

AMNESTY INTERNATIONAL

Public Statement

AI index: EUR 04/002/2009
28 September 2009

South Caucasus: promptly adopt and enforce legislation on domestic violence

Days before the prevention of violence against women will be discussed during the Human Dimension Implementation Meeting of the Organization for Security and Co-operation in Europe, Amnesty International urges the governments of Armenia, Azerbaijan and Georgia to pledge to make elimination of domestic violence a government priority in the field of human rights. Though some tentative steps have been taken by governments in the region to address domestic violence, the countries' current legislation, mechanisms and procedures are failing to provide victims of domestic and sexual violence with access to justice as well as to the healthcare, legal and social services necessary to empower the victims and eliminate violence in the family.

The governments of Armenia, Azerbaijan and Georgia should implement their obligations under international human rights law to counter domestic violence, including through full and prompt implementation of the recommendations made by the Committee on the Elimination of Discrimination Against Women in recent years, as well as recommendations of the Standing Committee of the Parliamentary Assembly of the Council of Europe, in Resolution 1544 on the situation of women in the South Caucasus, 2007.

Adoption and enforcement of relevant legislation

Among the first steps should be the immediate adoption of relevant legislation and implementation mechanisms such as national plans of action to counter domestic violence. The governments of Armenia and Azerbaijan must adopt laws on domestic violence while Georgia must enforce existing legislation. All three countries must adopt and implement up-to-date plans of action to counter domestic violence.

Georgia introduced a law on domestic violence in May 2006; however, while stipulating that temporary shelters for victims of domestic violence should be set up, the implementation of this provision was postponed until 2008. In 2007 the Government of Georgia adopted the national Action Plan on Measures to Prevent and Combat Domestic Violence for 2007-2008 to guide the implementation of the activities envisaged by the law. However, it was approved late and appeared to further delay the setting up of shelters. In April 2009, the new plan of action on domestic violence for 2009-2010 was approved with the aim of improving state policy and the protection and rehabilitation of survivors of domestic violence. The national referral mechanism for survivors of domestic violence was adopted in July 2009 and the first state-sponsored shelter is expected to open in Tbilisi by April 2010. Despite the progress, however, the recent non-governmental monitoring indicates that much work needs to be done to put the adopted legislation and relevant decrees into practice.

In Armenia and Azerbaijan the relevant drafts of a law on domestic violence have been in discussion since 2007. In Armenia, in 2007 the Women's Rights Centre (WRC) initiated the elaboration of a draft law on domestic violence. The WRC established a working group composed of officials invited from the Ministry of Labour and Social Affairs and the Republic of Armenia

Police and legal experts to draft a law explicitly criminalizing domestic violence and providing for effective mechanisms to provide protection and support to its victims. The draft is still being developed by a working group; Amnesty International has made recommendations to improve the law. It has not yet been placed before Parliament.

According to official Azerbaijani sources, a draft law on domestic violence was due to be considered by Parliament by the end of 2009. The current draft addresses domestic violence, contains protection measures, counselling, rehabilitation and support services for female victims, as well as guidelines for the punishment of perpetrators.

Amnesty International welcomes the steps taken towards introducing domestic violence laws in Armenia and Azerbaijan. However, it urges the governments of Armenia and Azerbaijan to now move promptly towards the adoption and implementation of legislation that would significantly improve protection for women's physical and mental integrity as well as their social and economic rights and bring the governments closer to compliance with their obligations under international human rights law. The prompt adoption of such a law would also be in line with the recent recommendations of the UN Committee on the Elimination of Discrimination Against Women which urged Armenia to "enact, without delay, legislation specifically addressing domestic violence against women" and Azerbaijan to "accelerate the adoption of the draft law on domestic violence and ensure that it contains provisions pertaining to sexual violence within the family". With regard to Georgia, Amnesty International calls on its government to ensure that the shelter is established as soon as possible, and that prompt and effective implementation of legislation and the plan of action is carried out.

Prevention of domestic violence and the provision of support to survivors

Parallel to the adoption of dedicated laws and their implementation mechanisms, such as plans of action, the governments of Armenia, Azerbaijan and Georgia should prioritize measures to prevent domestic violence and provide support to survivors. Sufficient funds should be promptly made available to implement activities necessary to end domestic violence and provide protection to the victims.

In particular, survivors of domestic violence should have access to support services through a nationwide network of crisis centres and shelters offering advice and protection. Counsellors should be trained and have links with the relevant agencies, including the police, social services, legal expertise, health and housing services, so as to be able to provide a swift referral service.

The authorities must begin to provide longer term solutions for survivors of domestic violence in order to fulfil their obligation to prevent discrimination against women. These should include, but not be limited to, the provision of and accessibility of women survivors of domestic violence to vocational training, assistance with securing employment allowing financial independence from (former) husbands and partners, and ensuring the availability of adequate and safe housing.

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