcome the transportation issues and language barrier so that refugee women can use the prevention service well before it becomes worse.
- It is essential to review domestic violence shelter service and to fully adapt it to the needs of refugee women, presumably inviting donor support, due to limited local government resources.

## Prosecution

### Fear of reporting

According to the Istanbul Convention, a victim of violence must have appropriate conditions to report violence: she must be protected from retaliation, the disclosure of information, or secondary victimization during the investigation and legal proceedings. In addition, the reporting should not compromise the overall well-being and safety of the victim.

Most refugee women and service providers indicate that refugee women do not report the violence because they fear that it will adversely affect their immigration case. In particular, while their case is still pending, they have the following concerns:

**“If the Ministry of Internal Affairs finds out and are informed about the violence, asylum case will be resolved negatively.”** – woman participant.

**“We can not report violence in Georgia because we should not have problems in the country where we seek asylum.”** - woman participant.

**“They [women] believe, if one seeks an asylum, the problem should come from their country of origin.”** woman participant.

**“After the report of violence, if the perpetrator is not arrested, they [women] will not be able to stay in Georgia for fear of the perpetrator and will not be able to return to the country of origin for fear of the perpetrator's relatives.”** woman participant.

As interviews with the Department of Migration of the Ministry of Interior revealed, none of the fears of refugee women is grounded in law. Consequently, their fears and misconceptions are caused mainly by the lack of communication and information, which is important to be addressed with the right communication campaign.

### **Recommendation:**

- It is essential to plan a communication campaign for victims of domestic violence involving refugee women and to address widespread misconceptions.
- It is essential that Ministry of Internal Affairs prepares accessible material to inform and address this lack of communication with the refugee community, conducts face-to-face meetings with the community and listens to their needs.

## Police Investigation

As refugee women and men indicate, they have both positive and negative experiences with the police. The challenges arise when they deal with the complex cases where gender, race and other grounds of discrimination are present, and law enforcement needs an intersectional approach to handle it:

One female participant in the study indicates that she had become a victim of racial discrimination and gender-based violence:

**„One man approached me, saying that he would give me money in exchange for my child... When I called the police, he tried to pin it against me by saying I am a bad mother and do not care for my children. ... at another time, the same person calls me a prostitute, black and insults me. Whenever I face discrimination, I report to the police and apply to the public defender and no follow-up. I applied 3-4 times to the police [without any result]” – Women participant.**

Some participants in the study indicate that they have been the victim of sexual harassment by a law enforcement official. Sexual harassment manifested itself in receiving unwanted text messages and incidents of verbal interactions. The study participant believes that there should be stricter regulations for police officers to communicate with refugee women:

**„My friend called police for some situation; then the police officer starts to flirt“ – Women participant.**

**"Maybe Georgia Should make some rules regulating the contact between officers and refugee women. I see there are no rules at the moment." - Women participant**

**"Currently, police officers are having communications with refugee women, texting things that are not OK"- Women participant**

The study participants point out that they do not feel safe enough to report this activity to law enforcement. Nevertheless, sometimes they cannot avoid it, which puts them under stress.:

**"We have many claims that people, especially ladies, go to the police to report something, and it runs against them; they might not have a qualified translator and face many additional problems "– Man participant.**

It's noteworthy to mention that some representatives of different services were unwilling to believe to refugee women stories, with no apparent reason:

**“They imagine things and call it a discrimination”** - service provider.

**“This cannot be happening, not that we have heard of”** - service provider.

Such approach is worrying since it poses the threat to disempower women. This type of judgement is the major barrier for women to feel self-confident and have trust in system. There is a need to reconsider approaches that have long been identified as the prolonging marginalization and victimhood. Trust in women stories who dare to report GBV is the major pre-requisite to quality service provision. There is a good practice of organizing trainings and developing the guidelines on that subject among service providers.

## Recommendations

- All law enforcement agencies and units must adopt internal regulations on protection against sexual harassment, which will be accessible to all interested parties, including refugee women.
- Refugee women need to have effective legal assistance to file a complaint in case of sexual harassment.
- Law enforcement professionals must raise awareness about the intersectional approach and investigate discriminatory crimes on multiple grounds.
- It's recommended that service providers undergo training on women-centered approach in service provision and develop relevant guidelines.

## Issues with the Translators

One of the most significant barriers to communication with law enforcement is the problem of unqualified translators. As refugees point out, law enforcement officers delay calling a translator, and they have to spend much time at the police station while being unaware of their rights and ongoing proceedings. Unfortunately, this kind of approach demotivates refugee women to turn to the police in the future. When an interpreter arrives, refugees face even worse problems:

**“Translators are usually so poor at mastering the selected language, such as Farsi, that refugees ask for an English language specialist instead of a Farsi specialist.”** -Participant man.

The wide discrepancy in the translation content from the original text/speech is observed only by those refugees who also speak Georgian. As one study participant puts it:

**"Even in front of me, they change the content of my words"** – Participant man.

Translators usually hold many stereotypes on such sensitive topics as gender, sex, nationality, and religion, which are expressed both in the misinterpretation of what is said and in body language:

**"They are not translating; they are interpreting it to their words."** – Participant man.

Refugee study participants report often being put in an extremely awkward situation by the translators in a culturally unacceptable way.

**"Translators, in some cases, use their power and ridicule and cynically address refugees: "Once translator was mocking me, instead of translating"** – Participant man.

In the current situation, checking the quality of the work of translators is not provided by law, although the relevant provision of the Istanbul Convention requires that translators meet the minimum standard.

#### **Recommendations:**

- It is essential to conduct research on stereotypical attitudes among translators and their hiring companies and conduct an awareness-raising campaign based on the research results.
- Refugee women need to have access to appeal mechanisms when they suffer damages in the event of poor translation.
- It is essential to develop translators' quality control mechanisms, especially when providing services to victims of gender-based violence.

#### **Legal Aid**

One of the problematic issues in protecting refugee women from GBV and SGBV is access to legal aid. Under Georgian law, refugees are entitled to free legal aid in the asylum proceedings; However, refugee women do not receive free legal aid from the state in the criminal proceedings on gender-based violence. The Law of Georgia on Legal Aid protects women victims of gender-based violence only in administrative disputes, on restraining and protective orders. As far as criminal cases are concerned, victims of violence cannot request a lawyer from the state. According to the official information, in 2019-2021, none of the women in the cases of domestic violence and domestic crime cases benefited from free legal aid, including refugee women.

As for seeking assistance from non-governmental organizations: It is scarce; on average, the NGO handled 6 GBV cases of refugee women over two years in Court. The lawyers note:

**"We do not usually address the issue of gender-based and domestic violence. Of course, if they do not come to us to talk about gender-based violence, we will not be the initiators, but when a similar case**

arises, it will be properly served; we can not intervene independently." -Woman participant, NGO lawyer.

"There were many cases where we were consulted [about gender-based violence], but none of them continued the dispute because they did not have the confidence of the system that the police would investigate properly and continue to live independently." -Woman participant, NGO lawyer.

"There was a case of gender-based violence against a minor, she told the police, but she finally refused to make his statement because she was afraid of the abuser and had nowhere to go." - Woman participant, NGO lawyer.

As the study reveals, refugee women do not apply for legal aid on the cases of discrimination based on gender or nationality (e.g., discrimination in school or pre-contractual relations). Moreover, violations of their social, economic, and cultural rights (e.g., lack of food or housing) are neither addressed to lawyers nor perceived to be legally handled:

**"We do not litigate for baby food, because we are a legal aid service, legal partners. So we refer this issue with "World Vision", they oversee the socio-economic issue"** - Woman participant, NGO lawyer.

It should be noted that women victims of gender-based and domestic violence need a specific approach. Following the principles of Trauma-Informed Legal Services, first, it is essential to create a safe environment aiming at their empowerment through various approaches (including information) and then expect them to seek legal assistance.

Recommendation:

- It is important to introduce the Trauma-Informed Legal Service approach throughout legal aid practice.
- It is essential to raise the awareness of refugee women that gender discrimination and the violation of their economic, social and cultural rights are also subject to legal aid, and they have the right to seek legal assistance.
- It is essential to raise awareness among legal professionals that women can not report gender-based violence in an environment where they are not informed in advance about their rights and do not feel safe environment, free of any stress or time constraints, to share. Also, the protection of the socio-economic rights of women and their children is directly related to their protection from gender-based violence.

### Protection of children and child victims

In gender-based violence cases, children can be both direct victims and weapons used against a woman victim of violence. Protecting children from both forms of violence requires providing DV services and

accessibility to the necessary educational services and safe development conditions for children. According to the UN Convention on the Rights of the Child, the necessary conditions for children are safe housing, education, health care and more.

According to refugee women, in the case of bringing children to Georgia, it is widespread for children to be left out of the educational process. Moreover, due to bureaucratic barriers, refugee children often miss school for several years, which contradicts both the international standard of children's rights and the constitution of Georgia:

**"My Children missed school for around two years. The first year they missed school because the Ministry of Internal Affairs did not provide documentation timely. I arrived in September 2019 and got my ID in November 2019, but my kids received their IDs in February 2020 and missed the schools because of the lockdown related to COVID 19... They did not include children in distance learning for the first year "** – woman participant.

"The school refused to register children for not having ID. So "World Vision" called, but they could not help." - Woman participant.

Children in school sometimes become victims of discriminatory treatment and inequality. Children and their parents point out that some teachers do not consider the refugee children's specific needs, which results in children falling behind in the learning process. Against this background, other children are bullying refugee children:

**"The teacher shouts at my child only and treats well all other children. Teachers either do not pay attention to our children or emotionally abuse them. They do not check their homework and omit their participation during classes. Consequently, our children cannot read and write. They feel so much stressed that refused to go to school altogether"** - Participant woman.

**"Children treat them bad, at school too. So I try to invite these children at home and help build their relationship with my kids, but it is unsuccessful yet"** - Participant woman.

According to the child participant, he and his sibling do not feel safe in the neighborhood either. There was a case when he was abused in the lobby. Neighbors often shout at them as to why they came from their country and point to their dark skin. According to the child, he feels different: while other children in the store are not asked to wear a face mask, he has to wear it all the time. Also, peers try to grab his money away if he tries to buy stuff in the shop.

**"I was outside and when the children threatened me with a hostile dog "** – child participant.

"When I go to the store, if I have money in my hand, they try to snatch it. I stay at home all the time because of fear, and I play on the phone" - child participant

**"Because of this treatment, both children are self-isolated at home, they refuse to go out, they no longer study Georgian"** – woman participant.

**"I do not appeal to anyone for the protection of the child's rights because I am afraid that it will harm our asylum case"** - woman participant

Access to health care for children is also problematic: In the case of children with disabilities, it is common practice in the country that central health care programs are supplemented with the assistance of the local municipalities. However, this support is limited or missing for refugee children. Therefore, the parents in the study noted that their children with disabilities do not have enough: medicines, diapers, pads and other period supplies for teenage girls.

The child right to health care is also violated due to the language barrier faced by the refugee parents. In particular, parents can not determine whether their child is entitled to a needed surgical intervention. A particular challenge was in one case when a newborn child could not get the mandatory vaccination due to a problem in the asylum procedure in the Adjara region, and the mother could not bring her to a doctor for mandatory examination due to a lack of financial resources.

Many refugee women who are unable to work clearly expressed that their children face a lack of food: both in and outside the Martkopi Reception Center.

"I have a 14-day-old baby who is breastfeeding, I do not eat enough food, and I am afraid to be unable to breastfeed soon" - a refugee woman.

The protection of child victims and witnesses of violence was identified as a particular concern. The study identified a case that revealed a systemic problem: a child living with only one parent at Martkopi Reception Center became a victim of alleged domestic violence. As a result of Social Service intervention, the child was separated from the parent. However, legal procedures lasted more than a year and a half, and the child was placed in alternative care, where the child's emotional needs were unmet. The child found it difficult to get used to the environment and school, and he asked for a meeting with the parent for more than a year. Delayed Justice and forced separation represent a systemic problem for children and violates national and international law.

Another critical problem is the delay in issuing birth certificates to newborn refugee children by several weeks. The government agencies can not allegedly write the names with different sounds and compositions in the birth certificate. This violates national and international law and restricts the child from receiving emergency medical and social assistance.

#### Recommendations:

- It is essential to strengthen the human rights-based approach at schools and ensure equal treatment for all children through trainings and child-friendly reporting mechanisms.
- It is essential that central health programs cover all medical needs of children: by providing an additional package and providing translation services once needed.



- It is essential to register the presence of all refugee children and to provide them with nutrition, regardless of their status and age.
- Justice should be accessible and timely for child victims; special guidelines should regulate meeting the child victims' needs in and outside of courthouses, the implementation of which will be overseen by the relevant agencies, including the High Council of Justice, Social Services, Prosecutor's Office, Ministry of Internal Affairs.
- It is essential to ensure the timely issuance of birth certificates in the case of refugee children and undertake monitoring of this process.

## Victim Protection during asylum proceedings at Court and the Ministry of Internal Affairs

### Migration Department

The attitude toward asylum-seeking procedures and the work of the Migration Department is quite cautious, mainly connected with fear. Women find it difficult to even talk about this topic because there is a widespread attitude that this procedure decides their fate. The participant lawyers connect it with the course of asylum-seeking procedure, particularly if refugee women try to talk about their experience of GBV in the country of origin:

**"[When a woman talks about violence in the Migration Department] they do not believe, they do not believe at all, they really do not believe. They have decided from the beginning that she is lying."** – woman participant, lawyer.

**"By attending the interview [as a lawyer], you see that they [migration department] does not believe t women are talking about violence."** – woman participant, lawyer.

**"They do not think that she should get the refugee status because of the experienced domestic violence in the country of origin."** – woman participant, lawyer.

**"They ask questions in such a way as to cut people off. They want to catch them on a lie and ask questions like: "If you said "that word" during the primary interview, why did you use a different word now?"** – woman participant, lawyer.

As lawyers report, during the asylum procedures, the officers do not take into account cultural characteristics and request the transmission of information with great accuracy:

**"In Iran, for example, the census is completely different, and the dates are hard to translate [which can be considered a lie]."** - woman participant, lawyer.

According to lawyers, the Department of Migration does not consider that victims of violence have memory issues and the inability to recall any fact may be characteristic of their posttraumatic stress

syndrome. According to the lawyers, the Department is mainly concerned with discovering inconsistencies in the accounts of GBV victims, pressing on their memory failures rather than applying more reliable and victim-friendly methods.

**"Because of GBV violence and persecution, the short-term memories of the real victims might be limited. However, this should not be grounds for rejecting their asylum case."** - woman participant, lawyer.

The Ministry of Internal Affairs does not seem to have any pre-adopted guidelines/criteria regulating when the asylum-seeking case of a GBV victim and perpetrator is split. This omission causes a sense of insecurity among women. Moreover, there has been a case where lawyers' applied for the case split, and the Department has not even responded. Therefore, this procedure is considered a more discretionary power, which confuses women and prevents them from reporting GBV.

Following the lawyer's report, particularly problematic is the part of reading the rights of refugee women that is so superficial that refugee women often do not even understand what their rights are:

**"When the procedure starts, the Migration Department explains the rights to the asylum seeker, but it is such a superficial explanation that the party may not even pay attention and no specific emphasis is placed on the rights of victims of domestic violence."** - woman participant, lawyer.

As the participants share, victim of violence who has psychological trauma needs a different approach and may not be able to understand these rights at that moment fully. She also needs the involvement of a specialist to support her comprehension. Unfortunately, the rights wording is so technical and superficial that this woman does not follow it.

**"The booklet handed over does not contain a special record of what protection mechanisms are in place for women who are victims of violence under Georgian law."** - woman participant, lawyer.

Advocates believe that the Ministry has not developed any particular guideline that would have a different method of interviewing and conducting the survey with the victims of gender-based violence - taking into account their trauma. Moreover, they note that neither their overall vision of supporting GBV victims is declared in this regard:

**"Closely following the practice of the Migration Department, it is challenging for me to tell you that they apply any special approaches to women victims of violence. Since the Department has no clear explanation or practice or stated policy in this regard, it is tough for a woman to decide that she should report violence, even though she is a victim of violence."** - woman participant, lawyer.

In conclusion, the lawyers made that the asylum-seeking procedures do not acknowledge and intersect with the country's women's and children's rights legislation and vice versa. On the contrary, these two areas seem to exist and develop independently.

The approach on the same subject of the Migration Department at MIA differs. In particular, the representatives of the Migration Department participating in the study believe that they have specific

approaches to victims of gender-based violence in the country of origin, which manifests itself in speeding up the process - to meet the latter's needs.

Also, the Department itself notes that domestic violence in the country of origin can become a basis for persecution, hence the adoption of asylum status. According to the representatives of the Migration Department, people with special needs (including victims of gender-based violence) are interviewed by specialized interviewers who have undergone relevant training courses and serve as trainers, which is a part of a specific approach. Even though the interviewers did not have specific training on gender-based violence, current practice benefits from the training on "interviewing techniques for people with specific needs."

As part of the tailored approach, throughout the interviewing process, refugee women can choose a specialist and a translator of the same sex as she is.

According to the Department representatives, the asylum procedure allows some flexibility for refugee women while reporting violence in the country of origin. In particular, if a woman needs some time to get herself together, she can report it at a later stage when she feels ready for that.

**"A person is obliged to identify all issues in a timely manner related to her case, but even if she does not [report about GBV in her country of origin], she can still raise this issue during the interview at the later stage ... at this time, of course, this fact will be taken into account."**- Participant man, Migration Department.

Representatives of the Migration Department also do not confirm the widespread fear of refugee women that reports of gender-based violence in Georgia may adversely affect their asylum procedures:

**"Of course, this fact will not have a negative effect; on the contrary, it is possible to separate the application of such a person and consider it separately as a split case so as not to create unnecessary inconvenience."** - Participant man, Migration Department.

It should be noted that according to the Department of Migration, perpetrators of gender-based violence do not have any legal leverage to affect the victim's asylum procedure or final status negatively. On the contrary, the Migration Department notifies the relevant authorities as soon as it learns about the GBV report.

However, the Department of Migration representatives also point out that refugee women may not have known so much about all available support. Providing detailed information on all issues requires a lot of resources and time.

For victims of gender-based violence, who have experienced violence in the country of origin, there is no specific record in the legislation regarding their burden of proof or the collection of evidence due to women's limited access to legal aid. This omission could contradict the Istanbul Convention provision on the issues related to the burden of proof in Gender-based discrimination cases that requires further legal analysis.

**"However, in the asylum procedure, the Department will consider the means available to the asylum seeker to obtain this evidence."** - Participant man, Migration Department.

**"The asylum seeker will be required to provide us with documentation, and if she fails to provide it, she must explain why she fails to provide it, and if that explanation is satisfactory to us, then we will consider it."** - Participant man, Migration Department.

It is noteworthy to mention that the representatives of the Department of Migration have a vision focused on supporting GBV victims who experienced gender-based violence in Georgia as well. Currently, the Department can identify two types of GBV cases:

- A) A case of a woman who became a victim of gender-based violence in a country of origin.
- B) A case of a woman who became a victim of gender-based violence in Georgia.

While domestic legislation requires the Department to take an active role in assisting women that had experienced violence in the country of origin, the Department's role with case B is somewhat limited—making a referral to other units. Nevertheless, the Department of Migration representatives consider that women in the second category may also receive their support in speeding up the asylum procedures to become eligible for individual assistance.

#### **Recommendations:**

- It is highly recommended that the Department's vision and strategy for supporting victims of gender-based violence become more visible to refugee women, lawyers and other actors. To this end, it will be essential to improve communication between the Department and the professional public and the refugee community.
- It is highly recommended that the Department's staff and interviewers receive specific training on gender-based violence.
- It is highly recommended for the Department to develop a guideline for reading and explaining the rights of refugee women, to provide women with complete information on GBV reporting, official response track, confidentiality, evidence collection, the burden of proof, and other issues in the case gender-based violence.
- The Department of Migration needs to develop a guideline for interviewing victims of gender-based violence affected by GBV in the country of origin.
- It is highly recommended that the Department develop a guideline for splitting asylum cases in the case of GBV in Georgia.
- It is essential for the Department of Migration to conduct an awareness-raising campaign that will reduce refugee women 's fear of notification in the event of violence and inform them that the notification will not adversely affect asylum seeker status.

Proceedings in Court are one of the most obscure themes for refugee women. They do not have a clear idea of what procedures are like if they decide to go to Court and what type of resources they will need to mobilize for this purpose, so appealing to the Court to protect their rights in the event of gender-based violence is not or very rarely considered.

Some refugee women find that the Court does not correctly consider cases where they are subjected to violence in their country of origin:

**"During the asylum proceedings, they do not take it seriously. The situation in Iran is worse for women because they can be punished for even walking their pets. It has become worse lately. Women are also punished for seeking asylum in Georgia, and we face a threat for that "**- participant women.

The lawyers participating in the study confirmed this problem of Court insensitivity. According to them, the Court approach to women victims of GBV is in harmony with the strategy of the Ministry of Internal Affairs, which treats such cases with suspicion:

According to the lawyers, the Court does not have a special approach or guideline which would take care in considering the issues of discrimination and the threat of violence:

**"It is a well-known practice that when a woman gives birth to a child with a disability without the father's consent and then flees the country, she will be punished if she returns to the country of origin, but the Court does not take this into account. This woman was forced to leave because this man was abusing both this woman and her disabled child. However, the Court did not share it."**- participant woman.

#### **Recommendations:**

- It is essential for the Council of Justice to develop a detailed guide to the interpretation of procedures for refugee women, which will help women apply to the Court to protect
- It is highly recommended that the Court develops a methodology to help judges consider GBV and asylum procedures from the Substantive Justice Constitutional approach.

#### **Conclusion:**

As research has shown, refugee women today face numerous challenges that prevent them from effectively defending their rights in the event of gender-based violence. However, even though these challenges are complex and multifaceted, their solution is entirely feasible in the presence of a gender-sensitive approach and motivation.

To summarize them again:

As it appears, domestic legislation regulating international protection and asylum procedures is gender-neutral and therefore gender blind. Unfortunately, they reflect neither Substantive Equality enshrined

in the Constitution of Georgia nor the requirements of the Istanbul Convention. Therefore, it is essential to conduct a Gender Impact Analysis of these legal acts and possibly make amendments to the identified needs. Concerning legislation, it is also essential to harmonize these acts with national and international standards to protect children's rights. More in-depth analysis of the legislative framework would be beneficial, however.

As for policy, as revealed, both the Department of Migration at the Ministry of Interior and the Agency for State Care and Assistance for the (Statutory) Victims of Violence are ready to become even more sensitive to the needs of refugee victims of gender-based violence. In this regard, it is recommended to improve communication between refugee women and agencies, launch a human rights campaign, empower women, and promote the principle of substantive equality to increase access to services.

The refugee women themselves are significantly willing to seek and receive substantive support against gender-based violence once the challenge is comprehensively perceived, including cross-cut issues of employment, housing, child care, and other essential conditions. In addition, they have proposed many recommendations to improve the situation throughout the research report.

To summarize, we must emphasize that this area of work is full of a vast untapped resource for protecting refugee women from gender-based violence and promoting gender equality; in terms of cooperation and support, the situation can be improved even with minimal effort by applying participatory and empowering strategies.