

**The Identification and Regulation of Domestic Violence in Georgia
(1991-2006)**

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Date of Submission: 28 December 2011

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Abstract

This thesis analyses the processes that led to the adoption of the *Law of Georgia on the Elimination of Domestic Violence, Protection of Victims of Domestic Violence and their Assistance* in May 2006. The primary question that the dissertation tries to answer is: which key historical, socio-economic, and political factors have hindered or facilitated the identification of domestic violence as a social problem requiring legal intervention in Georgia?

My research methodology has comprised mainly of a desk review, subject-based interviews, and a small-scale survey of women's NGOs in Georgia. The desk review included scholarly literature, studies and reports mainly related to domestic violence data and policymaking, women's rights during the Soviet period and independent Georgia, Soviet-era periodicals, appeals, and manuscripts targeting women. I have studied NGO project documents on domestic violence as well as governmental and shadow reports submitted under the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Concluding Comments of the CEDAW Committee to Georgia. I have also reviewed Parliamentary debates around the draft Domestic Violence Law.

This dissertation makes three sets of related empirical and theoretical contributions. First, against the broader international human rights context, in which “violence against women” became recognized only in the 1990s, the thesis uncovers and discusses key factors that hindered or facilitated the identification of domestic violence at the time of the Soviet Union and in independent Georgia after 1991. For instance, the women's liberation success story hindered recognition of the problem during the Soviet era. At the same time, the myth that the “Woman Question” had been resolved has outlived the Soviet Union and contributes to the low sensitivity of post-Soviet societies and governments to gender equality issues. The dissertation argues that many developments and experiences of the young independent Georgian state, such as armed conflicts and the emergence of an NGO sector, have been important factors contributing to the

identification of domestic violence as a violation of women's human rights in Georgia.

Second, I examine the process of the drafting of as well as the Georgian Domestic Violence Law itself and compare the findings of the Georgian case with related experiences of other countries. Despite the fact that the law was nurtured by the tragic experiences of women victims/survivors of domestic violence, the text of the law and the debates during its adoption process do not highlight the fact that domestic violence affects women disproportionately and that gendered power relations lie at the heart of domestic violence. Instead, the low sensitivity of the legislators and society at large to women's rights and gender equality concerns is reflected in the de-gendered character of the Georgian Domestic Violence Law.

Third, I argue that each significant step (such as the adoption of legislation) towards social change is intrinsic and specific to the context from which or within which it emerges and can be understood only in relation to these context-specific factors.

Author's Statement

I hereby certify that the thesis contains no materials accepted for any other degrees in any other institutions.

The thesis contains no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference, footnote, etc.

Tamar Sabedashvili



Date: December 28, 2011

Acknowledgements

I am grateful to everyone who has helped me complete the PhD program and write this dissertation. Special thanks go to my supervisors Francisca de Haan and Eva Fodor for their thoughtful and insightful comments and contributions to this dissertation. I have told them many times and would like to repeat also here that without their support and encouragement, I would not have managed to complete this hard work. Hereby, I thank you both once again for your hard work, devotion and for simply being who you are.

Special thanks goes to my professors and peers who have been part of the CEU Gender Studies Department at different times and have provided encouragement and support at different stages of the dissertation writing process, especially to Gisela Bock, Erzsebet Barat, Anna Lutfi, and Meghan Simpson. I would also like to thank my colleagues from Tbilisi State University, especially Marine Chitashvili, Nino Javakhishvili, Nana Sumbadze, and Joanna Regulska of Rutgers University for reading my work and discussing the findings. I am also thankful to Jeremy Johnson, the English language editor of the dissertation, for his assistance.

And last but not least, I would like to thank my dear family and friends, especially my husband and my mother who have been there for me and completed their “parts” of the dissertation flawlessly.

Finally, this dissertation is devoted to my son Temur Namicheishvili, who has been the blessing of my life and an unspeakable inspiration.

Introduction

“For the women who have been physically abused in the home by the men with whom they live, the past two decades have seen both radical change and no change at all.”¹ [1992]

This dissertation is an attempt to understand the processes that led to the adoption of the *Law of Georgia on the Elimination of Domestic Violence, Protection of Victims of Domestic Violence and their Assistance* (hereafter the Domestic Violence Law) in May 2006. The primary question that I attempt to answer is: which key historical, socio-economic, and political factors have hindered or facilitated the identification of domestic violence as a social problem requiring legal intervention in Georgia?

In my view, the process leading towards the regulation of domestic violence in Georgia is an essential topic for several reasons. Feminist literature of the 1990s and early 2000s has extensively discussed gendered transformations in the post-communist countries of Central and Eastern Europe and the former Soviet Union, with a focus on political processes, a critical review of the work of women’s NGOs, and the dynamics around women and work. However, to date, not much has been written about domestic violence and its regulation in the former Soviet Republics (with the exception of Russia).² Therefore, this dissertation is my modest attempt to contribute to the Gender Studies scholarship pertaining to the politics of domestic violence in

¹ R. Emerson Dobash and Russell P. Dobash, *Women, Violence & Social Change* (London, New York: Routledge, 1992), 1.

² The book edited by Katalin Fabian *Domestic Violence in Postcommunist States: Local Activism, National Policies, and Global Forces*, released in June 2010 by Indiana University Press, was the first comprehensive collection of studies on the politics of domestic violence, not only in Central and Eastern Europe, but also in a few of the former Soviet Republics, such as Russia, Ukraine, Kazakhstan, and Tajikistan. However, the information included about Georgia in the publication is extremely brief. The only author that discusses Georgia is Olga Avdeyeva, who relies on the on-line database of the US NGO Minnesota Advocates for Human Rights (currently called Advocates for Human Rights) from 2006 for the data on institutional and legislative changes in relation to domestic violence in the former Soviet Republics (page 317). Her other sources are even older, dating back to 2000 and 2003. However, even the most recent source, which is from 2006, does not seem to contain information about the fact that Georgia adopted a special law on domestic violence in May 2006. Olga Avdeyeva, “The Promise and Perils of International Treaties,” in *Domestic Violence in Postcommunist States: Local Activism, National Policies and Global Forces*, ed. Katalin Fabian (Bloomington and Indianapolis: Indiana University Press, 2010), 308-331.

one of the former Soviet, South Caucasian countries. More specifically, my work contributes to the literature that explores the dynamics around domestic violence policymaking in the post-communist countries of Central and Eastern Europe and the former Soviet Union, as well as to the literature that tries to analyse the characteristics of debates around domestic violence policymaking and the typology of these policies themselves.

This dissertation aims to make three sets of related empirical and theoretical contributions. First, I describe and analyse the process of how the domestic violence legislation came into being in Georgia, looking at what existed before, during the Soviet period as well as after Georgia gained independence in 1991. I pay particular attention to the role of women's NGOs in increasing the visibility of domestic violence. Second, I examine the process of the drafting of as well as the Georgian Domestic Violence Law itself and compare the findings of the Georgian case with related experiences of other countries. Third, I argue that in order to understand a process such as the initiation, development and acceptance of a law as the Georgian one discussed here, one has to take into account both transnational and national/local factors. Moreover, an understanding of the local factors requires a careful, contextual analysis.³

Throughout the dissertation, with the term “post-communist countries” I refer to the countries of the former Soviet Union (Georgia being one of them) and other countries of the former Soviet Bloc of Central and Eastern Europe. By no means do I regard them as a homogenous group, despite a shared history of decades of communist rule and, in the case of some countries, a common history of communism's aftermath (for instance the Baltic States). According to Katalin Fabian, even if the communist systems of these states differed considerably, “the discussion of domestic violence was a taboo in all these countries - it had no name, thus its very existence went unrecognized and unacknowledged.”⁴ This does not imply

³ I agree with Chandra Telpade Mohanty's argument regarding the need for contextual analysis of every development in question, be it the conditions and position of a particular group of women, or a process of the elaboration of a piece of legislation. Chandra Telpade Mohanty, “Under Western Eyes: Feminist Scholarship and Colonial Discourses,” *Feminist Review*, no. 30 (Autumn, 1988): 61-88.

⁴ Katalin Fabian, “Reframing Domestic Violence: Global Networks and Local Activism in Postcommunist Central and Eastern Europe,” in Fabian, *Domestic Violence in Postcommunist States*, 221.

that women facing domestic violence could not find any legal remedy or protection during state socialism, especially if they faced grave forms of physical violence. However, the assistance received by victims as well as the punishment rendered to perpetrators of violence was far from being adequate compared the gravity of the problem.⁵ The Soviet period in Georgia - starting in 1921 and ending in 1991 - is mainly discussed in the second chapter of the dissertation to prepare the ground for a more informed and contextual discussion of the developments that took place in the post-Soviet era - from 1991 to 2010 - which are the main focus of my work.

In what follows in this introduction, I would like to present my research methodology and an outline of the dissertation chapters.

Research Methodology

My PhD research methodology has comprised mainly of a desk review, subject-based interviews, and a small-scale survey of women's NGOs. I have carried out a thorough desk review of existing materials: scholarly literature and studies, government, NGO and international organisations' reports. I have studied NGO project documents on domestic violence as well as governmental and shadow reports submitted to the Committee on the Elimination of Discrimination against Women (the CEDAW Committee) and the Concluding Comments of the Committee to Georgia.⁶ I have also reviewed Georgia's main laws, regulations and policy documents regarding women's rights and gender equality.

⁵ Please see discussion of the Soviet period in chapter 2.

⁶ Georgia joined Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) without reservations in 1994 and it came into effect on November 25, 1994. According to the 18th article of the Convention, the states are to submit their initial reports within one year after the Convention's entry into force. For Georgia it had to be the year 1995, but the initial state as well as shadow reports were submitted only in 1998 and the Committee reviewed them in 1999. Respectively, the first concluding comments of the CEDAW Committee to Georgia were provided in 1999. The second and the third governmental and NGO reports were submitted in 2003. (In 2006 the Georgia state party provided answers to the issues and questions with regard to the consideration of a periodic report of Georgia to the pre-session working group.) The Committee heard the second and third periodic reports of Georgia on its 36 Session, from 7 to 25 August 2006 and provided with the second set of concluding comments. The Committee invited Georgia to submit its fourth periodic report, which was due in November 2007, and its fifth periodic report, which was due in November 2011, in a combined report in the end of 2011.

I have explored in-depth the scholarship about the position and conditions of women in the Soviet Union to find out how it dealt with domestic violence (if at all). In addition, in order to find out how domestic violence was depicted during the Soviet period of Georgia's history, I have reviewed Soviet-era periodicals targeting women centrally on the Soviet Union-level, as well as periodicals produced for women in the Soviet Socialist Republic of Georgia. I have reviewed the journals *Krestyanka*⁷ and *Rabotnitsa*⁸ published in Russian, and *chveni gza*,⁹ *sabchota qali*¹⁰ and *saqartvelos qali*¹¹ published in Georgian. These mouthpieces of the Communist Party are important data sources as they were designed to shape women's consciousness through the communication of state priorities and policies and by showing glimpses of the present and the future that the Party leadership imagined for women. These journals were widely distributed, the issues were sent even to the most remote rural areas of the Soviet Union¹² where active women, named *delegatki*¹³ (delegates) were reading them out loud to groups of women, the majority of whom were still illiterate in the 1920s.

I have also analysed the February 17, 2006, plenary session of the Georgian Parliament during which the draft Domestic Violence Law was presented and discussed. This was a decisive hearing because it was agreed then to approve the Law in principle; in addition, it was highly informative of the attitudes of the Members of the Parliament (MP) regarding domestic violence. I have analysed the concluding comments of different Parliamentary Committees about the draft

⁷ All issues of *Krestyanka* [Peasant woman] of the years: 1922, 1934, 1937, 1942, 1956, 1972, 1987.

⁸ All issues of *Rabotnitsa* [Worker woman] of the years: 1929, 1944, 1962, 1978.

⁹ All issues of *chveni gza* [Our way] of the years: 1924, 1925, 1926.

¹⁰ All issues of *sabchota qali* [Soviet woman] of the year: 1958.

¹¹ All issues of *saqartvelos qali* [Woman of Georgia] of the years: 1964, 1969, 1979, 1991, 1994, 1999.

¹² The Russian-language periodicals of the central government were distributed throughout the Soviet Union. However, their outreach was insignificant in the rural areas of the republics where the knowledge of Russian language among the population was still limited. To compensate for this, the Communist Party of the Soviet Union (CPSU) sponsored special publications in local languages.

¹³ According to Nina Popova, it was mainly delegates that allowed the Bolsheviks to conduct its work among women and to keep in touch with "the broad non-Party masses of working women. In the year that elapsed between the Eleventh and Twelfth Party Congresses (March 1922-April 1923) the number of women participating in the delegate assemblies rose from 16,000 to 52,000." Nina Popova, *Women in the Land of Socialism* (Moscow: Foreign Languages Publishing House, 1949), 54. Nina Vasilieva Popova was the member of the Communist party since 1932, Secretary of the All-Union Central Council of Trade Unions from 1945 to 1957 and President of the Soviet Women's Anti-Fascist Committee. From 1945 to 1968 she was the chairwoman of the Committee of Soviet Women and vice-chairwoman of the Women's International Democratic Federation. *Bolshaya sovetskaya entsiklopedia*, "Popova, Nina," vol. 20, (Moscow: Sovetskaya entsiklopedia, 1975), 362.

Law, and last but not least the draft as well as the adopted Georgian Domestic Violence Law. I have also reviewed and analysed relevant media – TV and radio talk shows and newspaper articles devoted to the Domestic Violence Law and its adoption process.

I have conducted thirty-five subject-based interviews to cover some of the data gaps identified after the desk review (please see Annex 1 for the detailed list of interviewees and rationale for their selection). The twenty-nine interviewees included researchers in the fields of political science, sociology, and gender studies, activists in the fields of violence against women, gender equality, trafficking in human beings, and members of local and international organisations working on democratic transformation and gender equality issues, as well as relevant representatives of the executive, legislative, and judicial branches of the government. In the selection process of the interviewees, I have relied on my over ten years of work experience and my knowledge of stakeholders in the field of women’s rights and development in Georgia. With some interviewees I have conducted more than one subject-based interview depending on new findings, clarification requirements or additional gaps as they emerged throughout the research. For chapter 2, which is about the developments that took place during the Soviet period of Georgia’s history, I have interviewed six individuals (two women and four men) who were old enough to remember the practices of some of the state sponsored mechanisms that were available for women facing domestic violence in the Soviet Georgia. This sample of interviewees is by no means representative, but I have carried out these interviews and included some of their findings in the dissertation to enrich it with some primary data in relation to those issues about which it was impossible to find other sources.

In the interview process, I have relied on Shulamit Reinharz’s work *Feminist Methods in Social Research* in which she explores feminist ways of using research methods, modifications, and alternative ways of doing research.¹⁴ As a result, while carrying out the subject-based interviews, I have tried to treat the interviewees very much as “participants” in the research

¹⁴ Shulamit Reinharz, *Feminist Methods in Social Research* (Oxford, New York: Oxford University Press, 1992).

rather than “subjects” or “informants,”¹⁵ trusting that they would lead me in fruitful directions.¹⁶ I would like to emphasise that I also shared a common cultural background with these “participants” in my research that allowed for a better understanding of each other. The questions were tailor made (with some repetitions) for each subject-based interview depending on the respondent and respectively on the subject of the interview.

During my work on chapter 4, about the development of the NGO sector and the role of NGOs in making domestic violence visible, I realised that there existed certain information gaps about NGOs working on women’s issues. I decided to address these by surveying thirty such organisations, using a questionnaire comprised of both open-ended and close-ended questions. My previous research on women’s NGOs as well as over ten years of personal interaction in different capacities with women’s NGOs in Georgia helped me to identify the women’s NGOs from Tbilisi as well as in the regions of Georgia that would best accommodate the intended scope of my survey. Among the surveyed NGOs, the absolute majority were well-established and well-functioning organisations. Almost all of the surveyed NGOs had a specialisation within the broad fields of women’s empowerment and gender equality. Among them were NGOs that worked primarily on the issue of domestic violence as well as those that considered work on domestic violence as one of their many priorities. The survey was conducted from February to May 2008. I sent questionnaires via e-mail to the heads and/or founders of these NGOs with an introductory letter, and followed up with a telephone call giving further explanations about my research, why I needed the responses and how the findings would be used. I sent the questionnaire to thirty organisations and received responses from twenty-two of them (in electronic format). I then made additional follow-up calls to the heads and/or founders of the NGOs (my primary respondents) in order to clarify certain responses as needed. (Please see Annex 2 for the list of the surveyed NGOs and Annex 3 for the questionnaire).

¹⁵ Ibid., 22.

¹⁶ Ibid., 24.

At this juncture, it is critical to reflect on my personal position in relation to the processes and actors analysed. I have been interacting with the NGO community in Georgia, in particular with women's NGOs, for over ten years in different capacities. During my undergraduate studies in Tbilisi, I worked as a volunteer for the NGO Transition: Women's Studies Centre (1996-1998). In 1999-2000, I worked for the American Bar Association / Central European and Eurasian Law Initiative (ABA/CEELI) as a Criminal Law Programme Assistant, interacting mostly with organisations working on the prevention and response to the problem of human trafficking. While working for Oxfam Great Britain's Georgia office as a Policy and Programme Officer (2004-2005), I focused on combating violence against women, again in collaboration with partners from civil society, predominantly NGOs. In 2005 and 2006 and then again from June 2008 until the present, I have been working for the United Nations Development Fund for Women – UNIFEM (transformed into UN Women from July 2010) on diverse initiatives aimed at women's empowerment and gender equality, again partnering with women's groups, women's NGOs as well as government counterparts. These experiences have provided me with first-hand information about the role of women's NGOs in the struggle against domestic violence in Georgia.

In many cases, I have been an active participant in and an insider to the processes researched here. I am aware of my own position as an internal actor within the organisations and events discussed in the dissertation. I personally know many of the women NGO activists who were involved in various capacities with the drafting of the domestic violence legislation, the lobbying for the Law in the Parliament, and the on-going work for psychological and legal counselling for women who have suffered from domestic violence. I not only know the women's NGOs, their staffs, have been to their offices, to the events organised by them, and have read their reports and publications, but I also know quite a bit about the cooperation and partnerships that exist between them on personal and organisational levels as well as the various forms of tension and competition. I also have information about the nature of interactions between the

women's NGOs working on domestic violence and their donors, since I worked for Oxfam Great Britain when we provided funding support to the NGO Sakhli, one of the first women's organisations in Georgia that offered free psychological and legal counselling to women who were facing domestic violence. As an Oxfam staff member, I had to coordinate work with other donors while working with women's NGOs on combating domestic violence. In addition, I have been a member of the advisory and decision-making bodies of several different donor/development organisations, including the Open Society-Georgia Foundation¹⁷ ABA/CEELI,¹⁸ and the Eurasia Partnership Foundation.¹⁹ I have quite exhaustive information about the funding and partnership decisions made within these donor/development organisations. Based on these experiences and insights, I think that the participants in my research were especially frank with me and also that I understood what they had to say.

However, despite the fact that I was an insider, there were certain limitations vis-à-vis the participants of this research that are worth emphasising. I worked for local women's NGO at the beginning of my career; afterwards, I have been working either for international non-governmental organisations or the UN. The international organisations that I have worked for not only provide technical expertise but also financial support to different initiatives and projects of local non-governmental organisations, among them women's NGOs. My employment in these technical assistance and grant-making organisations was and is loaded with power dynamics that exist between those who have material and technical resources to grant and those who are seeking such resources in order to do their work. Although collegial relations and partnership have been and still remain the main approach for my interaction with women's NGOs, I have

¹⁷ The Open Society – Georgia Foundation (OSGF) Women's Program played the decisive role in the establishment and strengthening of the Anti-Violence Network of Georgia, one of the strongest women's NGOs in the field of combating domestic violence in the country. I was a member of the Advisory Committee of the Open Society – Georgia Foundation's Women's Program in the period 2005-2006.

¹⁸ ABA/CEELI provided decisive support to the drafting of the Domestic Violence Law and the good working and personal relations that I have established with colleagues during my employment with ABA/CEELI in the period 2000-2001, helped great deal in obtaining information about how the drafting process of the Law was progressing.

¹⁹ Eurasia Foundation and at a later stage its spin off Eurasia Partnership Foundation (EPF) were the main sources of funding for the women's NGO Sapari, another pioneer in working towards combating domestic violence. From 2007 – to 2011, I have been a member of the Advisory Committee of the EPF.

also been aware of the intrinsic power dynamics of our relations and have tried to reflect on these relationships during the research phase as well as while analysing data from the interviews.

While discussing the insider/outsider position of a researcher, Shulamit Reinharz distinguishes between the “interviewer as friend” approach elaborated by researcher Denise Segura, Mary Zimmerman’s “interviewer as stranger” approach, and something in between, that is, the interviewer as a “knowledgeable stranger,” as described by Sara Evans.²⁰ Depending on the research topic, each of these positions offers the researcher insights. Denise Segura first built relations with Chicano and Mexican immigrant women, which then allowed her to have much more structured and short interviews with them.²¹ Mary Zimmerman carried out an interview-based study of abortion and thought that the lack of relationships with her interviewees was one of the main factors that encouraged respondents to volunteer to be interviewed.²² By contrast, Sara Evans as a white, activist feminist, possessed background knowledge and experience that allowed her to comprehend her respondents as no other “outsider” could, precisely because she had neither met with them nor heard of them before.²³ I have also come across different strategies used by various researchers to overcome and then reflect on the insider/outsider dynamics of research, which are helpful for explaining my own positioning. Kristen Ghodsee, an American researcher and professor of Gender and Women’s Studies, in her interaction with women’ NGOs in Bulgaria tried to present herself to one of her respondents – the head of a Bulgarian women’s NGO - as what Reinharz labelled as “knowledgeable stranger:”

“I realize then that she has not quite understood how long I have been living in the country, and that I am married to a Bulgarian. Switching to Bulgarian, I give her several examples of the corruption I saw in the tourist resorts and drop the names of several high-

²⁰ Reinharz, *Feminist Methods in Social Research*, 27.

²¹ Ibid., 26. Reinharz refers to Denise Segura’s “Chicana and Mexican Immigrant Women at Work: the Impact of Class, Race and Gender on Occupational Mobility,” *Gender & Society*, 1989, 3(1): 41-42

²² Ibid., 26-27. Reinharz refers to Mary Zimmerman’s *Passage through Abortion: The Personal and Social Reality of Women’s Experiences* (New York: Preager, 1977), 210.

²³ Ibid., 27. Reinharz refers to Sara Evans’ *Personal Politics: The Roots of Women’s Liberation in the Civil Rights Movement and the New Left* (New York: Vintage Books, 1979), x.

profile politicians that I have interviewed. [...] I pull out my secret weapon: Bulgarian cigarettes, I ask her for a light, and she smiles.”²⁴

Kristen Ghodsee used these techniques to strengthen her credibility with the given respondent as well as strengthen the credibility of her analysis and findings with the readers of her work. These efforts did not make her an insider, but possibly transformed her from a complete stranger into a knowledgeable stranger in the eyes of the respondent. As a local researcher, I was never confronted with the same challenges during my research. I already knew many of the interviewees even before starting my work on the PhD dissertation, but I was still not one of them due to my affiliation with donor / international development organisations.

Vesna Nikolić-Ristanović in her monograph *Social Change: Gender and Violence, Post-Communist and War Affected Societies* saw herself as both an observer and a participant in the events she described: “I was able to observe directly some aspects of my research topic, and unlike Western authors, to be quite familiar with various aspects of the life in both communist and post-communist society’s milieu.”²⁵ Nikolić-Ristanović clearly portrayed herself as an insider (both observer and a participant) with regard to the events studied. I have also been a participant and an observer of the processes analysed; this experience has often made it difficult for me to distance myself from my research in order to analyse my findings, instead of simply telling a descriptive story. I have often found myself overwhelmed with too much information and too many details, which made it hard for me to systematise and structure the collected information and knowledge derived from my own experience.

To conclude, I see my position as an amalgam of the “interviewer as friend” and the “knowledgeable stranger” -- a position, which I have become aware of during the process of

²⁴ Kristen Ghodsee, “Nongovernmental Ogres? How Feminist NGOs Undermine Women in Post-socialist Eastern Europe,” *International Journal of Not-for-Profit Law* 8, no. 3, (May 2006): 45-46. This reference could be made also to Kristen Ghodsee, *The Red Riviera: Gender, Tourism and Postsocialism on the Black Sea* (Durham and London: Duke University Press, 2005), 153.

²⁵ Vesna Nikolić-Ristanović, *Social Change: Gender and Violence, Post-Communist and War Affected Societies* (Dordrecht, Boston, London: Kluwer Academic Publishers, 2002), XVI.

research. The evaluation of how well have I overcome the challenges and have taken advantage of the benefits of my position lies with the readers.

Outline of Dissertation Chapters

Chapter 1 reviews theoretical debates that I find particularly relevant to my dissertation. As mentioned above, my research tries to contribute to two sets of literature: one exploring the dynamics around domestic violence policymaking in European post-communist countries, and the other about the typology of discourses used around domestic violence policymaking and in the policies themselves. The literature review provided in chapter 1 sets a theoretical framework to which I come back throughout the dissertation, when I locate the findings of my research in Georgia in the existing analysis and debates.

Chapter 2 covers the Soviet period, which has preconditioned much of Georgian society's beliefs and attitudes in the field of gender equality following the country's independence from the Soviet Union in 1991. In this chapter, I try to explore which factors contributed to the identification, or the denial, of the problem of domestic violence in the Soviet Union. How did State policy in the field of gender equality relate to the acknowledgment of domestic violence by Soviet policy planners? How has the rethinking of the concept of the family by policymakers at the central (Kremlin) level influenced the dynamics surrounding the identification of domestic violence during the Soviet period? I discuss central-level as well as Georgia-specific developments in the Soviet period to create a more complex picture, and, along with the factors that affected Soviet policymakers' attitudes towards domestic violence, I look at the effectiveness of those protection and support mechanisms which were available to women facing domestic violence. Overall, this chapter argues that the grand narrative of success propagated by the Soviet government in relation to women's liberation, and the dynamics related to the redefinition of the concept of the family in the period covering 1917-1936, have been the main

factors hindering the acknowledgement of women's rights' violations, including violence against women in familial relations during the Soviet era.

Chapter 3 analyses the developments that, in my mind, have contributed to the acknowledgement of the problem of domestic violence in Georgia in the post-Soviet period. The Supreme Council of Georgia declared the country's independence from the Soviet Union in 1991,²⁶ and *the Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims* was adopted in May 2006. This chapter attempts to uncover precisely which social, economic, and political developments contributed to the conceptualisation and identification of the problem of domestic violence in Georgia. I make comparative links with the previous chapter to outline opportunities and developments that were unthinkable during the Soviet period but took place following independence.²⁷ This chapter argues that the turbulences (especially ethnic conflicts and demolition of the previous system) experienced by Georgia in the first decade of its independence from the Soviet Union deconstructed many of the myths about communist society and citizens' morals upheld by Soviet propaganda. In addition, democratic aspirations of the post-Rose Revolution Government, including integration into the international community, allowed for the labelling and discussion of new social problems, including domestic violence.

Chapter 4 of the dissertation explores how the emergence of the NGO sector that took place after Georgia gained independence contributed to the identification of domestic violence as a social problem in need of legal regulation, rather than an individual / private problem. I attempt to answer this question comprehensively by looking at the civil society transformation process, which started in Georgia following the breakup of the Soviet Union. This transformation process facilitated the emergence of an NGO sector, including women's interest groups within this NGO sector. I explore the emergence and the positioning of women's NGOs in further detail, to explain the context in which those organisations which prioritise work against domestic violence

²⁶ Independence was declared on April 9, 1991, and Zviad Gamsakhurdia was elected as the first President of newly independent Georgia on May 26 with over 86 per cent of the votes.

²⁷ Emergence of the NGO sector clearly stands out as one of the major new developments brought about by independence.

have emerged. In the closing part of the chapter, I inquire how women's NGOs decided to work against domestic violence, and what their contribution has been towards increasing the visibility of domestic violence. This chapter argues that, along with a number of significant factors analysed in the third chapter, the emergence of the NGO sector provided the scope and increased opportunities for scrutinising and revealing certain social problems which were silenced and/or unacknowledged during the Soviet period.

Chapter 5 analyses the actual drafting and adoption processes of *the Law of Georgia on the Elimination of Domestic Violence, Protection of Victims of Domestic Violence and Their Assistance*. This chapter argues that a confluence of significant international and local level factors led to the development and adoption of the Georgian Domestic Violence Law. On the international level, the processes that followed Georgia's joining of CEDAW have certainly played a role in putting domestic violence on the policy radar of the Georgian government. On the local level, it was mainly the experiences of women victims / survivors of domestic violence that motivated lawyers and women's NGO activists to elaborate the Domestic Violence Law and advocate for its adoption. However, the word "women" has been purposefully omitted / deleted from the legal text, as well as from speeches made by lobbyists of the law, in order to present this law as a completely gender-neutral text. In my attempt to understand which domestic violence policy frameworks have dominated in Georgia, I compare the Georgian law and its adoption experience with similar experiences of a few European countries.

In the concluding part of the dissertation, I argue that any attempt to answer the question of how in the case of Georgia domestic violence came to be acknowledged as a social problem should consider a whole range of factors: the diffusion of ideas and influences from global to local; the experience of pseudo-women's liberation during the Soviet period and its aftermath; the violent armed conflicts which took place in Georgia in the 1990s; the government's declared aspirations towards building a Western-style democratic state; the experience and practice of coping with domestic violence discovered and accumulated locally through various individual

women and women's NGOs; and, last but not least, contextual opportunities and the personal biases of lobbyists involved. In the conclusion, I also come back to the arguments presented in the literature review, engaging with them vis-à-vis the findings of my research.

I hope that my dissertation will enrich the scholarship on domestic violence in post-communist countries by providing a nuanced exploration of the developments and processes that led to the adoption of the *Law of Georgia on the Elimination of Domestic Violence, Protection of Victims of Domestic Violence and their Assistance* in May 2006.

Chapter 1: Literature Review

Theorising Domestic Violence Policy-making

I have found two sets of literature particularly relevant for my research. The first set deals with the dynamics of how domestic violence became an item on policy-making agendas in post-communist countries. This literature is important for my work because I try to find out how domestic violence was identified as an issue in need of legal regulation in Georgia, and which key local and international factors contributed to this process. Along this line, I review the process of international recognition of domestic violence as a women's human rights concern, since this recognition has been an important starting point for domestic violence policy-making in many countries.

The second set of texts analyses the debates around domestic violence policy-making and the contents of the policies themselves. This literature is relevant because I analyse the processes of elaboration and adoption of Georgia's Domestic Violence Law, inquiring how their particular character and contents compare to frameworks of domestic violence policies elaborated in the literature.

I have organised the first set of literature, on how domestic violence became an item on the policy-making agendas of post-communist governments after the 1990s, into four broad categories. Firstly, scholarship that explores policy-making on domestic violence in the post-communist states in relation to globalisation and the diffusion of internationally agreed-upon human rights norms and principles. Second is literature which explains domestic violence policy-making in a number of post-communist countries by looking at their aspirations to integrate into the European Union. Thirdly, literature that attempts to identify the significance of transnational feminist networks for the identification of domestic violence as a social problem in need of state regulation in the post-communist countries of Central and Eastern Europe. The fourth category is

scholarship that scrutinises the agenda setting for local women's NGOs by foreign actors such as Western feminists and donor agencies, and the implications of this sort of interaction for the identification of domestic violence as a social issue in post-communist countries.

Literature on how domestic violence became an item on policy-making agendas in post-communist countries

(1) Domestic Violence Policy-making Consequence of Diffusion of Internationally Agreed Human Rights Norms

“Legal doctrines protecting the privacy of home and family have been widely used to justify the failure of the state and the society to intervene when violence is committed against women in the family, and to take remedial action.”²⁸ Thanks solely to the activism of Second Wave feminists in North America and Western Europe it was made possible to bring allegedly private issues in women's lives into the public light in the very spirit of the slogan: “The Personal Is Political!”²⁹ It could be argued that the gradual recognition of domestic violence as a problem on national levels in North America and Western Europe started in the 1970s and attained international recognition in the 1990s. This recognition is one of the gains of “the

²⁸ United Nations General Assembly, *In-depth study on all forms of violence against women: Report by the Secretary General (A/61/122/Add.1)*, July 6, 2006, 33, accessed February 19, 2010, <http://www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm>.

²⁹ For the process of second wave feminists discovering and arguing for violence against women as such rather than individual women's private problems, see Ruth Rosen, *The World Split Open: How the Modern Women's Movement Changed America* (Viking Press, 2000), Ch. 5. It has been difficult to trace the origins of the phrase “the Personal is Political!” – Many attribute it to Carol Hanisch, who published an essay with the title “The Personal is Political!” in 1969. However, on a web-forum Carol Hanisch clarified that she got the title from Shulamith Firestone and Anne Koedt, editors of the magazine *Notes from the second year: women's liberation, major writings of the radical feminists* (New York, 1970). Written in 1968 and widely distributed as a position paper. See further, “The Personal is Political,” WMST-L Listserv Archive, accessed June 2, 2010, <http://userpages.umbc.edu/~korenman/wmst/pisp.html>.

longest revolution,”³⁰ initiated by the women’s liberation movement in the West, which spread or emerged in various forms and manifestations in other parts of the world as well.³¹

Prior to turning to the scholarship that sees domestic violence policy-making in post-communist countries as a consequence of diffusion of internationally agreed norms, I would like to first review the process of international recognition of domestic violence as a women’s human rights concern.

Violence against women in general and domestic violence against women in particular did not receive acknowledgement in the international arena until the late 1980s and early 1990s respectively. The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), which was adopted by the UN General Assembly in 1979 and entered into force in 1981 (following the ratification by the required twenty governments) did not consider the issue of violence against women. Thus, the text of the Convention does not include even a single mention of violence against women. “However, since the 1985 Nairobi Conference to review and appraise achievements of the UN Decade for Women [1976-1985], the UN has encouraged discussion to help break the silence concerning the issue of violence against women.”³² One year prior to the Nairobi Conference, in 1984, the UN Economic and Social Council passed resolution 1984/14 on violence in the family.³³ Following this resolution, the UN General Assembly passed Resolution 40/36 on domestic violence, which encouraged states to prevent domestic violence,

³⁰ The term “the longest revolution” was first used by Juliet Mitchell and later by Ruth Rosen to describe the American women’s movement and its gains. Juliet Mitchell, “Women: the Longest Revolution,” *New Left Review* 40 (December 1966); Rosen, “The Longest Revolution,” preface to *The World Split Open*.

³¹ According to Dobash and Dobash, the first shelter for battered women opened in Great Britain in 1972, followed by others across Britain and in other parts of Europe, the United States, Canada, and Australia. Dobash and Dobash, *Women, Violence & Social Change*, 12; Kumari Jayawardena in her book *Feminism and Nationalism in the Third World* gives a historical account of women’s movements in Egypt, Turkey, Iran, India, Sri Lanka, China, Indonesia, Vietnam, Japan, Korea, and Philippines from the 19th century to the 1980s. Jayawardena argues that feminism emerged in Asia and the Middle East as women struggled for equal rights in all spheres of their lives and hence was not a foreign ideology imposed on these parts of the world by Western feminists. Kumari Jayawardena, *Feminism and Nationalism in the Third World* (London: Zed Books, 1986). For an account of how domestic violence was identified as a problem in Japan, and the role women’s NGOs played in this process, see Meiko Yoshihama, “The Definitional Process of Domestic Violence in Japan: Generating Official Response Through Action-Oriented Research and International Advocacy,” in *Violence against Women* 8, no.3, (March 2002): 339-366.

³² Hilka Pietilä, *Engendering the Global Agenda: The Story of Women and the United Nations* (New York: UN Non-governmental Liaison Service, 2002), 27.

³³ UNESC Res 14 (24 May 1984) UN Doc ESC Res 1984/14, on Violence in the family.

research the scope of the problem and render support to the victims of domestic violence.³⁴ In 1989, the UN released a report *Violence against Women in the Family*, which according to Bonita Meyersfeld, who has studied the place of domestic violence in international law, was a decisive step in changing the international legal landscape:

“The report established four important factors. First, it described domestic violence as a problem in almost every country, giving it an international profile. Second, domestic violence was cited as one of the most serious causes of ill-health amongst women, thereby linking it to the existing international right to health. Third, the report established that domestic violence was not random but was ‘associated with inequality between women and men, and strategies to perpetuate or entrench that inequality.’ Finally, the report initiated a change in the emphasis in international law from protection of the family to protection of individuals *within* the family.”³⁵

In 1990, the UN General Assembly adopted another resolution on domestic violence, resolution 45/114, which underlined the significant lack of information and research on domestic violence globally and the need for sharing data as well as strategies on how to deal with this problem.³⁶ In 1992, the CEDAW Committee adopted General Recommendation 19, confirming that domestic violence impedes gender equality and hinders the full implementation of CEDAW. General Recommendation 19 “broadened the definition of violence against women to include physical, sexual, psychological harm. [...] It demonstrated that violence between intimates affects women disproportionately, demarcating women as a group in need of proactive state protection.”³⁷ According to CEDAW General Recommendation No. 19, “under general international law and specific human rights covenants, states may also be responsible for private

³⁴ UNGA Res 40/36 (29 November 1985) UN Doc A/Res/40/36, Art. 2, Art. 3.

³⁵ Bonita Meyersfeld, *Domestic Violence and International Law* (Oxford: Hart Publishing, 2010), 19.

³⁶ UNGA Res 45/114 (14 December 1990) UN Doc A/RES/45/114, Preamble.

³⁷ Meyersfeld, *Domestic Violence and International Law*, 20-21.

acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”³⁸ In addition, General Recommendation No. 19 explicitly states that gender-based violence, including domestic violence against women, is a form of women’s discrimination.

At the 1993 UN world conference on human rights, gender equality advocates and women’s rights NGOs “brought the previously hidden issue of violence against women to international attention. ‘Women’s rights are human rights’ became the cry.”³⁹ As a result, in December 1993, the UN General Assembly adopted the *Declaration on the Elimination of Violence against Women* (DEVAW), which was conceptually based on the principles of CEDAW General Recommendation No. 19. The 1993 UN Declaration reemphasised that countries should “Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.”⁴⁰ The DEVAW has been considered the most tangible “expression to date of an international commitment to address violence against women in private life.”⁴¹ In 1995, at the Fourth World Conference on Women in Beijing, violence against women was identified as one of the 12 critical areas of concern of women’s lives worldwide, this identification has significantly contributed to the international acknowledgement of domestic violence as a grave violation of women’s human rights.⁴² Thus, since the 1990s, the international environment has become highly conducive for states to adopt special laws and policies targeting the elimination of domestic violence on a national level:

³⁸ United Nations, CEDAW General Recommendation no.19 (Eleventh Session 1992), paragraph 9, accessed February 16, 2010, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>.

³⁹ Arvonne S. Fraser, “Becoming Human: The Origins and Development of Women’s Human Rights.” *Human Rights Quarterly* 21, no. 4 (1999): 857.

⁴⁰ United Nations, *Declaration on the Elimination of Violence against Women*, article 4, c., 1993, accessed February 16, 2010, <http://www.un.org/documents/ga/res/48/a48r104.htm>.

⁴¹ Donna J. Sullivan, “Women’s Human Rights and the 1993 World Conference on Human Rights,” *The American Journal of International Law* 88, no.1 (1994): 157.

⁴² For more see Meyersfeld, *Domestic Violence and International Law*. Meyersfeld reviews the period of 1946-2008 and offers a thorough analysis of how domestic violence has become an international Human Rights issue.

“Since the 1990s, many States have adopted or revised legislation on violence against women. These legal reforms have varied significantly in terms of the forms of violence they address, the type of action they mandate and the area of law (constitutional, civil, criminal, family) they reform. [...] Some States have addressed violence against women in their Constitutions.”⁴³

According to the UN, in 2003 only forty-five countries had specific laws on domestic violence, in 2006 the number of such countries had increased to sixty.⁴⁴ As of April 2011, 125 countries have passed legislation on domestic violence and fifty-two countries have amended their legislation to explicitly make marital rape a criminal offense.⁴⁵

On 7 April 2011, the Committee of Ministers of the Council of Europe adopted landmark *Convention on Preventing and Combating Violence against Women and Domestic Violence*, which is the first legally binding instrument in the world creating a comprehensive legal framework to prevent violence, to protect victims and to end with the impunity of perpetrators. It defines and criminalizes various forms of violence against women (including forced marriage, female genital mutilation, stalking, physical and psychological violence and sexual violence). It also foresees the establishment of an international group of independent

⁴³ United Nations Division for the Advancement of Women & United Nations Office on Drugs and Crime, *Good practices in legislation on violence against women: Report of the Expert group meeting, 26-28 May 2008*, 3, accessed February 17, 2010, [http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGPLVAW%20\(final%2011.11.08\).pdf](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGPLVAW%20(final%2011.11.08).pdf).

⁴⁴ According to the UN Secretary General’s *In-depth Study on All Forms of Violence against Women*, in 2006 eighty-nine states had in place some legislative provisions that specifically address domestic violence. “Of these, 60 States have specific domestic violence laws, seven have violence against women laws, one has a gender-neutral law against violence; 14 have specific provisions on domestic violence in their penal codes; five have civil procedures for the removal of perpetrators, and one addresses domestic violence through family law. Twelve of the States with specific domestic violence legislation refer to family-based violence rather than gender-based violence. There are 102 States that are not known to have any specific legal provisions on domestic violence. Twenty States have draft legislation on domestic violence in varying stages of development, with a further four states having expressed an intention to develop specific legislation, or provisions, on domestic violence.” United Nations, *In-depth Study on All Forms of Violence against Women*, 89.

⁴⁵ UN Women, *Progress of the World’s Women 2011-2012: In Pursuit of Justice* (New York: UN, 2011), 33.

experts to monitor its implementation at national level. The Council of Europe Convention was opened for signature in Istanbul on 11 May 2011.⁴⁶

The American political scientist Olga Avdeyeva's work concerns the importance of the diffusion of internationally acknowledged women's human rights norms, such as CEDAW and the *Beijing Platform for Action* for the elaboration of domestic violence laws and policies in the former Soviet Republics.⁴⁷ The fact that all fifteen former Soviet Republics, including Georgia, ratified CEDAW and joined the *Beijing Platform for Action*, Avdeyeva explains from a sociological neo-institutionalist perspective. The theory of sociological neo-institutionalism views states as social actors driven by the desire for membership in the global community of states: "This drive for association creates pressures on states to assimilate with other actors and conform to the rules shared by the group, especially if it does not involve any substantial costs. This is exactly what the UN treaties provide: membership in a large group of states."⁴⁸ Plus, the UN foresees no strict sanction mechanism for member states if the treaty obligations are not complied with.

According to Avdeyeva, joining international human rights instruments has also formed another set of socially significant meanings for the former Soviet Republics. These are demonstrating acts of independence and sovereignty, and these nations' aspirations to be viewed as "civilised" members of the international commonwealth with the accompanying commitment to human rights. Finally, according to Avdeyeva, in certain post-Soviet states the ratification of CEDAW could be explained by the concept of "mirroring behaviour" – i.e. states track, and then replicate, the behaviour of other states in their respective regions, especially when these "younger" states are entering the contemporary, international arena as independent actors for the first time.⁴⁹ However, after analysing the effects of accession to women's human rights instruments by former Soviet states on the actual elaboration and implementation of laws and

⁴⁶ Council of Europe, *Stop Violence*, accessed on December 17, 2011, http://www.coe.int/t/dghl/standardsetting/violence/default_en.asp.

⁴⁷ Avdeyeva, "International Treaties," 308-331.

⁴⁸ Ibid., 325.

⁴⁹ Ibid., 325-326.

policies against domestic violence, Avdeyeva concludes that these international norms and standards have rarely been translated into effective laws and policies on the national level. When it comes to enforcement, international human rights instruments have more symbolic than actual power in post-Soviet states. Nevertheless, when states accede to them, these instruments create a favourable environment for both internal and external actors to engage in treaty implementation.⁵⁰ I found this argument to be absolutely true in the case of Georgia, as joining CEDAW clearly created a conducive environment for the development of the women's NGOs sector and subsequently for the elaboration of laws and policies targeting domestic violence.

Katalin Fabian argues that women's rights advocates encouraged the governments of Central and Eastern Europe to recognise domestic violence as both a social problem and as a barometer for measuring the quality of the democratisation process. In addition, references to the need for implementing Hungary's commitments under CEDAW were made by women's rights advocates in light of EU accession requirements, due to which "the parliamentary representatives were aware that they could not entirely refuse to deal with the issue without conflicting with the basic premise of democracy, the implied expectation of EU accession, and the recognition of UN-backed international human rights such as those put forth in CEDAW..."⁵¹ As a result, in April 2003, the NGO lobbyists succeeded and a national strategy for preventing and responding to family violence was adopted by the Hungarian Parliament.⁵² Georgian women's NGOs similarly made references to the country's international commitments and aspirations towards European Union accession when they were advocating for improved policy and legislation in the area of domestic violence. However, these references were more ad hoc than systematic and persistent.

⁵⁰ Ibid., 333-334.

⁵¹ Fabian, "Reframing Domestic Violence," 231.

⁵² "Decision on the formulation of a national strategy for preventing and efficiently responding to violence in the family" (H/2483/23). Ibid., 229.

(2) Domestic Violence Policy-Making Consequence of Integration with the European Union

A number of scholars have analysed the influence of the European Union on the formulation of anti-domestic violence policies in the post-communist states of Central and Eastern Europe. Andrea Krizsan and Raluca Popa have analysed the impact of Europeanisation on national domestic violence policy-making in Croatia, Romania, Poland, Bulgaria and Hungary by looking at three key mechanisms of interaction. The first mechanism is the regulation of domestic violence by EU accession states as one of the conditions for joining the EU. The second is EU funding that facilitates social learning for change, and the third is strategic discursive action by women's NGOs encouraged by EU accession.⁵³ The authors concluded that domestic violence policy-making was up for negotiation between EU accession states and respective EU structures in some cases during the process of EU enlargement (Romania, Poland), while in other cases it received no particular attention from either the governments of the accession countries or the respective EU structures (Hungary, Bulgaria).⁵⁴ Krizsan and Popa identify "Daphne," an EU-supported multiyear, multi-million Euro project, as an important mechanism for transnational networking, sharing and learning among organisations working to end domestic violence in Hungary, Poland, Bulgaria and Romania.⁵⁵ The authors regard Daphne as a significant lesson-drawing, experience-sharing initiative, but they do not view it as a substantive EU strategy for addressing the problem of violence against women in member and candidate countries.⁵⁶ Their research has also demonstrated that, in some countries, women's rights and gender equality advocates used the "discursive opportunity" offered by EU accession to lobby for the introduction of more effective policies in the field of domestic violence.⁵⁷ In Hungary, Romania, and Bulgaria, women's NGOs and gender equality advocates strategically

⁵³ Andrea Krizsan and Raluca Popa, "Europeanization in Making Policies against Domestic Violence in Central and Eastern Europe," *Social Politics* 17, no. 3, (2010): 379-406.

⁵⁴ Ibid., 386.

⁵⁵ Ibid., 389-392.

⁵⁶ Ibid., 392.

⁵⁷ Ibid., 392-399.

framed the need to have policies to address domestic violence as part of European integration criteria, “regardless of whether or not it was included among the formal conditionality criteria.”⁵⁸

Celeste Montoya, a US based Women and Gender Studies researcher, has also analysed the significance of EU actions for anti-domestic violence policy-making in the post-communist states of Central and Eastern Europe. She argues that, although the EU failed to take a definitive position on violence against women,⁵⁹ it nonetheless contributed to anti-domestic violence policy-making in the new member states.⁶⁰ According to Montoya, the EU placed the issue of violence against women on the European political agenda by issuing a number of recommendations, resolutions and reports, as well as by sponsoring a number of public awareness campaigns, and has indirectly continued to encourage policy change in a number of member and candidate countries. In addition, through the Daphne initiative, the EU has provided resources for local organisations to create transnational networks – such as Women against Violence in Europe (WAVE) – and partnerships among the main civil society actors in the field of combating violence against women in Central and Eastern Europe.⁶¹ Since Georgia is rather “far” from EU membership given its geopolitical location, compliance with EU accession criteria has not shaped policy debates around domestic violence. Instead, I have found that more general European orientations have been both politically and discursively important in the adoption process of the Domestic Violence Law.

⁵⁸ Ibid., 398.

⁵⁹ Regulation of domestic violence issues does not fall within the scope of EU’s “hard law” policy, but rather within “soft law” policy (i.e. nonbinding resolutions and recommendations). Celeste Montoya, “The European Union, Transnational Advocacy, and Violence against Women,” in Fabian, *Domestic Violence in Postcommunist States*, 293-307.

⁶⁰ Ibid., 304.

⁶¹ Ibid., 304-305.

(3) Domestic Violence Policy-Making Consequences of Advocacy Work by Transnational Feminist Networks

In the majority of developed countries (such as Canada, Sweden, Norway) it was the women's movement that drew the public's attention to the problem of violence against women in general and that of domestic violence in particular.⁶² R. Emerson Dobash and Russell P. Dobash in their study entitled *Women, Violence & Social Change* (1992) begin their comparative analysis of battered-women's movements⁶³ in Britain and United States with a discussion of the wider context of the women's liberation movement, from which the battered-women's movement emerged:

“The knowledge that women are in a secondary position to men both in society and in the family, and that this results in numerous problems for women, including economic disadvantage and the use of violence against them, was becoming common currency in the women's movement. The new issue of the physical abuse of women in the home simply extended this knowledge of women's oppression beyond the more public spheres of wage work, safety in public places and the like and into the very heartland of private life, the family. Thus, the fact that women were beaten by husbands and cohabitants was a logical extension of earlier discoveries.”⁶⁴

According to the authors, the social reform to which the women's liberation movement and, within it, the battered-women's movement aspired, was to change the status of women in society from subordinate to equal to men, and to end male violence against women. Thus,

⁶² Bonnie G. Smith, ed. *The Oxford Encyclopedia of Women in World History*, vol.2, “Domestic Violence: Overview” (Oxford: Oxford University Press, 2008), 94.

⁶³ Dobash and Dobash's analysis of social movements presents “a complex interplay of issues, values, goals, organizational forms, internal dynamics and external relations which continue to shape and reshape the organic development of a movement as it emerges, expands and wins and loses struggles in its attempt to bring about social change.” And, according to the authors, many of the dynamics characteristic to social movements in general “are resonant with debates and dilemmas facing women's movement and its offspring, the battered-women's movement.” Dobash and Dobash, *Women, Violence & Social Change*, 22.

⁶⁴ *Ibid.*, 17.

Dobash and Dobash argue that the women's liberation movement in the West played a decisive role in the identification of domestic violence as a social problem. The authors further argue that a social movement is a critical factor for such an identification to occur, and that the case-studies of Great Britain and United States which they analyse prove this hypothesis. With this argument in mind, one wonders how acknowledgement of the problem took place in post-communist societies like Georgia, where the very existence of local women's movements is questionable by the members of the women's NGOs themselves.⁶⁵ Should this identification then be attributed to globalisation, which provided fertile soil for Western feminists' to share ideas with particular groups of local women (women's NGOs) through what Valentine Moghadam, Laura Brunell and Janet Elise Johnson call "transnational feminist networks" (TFN)⁶⁶ – non-traditional social movements, characterised by confrontational tactics employed by small, dedicated groups of activists.⁶⁷ Indeed, a number of scholars consider globalisation to have been an important factor in the process of identification of domestic violence as a social problem in post-communist countries.

According to Katalin Fabian, globalisation has had a dual effect on domestic violence policy-making in post-communist countries. Firstly, there was the so-called "boomerang pattern" that allowed women's NGOs "to use the leverage of various international organisations to advance their aims at home."⁶⁸ Secondly, there was the impact of agenda-setting for women's NGOs in Central and Eastern Europe by foreign donors and activists. Margaret Keck and Kathryn Sikkink have elaborated the concept of the "boomerang pattern" in their widely cited 1998 book *Activists beyond Borders: Transnational Activist Networks in International Politics*; it

⁶⁵ One of the questions of the small-scale survey of women's NGOs that I have carried out for the dissertation was regarding the existence of women's movement in Georgia. Thirteen (59 per cent) of the 22 Women's NGOs surveyed did not believe that a women's movement existed in Georgia, while nine (41 per cent) believed it did. Please see chapter 4 for further details.

⁶⁶ Laura Brunell and Janet Elise Johnson, "The New WAVE: How Transnational Feminist Networks Promote Domestic Violence Reform in Postcommunist Europe," in Fabian, *Domestic Violence in Postcommunist States*, 260-292.

⁶⁷ These networks "mobilize smaller numbers of individual activists who use more specialized resources and expertise and access to elites." Valerie Sperling, Myra Marx Ferree, and Barbara Risman, "Constructing Global Feminism: Transnational Advocacy Networks and Russian Women's Activism," *Signs: Journal of Women in Culture and Society* 26, no. 4, (2001): 1157.

⁶⁸ Fabian, "Reframing Domestic Violence," 225.

refers to the pressure exercised by local NGOs on their respective governments through their international connections. For example: when local NGOs or networks cannot directly access their own governments, they inform their counterpart advocacy networks abroad about certain human rights violations committed by the state. The activists abroad then use their own governments or inter-governmental organisations (such as the UN) to exert external pressure on the state that has been accused of committing human rights' violations. Thus, the plea for attention sent by women's NGOs and activists to their international counterparts unleashes an external pressure that returns like a boomerang to the government in question, and it also links domestic human rights' concerns with the global framework of human rights' norms and instruments.⁶⁹

The American sociologist Alexandra Hrycak challenges Keck and Sikkink's "boomerang pattern" by providing an analysis of the domestic violence policy-making process as it occurred in Ukraine, in 2001 the first former Soviet country to adopt a special domestic violence law.⁷⁰ According to Hrycak, "Women's groups in Ukraine did not use Western sympathisers to launch a boomerang. Instead, Western sympathisers and states exerted influence mainly by providing funds that facilitated attendance at international women's conferences. This exposed the domestic actors to a new gender-based paradigm for framing women's rights, and drew domestic interest towards establishing local crises centres and shelters."⁷¹ Hrycak argues that domestic violence policy-making in a number of post-Soviet countries, such as Ukraine and Russia, cannot be explained by the density and strength of transnational ties or by the exertion of international pressure, but rather by the structure of domestic alliances and opportunities.⁷² The findings of my research support the argument elaborated by Hrycak: Georgian women's groups benefitted more from their participation in international forums and the sharing of international experience in the

⁶⁹ Margaret Keck and Kathryn Sikkink, *Activists beyond Borders: Transnational Activist Networks in International Politics* (Ithaca, N.Y: Cornell University Press, 1998).

⁷⁰ Alexandra Hrycak, "Transnational Advocacy Campaigns and Domestic Violence Prevention in Ukraine" in Fabian, *Domestic Violence in Postcommunist States*, 45-77.

⁷¹ Ibid., 47-48.

⁷² Ibid., 48.

area of domestic violence policymaking than from a “boomerang pattern” of mobilised external pressure of women’s rights activists on the government of Georgia.

Laura Brunell and Janet Elise Johnson regard transnational feminist networks as the main catalysts of domestic violence policy reform in the post-communist countries of Central and Eastern Europe and the former Soviet Union. Brunell and Johnson borrow the definition of “transnational feminist networks” (TFN) from Valentine Moghadam, who defined them as:

“Structures organized above the national level that unite women from three or more countries around a common agenda, such as women’s human rights, reproductive health and rights, violence against women, peace and anti-militarism, or feminist economics. They are part of the family of political change organizations operating above and across national borders that have been variously described as global civil society organizations, transnational advocacy networks, and transnational social movement organizations – and which, along with international non-governmental organizations, constitute the making of a transnational public sphere.”⁷³

According to Brunell and Johnson, the demise of communist regimes and the strong interest of the West in creating stable democracies in these countries allowed for feminist organising and consciousness-raising. However, above all, “mentoring, relationship building, and sharing of information fostered by the TFN have led to tangible changes in the way these newly democratic regimes are responding to domestic violence.”⁷⁴ The authors analyse eleven post-communist countries⁷⁵ (Georgia not included) to assess the impact of the TFN on domestic

⁷³ Valentine M. Moghadam, *Globalizing Women: Transnational Feminist Networks* (Baltimore: Johns Hopkins University Press, 2005), 4, cited by Laura Brunell and Janet Elise Johnson, “The New WAVE: How Transnational Feminist Networks Promote Domestic Violence Reform in Postcommunist Europe,” in Fabian, *Domestic Violence in Postcommunist States*, 267-268.

⁷⁴ Brunell and Johnson, “The New WAVE,” 285.

⁷⁵ The countries analyzed are Central and East European countries as well as former Soviet Union communist states: Poland, Slovak Republic, Czech Republic, Hungary, Romania, Bulgaria, Albania, Ukraine, Russia, Moldova, and Armenia.

violence policies along with the impact of foreign funding, political and economic reform, culture, and geographic diffusion. According to the authors, statistically significant relationships existed between a given state's responsiveness to domestic violence and the state's NGOs interaction with the TFN working on combating violence against women, including the density of this interaction (the authors have mainly looked at WAVE's electronic database to count NGOs membership with WAVE and assess these NGOs registration statuses with WAVE per country). This finding allows them to conclude that "at least through the middle of the first decade of the new millennium, links between the NGOs in the post-communist countries and the West, cultivated partially by funding from the European Union, have provided a mechanism for diffusion of anti-domestic violence policies."⁷⁶ Since Georgia was not included in the Brunell and Johnson sample, it is hard to apply their argument to Georgia, but it is still worth mentioning that by 2010 Georgia's score was relatively high (collecting four out of six possible points) when using the six domestic violence policy reform criteria developed by Brunell and Johnson.⁷⁷ Using the same Women against Violence in Europe database it can only be argued that Georgia's ties with TFN (TFN activity is regarded as the most influential criterion by Brunell and Johnson), were not stronger in 2010 than those of Albania, Russia and Bulgaria at the time of Brunell and Johnson's research in 2005. Knowing almost all the Georgian NGO WAVE members,⁷⁸ I have noticed that three NGOs were registered in the database and counted twice, and that some have not accurately indicated their geographic coverage or services offered. Given that so many shortfalls exist in the WAVE database's coverage of Georgia alone, I cannot help but have reservations about the appropriateness of using such a database as a source for drawing

⁷⁶ Brunell and Johnson, "The New WAVE," in Fabian, *Domestic Violence in Postcommunist States*, 263.

⁷⁷ Brunell and Johnson assessed the impact of TFN on fostering state response to domestic violence through elaboration of respective laws and policies by looking at seven specific domestic violence reform criteria: 1. Recognising domestic violence as a specific crime in the state's criminal code; 2. Allowing victims to obtain court orders of protection from perpetrators of violence; 3. Recognising marital rape as a crime; 4. Enacting legislation specifically addressing domestic violence; 5. Sponsoring publicly funded information campaign on domestic violence; 6. Training the police to intervene in domestic violence incidents; 7. Maintaining separate statistics on these interventions. Out of the eleven countries, Poland, Czech Republic, and Hungary scored the highest (5.5, 4, and 4 respectively), whereas Armenia and Albania scored the lowest (1 and 0 respectively). *Ibid.*, 274-275.

⁷⁸ Laura Brunell and Janet Elise Johnson used the WAVE electronic database (last accessed by them on October 6, 2006) to determine the links of local women's NGOs and government actors to such TFN as WAVE.

scholarly conclusions. Moreover, even if I accept Brunell and Johnson's argument that TFN such as WAVE are crucial facilitators of domestic violence policy-making in the post-communist world, that doesn't explain why these policies have been so degendered and remarkably detached from a feminist conceptualisation of the problem of domestic violence?⁷⁹

(4) Domestic Violence Policy-Making Consequence of Agenda Setting for Local Women's NGOs by Western Feminists and Donor Agencies

The age of globalisation has, especially in the newly established democracies, limited the number of possibilities for issues of state regulation and policy-making to purely and genuinely emerge locally without international influence, given the fact that most of the financial assistance for "development" (including that which is earmarked for achievement of a greater "gender equality") comes from North American and Western European countries. In this section, I would now like to discuss the literature that a domestic violence policy-making as a consequence of agenda setting for local women's NGOs by Western Feminists and donor organisations. Kristen Ghodsee has used the concept of "capitalism-by-design" to describe the work of Western consultants in the newly liberated Eastern European countries following the collapse of communism in 1989. According to Ghodsee, these consultants were hired by the World Bank and other donor organisations to travel to post-communist Eastern European countries for the purpose of assisting these governments "to fashion the foundations of capitalism and liberal democracy from scratch."⁸⁰ These well-paid Western consultants "brought with them the ideological 'tool-kits' of capitalism -- thorough, but untested blueprints for how to 'transition' these societies away from communism."⁸¹ Ghodsee argues that dynamics similar to "capitalism-by-design" have occurred in relation to the promotion of gender equality and the women's rights agenda by Western feminists and their organisations which were paid by various donor

⁷⁹ Brunell and Johnson themselves agree with the findings of the recent studies that policymakers have in fact de-radicalised and de-gendered the issue of domestic violence. Brunell and Johnson, "The New WAVE," 285.

⁸⁰ Ghodsee, *The Red Riviera*, 159.

⁸¹ *Ibid.*, 159.

organisations to reach out to East European women's NGOs -- for which she introduces the concept of "feminism-by-design": "Donors hired professional Western feminists to produce what I call 'feminism-by-design' in much the same way as [the] World Bank retained consultants from big international accounting firms to create capitalism-by-design."⁸²

According to Ghodsee, the "feminism-by-design" model as currently practiced by both international and local women's NGOs in Eastern European countries serves to shift attention from a class-based analysis of oppression to a gender-based analysis of oppression.⁸³ In Ghodsee's opinion, the confrontation of men as a group by women as a group, propagated by the "feminism-by-design" approach, has undermined the class struggle of citizens in post-socialist countries, and has allowed the neoliberal governments of these countries to make "deeper cuts into social spending (in the interests of macroeconomic stability)."⁸⁴ Further, according to Ghodsee:

"One of the purposes of NGOs in Eastern Europe is to provide employment for displaced intellectuals from the old system, to allow them to adjust their habituses to the new capitalist reality. Because capitalism is dependent on meritocracy in order to justify its unequal distribution of resources, the new system must visibly reward those with excessive cultural capital even if that capital was acquired under the old system."⁸⁵

According to Ghodsee, Western donor organisations supported the establishment of NGOs to "bribe" intellectuals employed by these organisations so that "the meritocracy deflects the blame for injustice away from the economic system and places it on the shoulders of the

⁸² Ibid., 161.

⁸³ Ibid., 163.

⁸⁴ Kristen Ghodsee, "Feminism-by-Design: Emerging Capitalisms, Cultural Feminism, and Women's Nongovernmental Organizations in Post socialist Eastern Europe," *Signs: Journal of Women in Culture and Society* 29, no. 3 (2004): 748.

⁸⁵ Ghodsee, *The Red Riviera*, 168.

individual and her lack of ability.”⁸⁶ Similar arguments have been earlier voiced by James Petras and Henry Veltmeyer according to whom, women’s and feminist NGOs substitute class politics with “heavily [...] essentialist identity politics,” which “focuses on the private sphere and personal politics”⁸⁷ and are ultimately harmful for women’s interests. Petras and Veltmeyer further claim that NGOs create a new class supported by Western capitalists in order to prevent other classes from emerging, demobilise popular movements, and promote neoliberal interests.⁸⁸

According to the logic of Ghodsee’s argument, the policies that NGOs promote should be in support of (or at least not work against) the spread of neoliberal capitalism, which, however, is not the case when NGOs demand that the state provide services for individuals who are confronted with domestic violence.⁸⁹ Such advocacy work of NGOs, as in Georgia, goes against the priorities and principles of neoliberal capitalist ideology that among other things promotes minimising government spending in the social sector.

The American political theorist and philosopher Nanette Funk labels the arguments of Kristen Ghodsee, James Petras, and Henry Veltmeyer as one strain in a larger category of “Imperialist Criticisms”⁹⁰ of NGOs. She provides a counter-argument by elaborating a “compatibilist position” which, according to Funk, implies that “NGO support of some imperial aims can, in certain cases, be compatible with both the political justification of such NGOs and

⁸⁶ Ibid., 169.

⁸⁷ James Petras and Henry Veltmeyer, *Globalization Unmasked: Imperialism in the 21st Century* (London: Fernwood Publishing, 2001), 134. Citations of the work of Petras and Veltmeyer are borrowed from Nanette Funk, “Women’s NGOs in Central and Eastern Europe,” in *Women and Citizenship in Central and Eastern Europe*, eds. Jasmina Lukić, Joanna Regulaska, and Darja Završek (Hampshire, Burlington: Ashgate, 2006), 266.

⁸⁸ Petras and Veltmeyer, *Globalization Unmasked*, 133.

⁸⁹ The experience of Belarusian Women’s NGOs working towards combating domestic violence described by Amnesty International also contradicts to Ghodsee’s argument. According to Amnesty International, none of the Women’s NGOs interviewed by the organisation in February 2006 were receiving any funding for domestic violence work. “Most NGOs found that their attempts to obtain money from international funders had been blocked by the authorities, and some realized that funders were more reluctant to fund domestic violence projects. A few were receiving material assistance from the state, such as office space, but all those offering services were doing so as volunteers.” Amnesty International, *Belarus Domestic Violence More than a Private Scandal* (2006), 18, accessed November 2, 2010, <http://www.amnesty.org/en/library/asset/EUR49/014/2006/en/9c159a36-d401-11dd-8743-d305bea2b2c7/eur490142006en.pdf>.

⁹⁰ According to Funk, “Imperialist Criticism suggests that local women’s and feminist NGOs and their Western supporters do not promote gender, class, or transnational justice but foster an imperial agenda or Western Interests. What the critics mean by an ‘imperial agenda’ or ‘Western interests’ differs but in the 1990s in Central and Eastern Europe and the former Soviet Union one central meaning was building of a neoliberal capitalist economic system and a political order that would support it in the region, to the advantage of Western capitalism but to the disadvantage of those in the region.” Funk, “Women’s NGOs,” 266.

the demands of justice.”⁹¹ Funk separately addresses the problematic nature of cautionary claims, generalisations, and reductionist arguments⁹² voiced by feminist as well as non-feminist⁹³ “Imperialist Critics” who, in a nutshell, argue that the only use from local women’s organisations, along with those organisations which support them, is the promotion of neoliberalism: they do local women no good, and it would be much better if such organisations did not exist at all.⁹⁴ Funk challenges the Imperialist Criticism argument as an oversimplification of the agenda of Western donor organisations, which assumes “both that there is something called ‘the West’ and that all NGOs are funded by it. [...] There is a very wide range of goals, interests, and objectives in ‘the West’ and they sometimes conflict.”⁹⁵ Nanette Funk also considers the Imperialist Critics’ empirical and theoretical assumption to be false because it assumes “that local women’s and feminist NGOs are passive, powerless victims who lack their own strategies to subvert the neoliberal agendas of their Western funders, and are not able to carry out their own agendas in spite of the conditions under which they act or the intentions of their funders.”⁹⁶

Funk identifies *functionalist*, *intentionalist* and *consequentialist* arguments as the main forms of Imperialist Criticism voiced by scholars in relation to Central and Eastern European as well as former Soviet feminist and women’s NGOs. According to Funk, the *functionalist version* of Imperialist Criticism argues that the main function of women’s NGOs in Central and Eastern Europe and the former Soviet Union is to substitute former state functions with the privatisation

⁹¹ Ibid., 265-266.

⁹² According to Funk, Imperialist Criticism as applied to women’s and feminist NGOs in Central and Eastern Europe and the former Soviet Union could be interpreted in three main ways: 1. Cautionary Claim arguing that structural conditions under which women’s NGOs operate make them contribute more to neoliberalism and to Western feminist agendas and interests than those in the region; 2. A Generalization Argument arguing that most of the women’s and feminist NGOs promote neoliberal capitalism and increase injustice by taking over from the state provision of social services; 3. A Reductionist Claim arguing that the only thing that women’s NGOs do is promotion of neoliberal capitalism or Western interests and therefore, are morally and politically corrupted. Ibid., 270-271.

⁹³ Funk identifies Michael Hardt, Antonio Negri, James Petras, and Henry Veltmeyer as non-feminist Imperialist Critics of the feminist NGO sector working in and for the region of Central Europe and the former Soviet Union. According to Funk, arguments of Kristen Ghodsee have elements of both feminist as well as non-feminist Imperialist Criticism, while Frances Olsen offers quite nuanced feminist Imperialist Criticism of the NGOs. Ibid., 267-269.

⁹⁴ Ibid., 270-271.

⁹⁵ Ibid., 273.

⁹⁶ Ibid., 276.

of social services, thus, contributing to the transformation of the previous state socialist regimes with a neoliberal, capitalist regime.⁹⁷ Funk argues that the propagators of the functionalist argument fail to acknowledge that numerous factors condition what NGOs will and can do: local regulations regarding the NGO sector; each individual local political and economic situation; and women's commitments to feminist principles and their attitudes towards things like entitlements to health care and other social benefits. In addition, "even if it is a function of NGOs to create a new elite that promotes neoliberalism and replaces former communist elites this is also compatible with some of those elites serving citizens' interest in general, and women's interests in particular."⁹⁸ According to Funk, the functionalist version of the Imperialist Criticism argument also falsely assumes that feminist NGOs have only one function – to dismantle the socialist state in favour of the neoliberal system – and denies any instances of these NGOs undertaking other functions determined by women of the region themselves "such as to resist nationalist divisions and preserve contact between women of different nationalities as women did in the former Yugoslavia or to preserve abortion or introduce women's studies programs."⁹⁹

The *Intentionalist* version of the Imperialist Criticism argument, according to Funk, claims that local NGOs in Central and Eastern Europe and the former Soviet Union are established and supported "by 'outside forces' who intend to realize policies and practices favorable to Western capital in the form of neoliberalism, to the detriment of the region."¹⁰⁰ To dismantle this argument, Funk points to its over-generalised character as it assumes that all local feminist NGOs and their Western supporters actually succeed in eliminating and reducing state welfare functions, and are preventing the emergence of grassroots organisations that would be critical of neoliberalism, which is hard to prove. Funk does not deny the fact that Western funding entities as well as local women's NGOs often had mixed motives in their activities, including such self-interested motives as career-building, salaries, grant funding, etc. However,

⁹⁷ Ibid., 269.

⁹⁸ Ibid., 278.

⁹⁹ Ibid.

¹⁰⁰ Ibid., 270.

according to Funk, these self-interested motives are also compatible with principled motives, which many of these actors had and should not be discarded so easily.¹⁰¹

Imperialist Critics that use *consequentialist* claims argue that “the consequences of NGO activity, including that of local feminist and women’s NGOs, Western women’s and feminist NGOs, as well as the activity of Western funders, is to foster neoliberalism, weaken the former socialist state, and reduce social services.”¹⁰² According to Funk, the *consequentialist* claim of Imperialist Criticism can be easily discarded by examining for instance an example from the former Yugoslavia, where the Centre for Women War Victims provided services to women, but “in no way did they substitute for a service the state would have provided, since the state would not have provided any services at all.”¹⁰³ (My research has shown that the same is true for Georgia). On the contrary, according to Funk, it was due to such efforts as witnessed in Belgrade that the state was later persuaded to provide services for women victims/survivors of war crimes.¹⁰⁴ Funk also points out that *consequentialist* claims usually focus only on the short-term results of work done by a particular women’s NGO that could be characterised as “neoliberal” and make hasty generalization regarding all NGOs and the outcomes of their work in general (according to Funk, Ghodsee often jumps from accounts of Bulgarian women’s NGOs to claims about women’s NGOs in Eastern Europe generally), which is certainly inaccurate.¹⁰⁵ At the end of chapter 4, I will come back to some of Ghodsee’s arguments and engage with them in further detail, based on my findings about the work of women’s NGOs in Georgia.

Literature on Domestic Violence Laws and Policies

Research on domestic violence policy-making by Kantola, Johnson, Brunell, Krizsán, Bustelo, Hadjiyanni, and Kamoutsi constitutes the second set of literature that is highly relevant

¹⁰¹ Ibid., 277-278.

¹⁰² Ibid., 270.

¹⁰³ Ibid., 279.

¹⁰⁴ Ibid. The same could be argued with regard to evolution of domestic violence services in Georgia.

¹⁰⁵ Ibid., 280.

to my work because it analyses the debates around domestic violence policy-making and the policies itself. Johanna Kantola was one of the first scholars to research policy discourses about domestic violence. I have found her study of the parliamentary debates surrounding the issue in Great Britain in 1976 and 1993 of particular relevance to my research. In her analysis of discourses that have affected feminist engagement with the state in Britain, Kantola came up with five distinctive forms of discourse: (1) *universal domestic violence discourse* according to which any woman could fall a victim of domestic violence as it occurred due to the subjugated position of women in society;¹⁰⁶ (2) *empowerment discourse* of domestic violence that treated women as survivors rather than victims of domestic violence and viewed the solution to the problem in women's empowerment through self-help groups and through the sharing of experience with other women;¹⁰⁷ (3) *autonomy discourse* that distrusted the state as a patriarchal institution and believed in the autonomy of the women's movement. Some of the strong voices within this discourse argued either for separatism of the women's movement from the state or for pragmatic engagement with state institutions (e.g. the police);¹⁰⁸ (4) *crime discourse* of domestic violence that advocated the treatment of domestic violence in the same way as other crimes committed in the public domain and demanded regulation of the problem as well as a strong engagement of state institutions (such as the police) in the solution of domestic violence cases;¹⁰⁹ (5) *racist and patriarchal state discourse* employed mostly by black feminists that suggested that "it was not only gender and patriarchy that mattered in analysing domestic violence and responses to it, but [that] race and ethnicity were pivotal."¹¹⁰ The proponents of the *racist and patriarchal state discourse* also argued that black women's experiences of domestic violence were often fundamentally different from those of white women due to the joined effect of discrimination caused by racism and patriarchy.¹¹¹ Kantola also found some minor utterances

¹⁰⁶ Johanna Kantola, *Feminist Theorize the State* (Basingstoke: Palgrave Macmillan, 2006), 75.

¹⁰⁷ Ibid., 76.

¹⁰⁸ Ibid., 76-77.

¹⁰⁹ Ibid., 78.

¹¹⁰ Ibid., 85.

¹¹¹ Ibid., 85-86.

belonging to a *nuclear family-favoring discourse* and a *scarce resources of the state discourse* in the initial stages of the British 1976 and 1993 parliamentary debates.¹¹² I will come back to the discourses identified by Kantola when I analyse debates that took place in Georgia around the adoption of the Domestic Violence Law in February 2006.

Janet Elise Johnson and Laura Brunell in 2005 came up with the notion of “domestic violence regimes,” while exploring in depth four post-communist countries – Poland, Russia, Slovakia and Armenia – and comparing altogether 11 post-communist countries in Europe.¹¹³ For these authors, the notions of “domestic violence regime” describes “how the response to domestic violence has been ‘institutionalised’ in a combination of state and non-governmental policy, discourse and practice.”¹¹⁴ The authors have identified two main catalysts for domestic violence reforms in the countries studied – the politicisation of women as a group and foreign intervention targeted at supporting domestic violence reform.¹¹⁵ Brunell and Johnson found Poland to be the Most Reformed Domestic Violence Regime, Russia and Slovakia to be Moderately Reformed Domestic Violence Regimes, and Armenia an Unreformed Domestic Violence Regime.¹¹⁶ In order to define which domestic violence regime is operational in this or that country, the authors have measured how the state construes the problem of domestic violence and how power dynamics between men and women in a given society are translated into public policy.¹¹⁷

I found the research by Andrea Krizsán, Maria Bustelo, Andromachi Hadjiyanni, and Fray Kamoutsi the most helpful for my analysis of the Georgian case. The authors have analysed 130 texts in relation to domestic violence policies and laws as well as debates surrounding the elaboration and adoption of these laws and policies in six European countries (Austria, Hungary,

¹¹² Ibid., 98.

¹¹³ These countries are: Armenia, Bulgaria, Albania, Moldova, Romania, Czech Republic, Slovakia, Russia, Ukraine, Poland and Hungary. See Janet Elise Johnson and Laura Brunell, “The Emergence of Contrasting Domestic Violence Regimes in Post-communist Europe,” *Policy and Politics* 34, no. 4 (2006): 575-595.

¹¹⁴ Ibid., 576.

¹¹⁵ Ibid.

¹¹⁶ Ibid., 581-585.

¹¹⁷ Ibid., 580.

Slovenia, Spain, the Netherlands, and Greece) and the EU in the period 1995-2004.¹¹⁸ Krizsán et al. have studied the different representations and interpretations of domestic violence and respective policy discourses surrounding domestic violence and provide comparative analyses of domestic violence policy and legal frameworks on national and EU levels and of the relationship of these frameworks with gender equality considerations. The authors have structured their analysis around two key questions: what is seen as the cause of domestic violence and as whose problem is it constructed?¹¹⁹ As a result, they have identified five major (dominantly present in a number of studied countries) and five minor (less widespread) frameworks “based on the criteria of [the framework’s] comprehensiveness, authority of voice in the policy arena, innovativeness, and frequency.”¹²⁰

Three out of the five major frames identified by Krizsán, Bustelo, Hadjiyanni, and Kamoutsi are defined in relation to these frames’ attribution of the problem of domestic violence to gender inequality. These three frames describe what is referred to as the “gender continuum.” The first, the Gender Equality frame, Krizsán et al. label as the most comprehensive because “it defines domestic violence as a problem related to gender equality and as a form of gender discrimination. It interprets the phenomenon as a reflection of unequal power relations within the family and more broadly within society, viewing it as a universal problem of all social classes and groups regardless of economic situation, education, or ethnicity.”¹²¹ According to this frame, domestic violence is a public matter and the concern of the state and society; it is a human rights issue and therefore, governments should not spare resources to combat it.¹²² The solution to the problem proposed by this frame entails complex coordinated action by the state and non-state actors; emphasis is put on criminalisation of domestic violence similarly to other crimes

¹¹⁸ Andrea Krizsán, Maria Bustelo, Andromachi Hadjiyanni and Fray Kamoutsi, “Domestic Violence: A Public Matter” in Mieke Verloo ed. *Multiple Meanings of Gender Equality: A Critical Frame Analysis of Gender Policies in Europe* (Budapest, New York: Central European University Press, 2007), 141- 181.

¹¹⁹ Andrea Krizsán, et al., “Domestic Violence: A Public Matter,” 144.

¹²⁰ Ibid., 144. The authors refer to these frameworks as “frames”; below in the text I will be also using the same term to be consistent with the authors.

¹²¹ Ibid., 145.

¹²² Ibid., 146.

committed in the public realm. “Perpetrators are to be kept away from their victims by restraining orders during legal proceedings and sanctioned harshly.”¹²³ In addition, according to this frame, perpetrators should be treated within or outside prison to make them acknowledge the gravity of their behaviour. While victims, mainly women, should be cared for and empowered psychologically and economically so that they overcome the trap of returning to perpetrators. This frame also targets society at large through awareness raising measures that clearly portray domestic violence as a form of gender discrimination that is a consequence but also the cause of gender inequality.¹²⁴

Krizsán et al.’s second frame, Domestic Violence with an Accent on Women as the Main Victim Group, “depicts women (very often with children) as being the primary victim group and men as being the primary perpetrator group, though it also implies that everybody can be a victim or a perpetrator.”¹²⁵ It should be underlined that this frame treats domestic violence as a social given and does not see structural gender inequality factors causing it.¹²⁶ The measures to address domestic violence offered by this frame also require complex coordinated interventions from government representatives and non-governmental structures. The priority response measures to domestic violence according to this frame are: “the criminalization of domestic violence and the introduction of restraining orders to keep perpetrators away from the victims, child support measures, and other economic and psychological support measures for the victims (without the empowerment of women component, which is characteristic of the Gender Equality frame); and awareness raising and education concerning the social problem of domestic violence and the fact that it is not a private matter (without the specific focus on gender equality of the Gender Equality frame).”¹²⁷

Krizsán et al.’s third and last “gender continuum” frame is one where the sex and gender neither of victim nor of perpetrator is specified, which they call the Degendered Domestic

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid., 147.

¹²⁶ Ibid.

¹²⁷ Ibid.

Violence frame. This frame sees the problem of domestic violence as universal, and represents it in gender-neutral terms.¹²⁸ Again the solution of the problem requires complex, coordinated action of governmental and non-governmental actors: “[i]mprovements to the institutional framework and cooperation, protection and support for victims, awareness raising and education for prevention and sanctioning [...] are all proposed by this frame, but only in their gender-blind forms.”¹²⁹ However, since empirical data show that women are the majority of victims of domestic violence, most of the measures proposed by this frame benefit women without openly emphasising them to be primary beneficiaries of these support services. Due to its gender-blindness, this frame is completely detached from gender equality while analysing causes and consequences of domestic violence.

The fourth and the fifth major frames identified by Krizsán, Bustelo, Hadjiyanni, and Kamoutsi do not belong to the “gender continuum” because these frames scrutinise domestic violence from the viewpoint of how it is dealt with in a society. The fourth, the Failing State frame, puts more emphasis “on the failure to address the problem than on the problem itself. [...] Thus, the idea behind this frame is one of a technocratic state, failing to solve a problem in society.”¹³⁰ This frame strongly argues that domestic violence is a public matter and should be addressed by the state; in order to do so on the one hand the government has to improve the institutional framework (strengthen coordination and cooperation among institutions dealing with domestic violence such as police, judiciary, healthcare system, etc.), while on the other hand the government should increase the capacity and awareness of those state institutions that are already dealing or should be dealing with domestic violence identification, prevention and response.¹³¹ “NGOs in this frame are not only seen as a resource of external and critical support to the state for addressing domestic violence but also as a major actor in policy

¹²⁸ Ibid., 148.

¹²⁹ Ibid.

¹³⁰ Ibid., 149.

¹³¹ Ibid., 149-150.

implementation.”¹³² This frame does not provide substantive explanation of the causes of domestic violence and the authors note that in the majority of the texts analysed for the six countries and the EU the Failing State frame occurs together with one of the three frames of the “gender continuum.”¹³³

The fifth and the last of the major frames, the Social Norms frame, focuses primarily on how a society perceives domestic violence rather than on the problem itself.¹³⁴ According to this frame, “society believes that violence is a normal part of family life. This means that perpetrators believe they can act violently, that violence is the primary means for conflict resolution within the family; it means that victims do not complain about domestic violence, they do not try to step away from its cycle; and it also means that the surrounding actors (neighbours, colleagues, health, and other service providers) do not find the violence problematic.”¹³⁵ This larger frame has several sub-frames, one of which – the Relativize the Problem sub-frame - considers the problem of domestic violence to be of concern only to specific social groups (marginalised, impoverished, substance abusers, belonging to certain ethnicity or religion, immigrants, etc.).¹³⁶ The Deteriorating Society sub-frame of the Social Norms frame argues that domestic violence occurs because society’s values are deteriorating, social values and morals are degrading due to the sexual revolution and the emancipation of women, basically holding women responsible for the violence committed against them.¹³⁷

The five minor frames Krizsán et al. have identified are the Privacy frame, the Men as Victims frame, the Family frame, the International Obligations frame, and the Public Health frame. The Privacy frame sees domestic violence as a private matter and the state has no role in interfering in it: “If state intervention occurs it cannot be the same as for other forms of violence

¹³² Ibid., 150.

¹³³ Ibid.

¹³⁴ Ibid., 151.

¹³⁵ Ibid., 150.

¹³⁶ Ibid., 151.

¹³⁷ Ibid.

in the public realm, but needs to be much more cautious while sanctions have to be milder.”¹³⁸ Oftentimes, this frame is concerned with the human rights and property rights of perpetrators, for instance the risk of turning restrained perpetrators into homeless persons.¹³⁹

The Men as Victims frame speaks about women as perpetrators and men as victims of domestic violence; it also underlines that oftentimes women may manipulate the policy measures in place to handle instances of domestic violence against their male spouses and partners. As a result, this frame proposes therapy for male perpetrators and mediation among the spouses instead of forced separation and other forceful sanctions.¹⁴⁰

The Family frame views families as the main units of society and domestic violence is viewed as a private problem of families; it allows only for mild interventions in the family.¹⁴¹ According to this frame “the family as a social unit has to be supported and helped through the conflict as a unit. Families have to be taught about proper values.”¹⁴² This frame is related to the Privacy frame with a stronger emphasis on the family as a social unit and maintenance of family integrity.

In the International Obligations frame the emphasis is placed on international human rights and gender equality obligations of states “not because of their immanent values but because they are imposed externally on the country in question, and as such they are keys to democracy, modernization and Europeanization.”¹⁴³ In this frame both the problem of domestic violence and its solution are defined in relation to the external authority of international human rights obligations of a state.¹⁴⁴

The fifth and the last of the minor frames is the Public Health frame, which “defines the problem of domestic violence not in terms of violation of human rights but in terms of it being a ‘major health scourge’ and because of its high social and economic costs to society as a

¹³⁸ Ibid., 152.

¹³⁹ Ibid.

¹⁴⁰ Ibid., 153.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid., 154.

whole.”¹⁴⁵ This frame considers domestic violence neither as a gender equality nor as a human rights or a criminal issue but rather as a health issue. Therefore, its recommended measures to combat domestic violence emphasise the protection of victims, the provision of health services to the victims, and the prevention of domestic violence through research and awareness raising.¹⁴⁶

I will return to the theoretical positions outlined above in different parts of the dissertation, engaging with them on the basis of my research findings.

¹⁴⁵ Ibid.
¹⁴⁶ Ibid.

Chapter 2: Particularities of the Identification and Regulation of Domestic Violence in the Soviet Period (1917-1991)

Setting the Stage

“Dear comrades! I want to greet you with respect and love and share with you the suffering of my soul and heart.

We, women of Pshavi,¹⁴⁷ feel so unhappy that we cannot even appeal to local executive committee and apart from our work and hardships we tolerate beating from our husbands. I wish to such women more energy, so that with common awareness and power we overcome these fronts of evil.”¹⁴⁸

Darejan Tandilashvili, a woman from Pshavi, in the newspaper *chveni gza*, 1925.

The goal of this chapter is to review the historical trajectory and legacies of the identification of domestic violence as a social problem and the state’s response to it in the Soviet Union (1917-1991). This is important because the Soviet period preconditioned much of Georgian society’s beliefs and attitudes toward gender equality since the country’s independence from the Soviet Union in 1991. My critical interest lies in uncovering which factors have contributed to the identification or lack of identification of the problem of domestic violence during the Soviet period.

As discussed above, “violence against women” and “domestic violence” were non-existing concepts until women’s rights activists in the United States and the United Kingdom started to raise public awareness about these issues in the late 1960s.¹⁴⁹ The process of

¹⁴⁷ Pshavi is a mountainous region in northeast Georgia.

¹⁴⁸ Olya, “darejan tandilashvilis dardianoba” [The sorrow of darejan tandilashvili], *chveni gza*, no. 1 (11), 1925, 32.

¹⁴⁹ For the identification of domestic violence as a social issue in the United Kingdom and the United States see Dobash and Dobash, *Women, Violence & Social Change*.

international recognition of violence against women as a human rights violation started in the late 1980s and became large-scale in the early 1990s. Therefore, it would be a-historical to expect that violence against women in general and domestic violence in particular would be acknowledged in the Soviet Union before the 1980s. With this caveat in mind, this chapter investigates Soviet state policies in the field of gender equality and asks how these policies may have influenced the (lack of) acknowledgment of domestic violence as a women's rights issue by Soviet policy planners. I would like to also understand how the rethinking of the concept of family that took place during different periods of the Soviet history affected the dynamics around the identification of domestic violence. What indications were there that domestic violence existed in the Soviet Union and what mechanisms did the state put into place to respond to such cases? Along with factors that affected Soviet policymakers' attitudes towards domestic violence, I will look at the effectiveness of those protection and support mechanisms that were available for women facing this problem at different periods of the Soviet Union's history. In the chapter, I will try to discuss general Soviet as well as specific Georgian developments to create a more complex picture.

The process of turning Georgia into a Soviet Socialist Republic or, if literary translated from the Georgian, the process of Georgia's Sovietisation (*gasabchoeba*), began with the country's occupation by the Red Army in 1921.¹⁵⁰ Prior to this occupation Georgia has experienced a long history of struggle for survival against different conquerors and this burdensome historical heritage along with the fact of occupation by the Red Army in many ways preconditioned Georgian society's development in the Soviet period. It is extremely hard to generalise and argue for or against anything for Georgian society as a whole. Many significant

¹⁵⁰ There existed women's rights defenders, women's groups and organisations in Georgia prior to the Soviet occupation during the Tsarist period of Georgia's history in the 19th and early 20th centuries. Key issues addressed by these women's groups and organisations were: increasing of literacy and education among women and girls; inclusion of women in public life; increasing of professional and economic opportunities for women; promotion of the Georgian language as the main language of instruction in secondary schools; development of special literature for children in Georgian. Lela Khomeriki, Manana Javakhishvili, *qalta sazogadoebrivi saqmianoba saqartveloshi: XIX saukunis meore nakhevari da XX saukunis dasatskisi* [Women's public activities in Georgia: second half of the 19th and beginning of the 20th century] (Tbilisi: Open Society Georgia Foundation, 2005), 10.

policymakers among Bolsheviks and Communists were ethnically Georgian. Among the Soviet Union republics Georgia has taken one of the most painful and bloodiest routes to independence.¹⁵¹ Against this background, I will be also inquiring what were the specifically Georgian factors, if any at all, that affected recognition of domestic violence as a social problem by Georgian Society during the Soviet period.

I start this chapter with a review of selected pieces of scholarly literature about women's rights in the Soviet Union. I will review some of the most acknowledged works exploring the state policy and law-making in relation to women's rights asking what these writings say about domestic violence. The purpose of the literature review is both to get a general picture of the women's rights situation in different periods of Soviet history, and to look for any evidence and data about the existence of domestic violence captured by researchers in the Soviet period. In the subsequent section of the chapter, I will also look at the grand narrative of success achieved in the field of gender equality propagated by the Soviet government, inquiring how this narrative influenced the policymakers' acknowledgment of domestic violence as social and criminal problem.

Apart from secondary literature, my main sources for this inquiry are Soviet-times women's periodicals published on the central level in Russian and on the national level in Georgian. By 1927, the Soviet government was publishing eighteen women's journals with a circulation of about 4,000,000 copies throughout the Soviet Union.¹⁵² In one of the first issues of the Georgian language women's journal *chveni gza* (Our way), leading Georgian Bolsheviks, comrades Mikha Tskhakaia and Philippe Makharadze, explained the need for special propaganda work among women. According to Tskhakaia, those comrades who opposed raising awareness

¹⁵¹ On April 9, 1989 the Soviet Army attacked peaceful demonstrators who were demanding Georgia's independence from the Soviet Union in front of the Parliament building on Rustaveli Avenue in Tbilisi, Georgia. As a result of this massacre 20 individuals, mostly women and girls' were killed and thousands were injured. In addition to the physical violence, the Soviet Army used toxic gas. The tragedy of April 9, 1989, further radicalised the Georgian independence movement. BBC News, "Georgia Recalls Soviet Crackdown," accessed November 19, 2011, <http://news.bbc.co.uk/2/hi/7986282.stm>.

¹⁵² Jen Pickard, *Women in the Soviet Union*, 2, accessed May 10, 2007, http://www.newyouth.com/archives/theory/women/women_in_soviet_union.asp.

as well as other work among women did not realise that women “have been more backward than men due to their economic-political and sexual conditions [in the Tsarist period].”¹⁵³ The Bolshevik functionaries saw addressing this “backwardness” as decisive for the success of the revolution.¹⁵⁴ “We are printing special literature for working women because the heritage of their past slavery and severe subjugation has not been eliminated yet,” wrote Philipe Makharadze, who then emphasised that the Communist Party would “stop publishing special literature targeting women as soon as they were awaken[ed].”¹⁵⁵ Makharadze claimed that such publications should ensure communication not only from top to the bottom, i.e. from the government to women, but also vice versa: the journals should be a venue for women to share their concerns, hopes and aspirations with the political elite.¹⁵⁶ Indeed, the incorporation of women’s voices into publications can be seen in Russian as well as Georgian periodicals of the 1920s targeting women. However, only unidirectional communication of what the government wanted to say and hear prevailed in the journals from the 1930s until the demise of the Soviet Union in 1991.¹⁵⁷ Thus, the mentioning of instances of violence against women in these magazines became from rare to non-existent from the 1930s.

Another significant factor regarding the (lack of) identification of domestic violence that this chapter discusses is the process of redefining the concept of family that took place in the Soviet Union. The concept of family underwent serious alterations: the early Bolsheviks’ intention and anticipation of its withering away was substituted by a gradual recognition of family as a fundamental part of society from the 1930s onward. In this regard, I wonder how political, economic, and socio-cultural dynamics related to the definition of the concept of family have affected (lack of) recognition of domestic violence.

¹⁵³ Mikha Tskhakaia, “oriode gultsrfeli sityva zhurnal ‘chven gzas’” [A couple of cordial words to the magazine ‘Our way’] *chveni gza*, no.3, 1924, 2.

¹⁵⁴ Ibid., 2.

¹⁵⁵ Philipe Makharadze, “saqartvelos mshromel qalebs: ‘chveni gza’ 1924 tsels,” [To the working women of Georgia: ‘Our way’ in 1924] *chveni gza*, no.3, 1924, 3.

¹⁵⁶ Ibid., 3.

¹⁵⁷ This argument is based on my review of the selected Russian and Georgian-language women’s periodicals from 1922 until 1991, see research methodology described in the introduction of the dissertation.

In the last part of the chapter, I will review some of the most relevant state sponsored support mechanisms that were available for victims/survivors of domestic violence at different periods of Soviet history. In the chapter conclusion I will summarise the key findings regarding the Soviet legacies in this field for Georgia since 1991.

Women's Rights in the Soviet Union – Literature Review

Many scholars who have analysed the Soviet state policies in relation to women and their rights divide the history of the Soviet Union into three major periods. The first phase dates from 1918 to the beginning of the 1930s. Russian sociologist Igor Kon singles out this period as characteristic for the Bolshevik experimentation in the sphere of sexuality, family, and marital relations; generally, the early Bolshevik period is represented as having gender policies aimed at resolving the “Woman Question.” In this period women were to break away from families and become increasingly active into public domain. Elena Zdravomyslova and Anna Temkina label the second period of the Soviet gender policy-making as “totalitarian androgyny,” as many scholars believe that this was the period of economic mobilisation of women in the sphere of production and reproduction. The symbolic boundaries of this second major period are 1936 (the year when abortion was outlawed) and 1955 (the year when abortion was again legalised).¹⁵⁸ The third and last period dates from the Twentieth Congress of the Communist Party (1956) until the demise of the Soviet Union and includes campaigns of mass housing construction and a new, rather soft approach to the “Woman Question.” This period is characteristic for increasing concerns with the country’s demographic crises and persisting pressure on women to play the double role of producers of common wealth as well as of reproducers of the future generations of Soviet citizens.¹⁵⁹

¹⁵⁸ Elena Zdravomyslova and Anna Temkina, “Gendered citizenship in Soviet and post-Soviet societies” in *Nation and Gender in Contemporary Europe*, eds. Vera Tolz and Stephenie Booth (New York: Manchester University Press, 2005), 98.

¹⁵⁹ This synopsis of the gender policy periods is based on the work of Zdravomyslova and Temkina, “Gendered citizenship in Soviet and post-Soviet societies,” 96-116.

Although the three-part periodisation is generally accepted, I do not agree with this compartmentalisation of Soviet history into three major periods; in my view the history has been more multi-layered and complex, and elements of each of the identified three major periods coexisted throughout the Soviet history. Therefore, I will not be engaging in further analysis of these three periods or try to organise the literature review and data in consistency with them. Instead, below I would like to present an account of scholarly writings about women in the Soviet Union, looking for information in their analysis that is important in relation to domestic violence.

American historian Richard Stites' 1978 pioneering study, *The Women's Liberation Movement in Russia: Feminism, Nihilism, and Bolshevism 1869-1930*, presented a deep historical analysis of women's movements and aspirations at the end of the nineteenth and beginning of the twentieth centuries. Stites analysed the turbulent route taken by Russian women from Tsarist period's revolutionary underground to their liberation by the Bolsheviks, exploring the different ideologies shared and debates held by the women along with their contemporary men. Depicting the many new roles and images taken up by women in Russia during the revolutionary period and afterward, Stites uncovered these experiences by providing biographical sketches of noteworthy women. For the early Bolshevik years, Stites provided rich information about the work and lives of Alexandra Kollontai, Elena Stasova, Inessa Armand, Nadezhda Krupskaya, Angelica Balabanova, Klavdia Nikolaeva, and others. The biographies of these women are intertwined with their writings, speeches and views with regard to sexual liberation, agitation work among women, abortion, marriage, family, and other work of the Communist Party's Women's Department (*Zhenotdel*).¹⁶⁰ Stites revealed the resistance of some

¹⁶⁰ *Zhenotdeli* (Women's departments) were established at local committees of the Communist party in 1919 "to up-bring working women in the Communist spirit and to engage them in the building of the socialist society. [...] Central Committee of the Russian Communist Party liquidated *Zhenodeli* in 1930 and their functions were integrated in the usual work of other party organs." *Bolshaya sovetskaya entsiklopedia*, "Zhenotdeli" [Woman's departments], vol. 9 (Moscow: Sovetskaya entsiklopedia, 1972), 169.

men, especially in villages and the “non-Slavic borderlands (Caucasus and Central Asia)” of the Soviet Union, to the emancipating work carried out by activist Bolshevik women.¹⁶¹

Although he did not pay particular attention to the problem of domestic violence, Stites provided valuable information about the existence of this practice throughout the Soviet Union. He mentioned that Clara Zetkin, who in 1920 visited the Caucasus to monitor the work of the *Zhenotdel*, heard quite a number of stories by women suffering from domestic slavery and violence. According to one woman, “our fathers sold us at the age of ten, even younger. Our husbands would beat us with a stick and whip us when they felt like it. If they wanted to freeze us, we froze. Our daughter, a joy to us and a help around the house, they sold just as we had been sold.”¹⁶² This utterance clearly indicates the gravity of the problem. Stites also brought to light an incident in the Bryansk Province of Russia during the mid-1920s in which wives organised resistance to violent husbands. The women put on paper their demands; they expressed readiness to work at home and support their husbands, but wanted to receive respect in return. These women demanded that their husbands should not be “so free with their hands, and call us such names as ‘old hag,’ ‘bitch,’ ‘slut,’ and other unmentionable ones.”¹⁶³ The wives stated that they would return to their families only if their husbands proved committed to respectful behaviour by signing a document written by the women. Stites’ work not only proved the existence of domestic violence but also showed that women were organising and resisting it, independently as well as with the *Zhenotdel*’s support. Stites like other scholars considered the Stalin era (1928-1953) a turning point in Soviet policy and law-making in relation to women’s rights. As a

¹⁶¹ A *Zhenotdel* organiser in the Ukraine, Kiseleva, walked kilometers to gather women into a reading cabin in order to activate them via sharing some of the most recent publications; “the menfolk surrounded the cabin and shouted, ‘We’ll beat you up if you touch our wives.’ In Chigirin district, three *Zhenotdel* workers were killed in one year by ‘bandits.’” In early 1920s this male aggression was directed not only to the *Zhenotdel* employees but also to women who were mobilised by *Zhenotdel*; “Women coming out of the club at Baku were assaulted by men with wild dogs and boiling water. A twenty-year-old Muslim girl who flaunted her liberation by appearing in a swimsuit was sliced to pieces by her father and brothers because they could not endure the social indignity. An eighteen-year-old Uzbek woman activist was mutilated and thrown into a well. Central Asia witnessed three hundred such murders during one quarter of 1929 alone.” The Central Executive committee after consulting *Zhenotdel* classified these violent crimes as “counter-revolutionary offences,” indicating that women’s liberation was indeed a priority item on the government’s agenda. Richard Stites, *The Women’s Liberation Movement in Russia: Feminism, Nihilism and Bolshevism 1860-1930* (Princeton, New Jersey: Princeton University Press 1978), 339-40.

¹⁶² Stites, *The Women’s Liberation Movement in Russia*, 339.

¹⁶³ *Ibid.*, 366.

Bolshevik, Stalin did not question women's equality with men; moreover as a practical man, according to Stites, he never undermined the importance of women as workers in the rapid industrialisation process of the country.¹⁶⁴ However, the principal shift observed in the political discourse regarding women from the 1930s was related to the glorification of women's roles as mothers and caregivers. This shift became obvious in law through new restrictions on divorces and the prohibition of abortion in 1936 and 1944.

Another U.S. historian, Wendy Z. Goldman, in her 1993 work *Women, the State and Revolution: Soviet Family Policy and Social Life* analysed the transformation that took place in laws and policies with regard to women between 1917 and 1936. Through in-depth research of primary and secondary sources, Goldman explained the retreat from the revolutionary vision of women's liberation in 1920s to the rather conservative laws and policies in the 1930s. The early Bolshevik government linked the process of women's emancipation with the intended and expected "withering away" of the family, and saw the shift of household work from the private to the public sphere as guaranty for women's equality with men. The government through the creation of communal kindergartens, day-care centres, laundries, and dining rooms planned to free women from the heavy burdens of household work which would allow them to join the paid labour force on an equal footing with men.¹⁶⁵

Goldman in great detail explored the legislative initiatives in the period 1917 - 1936, explaining the meanings and consequences of the introduction of civil marriage, easily obtainable divorce and laws protecting the rights of unmarried mothers and children born out of wedlock. The author argued that these early plans were quite ambitious, but that in the 1930s the policymakers began to endorse a more conservative, traditional vision of femininity.¹⁶⁶ According to Goldman, the retreat towards conservatism was first and foremost a political decision made by Stalin's regime and could not be explained by the harsh socio-economic and

¹⁶⁴ Ibid., 385.

¹⁶⁵ Wendy Z. Goldman, *Women, the State and Revolution: Soviet Family Policy and Social Life, 1917-1936* (Cambridge: Cambridge University Press, 1993), 1-58.

¹⁶⁶ Ibid., 331-336.

political problems that lied heavily on the shoulders of the young state.¹⁶⁷ This retreat resulted in the resurrection of the family, the cherishing of women's reproductive function, the banning of abortion, the introduction of fines for divorces, as well as the double exploitation of women, both at work and at home. What Goldman found the most tragic in this transformation was that "subsequent generations of Soviet women, cut off from the thinkers, the ideas, and the experiments generated by their own revolution, learned to call this 'socialism' and to call this 'liberation'."¹⁶⁸

Goldman did not provide much insight regarding domestic violence in the Soviet Union from 1917 to 1936. However, the author clearly drew a line between the naïve suppositions of law-makers, who saw divorce as the answer to the humiliation of women in the family.¹⁶⁹ The divorce rate rose especially in European and urban parts of the country during the 1920s: "there was approximately 1 divorce for every 7 marriages in 1926. [...] the Soviet Union had the highest marriage and divorce rate of any European country in the mid-1920's."¹⁷⁰ The differences between the Republics of the USSR in terms of divorce rates were very stark. According to Andrea Stevenson Sanjian, an American political scientist, the divorce rate in the European Republics was three times that in Central Asia and South Caucasus.¹⁷¹ This increase indicated that the population was starting to live by the new laws, but did this ease the suffering of women who faced domestic violence? According to Goldman, divorced women were far more vulnerable economically than married ones in the 1920s and the 1930s. In the cities divorced women along with *besprizorniki* -- homeless children, were the first of the high-risk groups to become prostitutes.¹⁷² And in rural settings a divorced peasant woman "was 'ni baba, ni devka,'

¹⁶⁷ Ibid., 337-343.

¹⁶⁸ Ibid., 343.

¹⁶⁹ Ibid., 103-109.

¹⁷⁰ Ibid., 106. The divorce statistics for Georgia were much lower than those for Russia. According the State Department of Statistics of Georgia, in 1940 the divorce rate was 20 per cent of the marriage rate. From 1950 until 1965 almost fifty times more couples were getting married than getting divorced. By 1989, one in four marriages was ending in divorce. (Data provided by the State Department of Statistics on individual request in May 2007.)

¹⁷¹ Andrea Stevenson Sanjian, "Social Problems, Political Issues: Marriage and Divorce in the U.S.S.R." in *the Soviet Studies* 43, no.4. (1991): 636.

¹⁷² Goldman, *Women, the State and Revolution*, 119-126.

neither married woman nor maid.”¹⁷³ Goldman pinpointed the category of *batrachki* -- landless women, who worked as labourers in rural Russia, as the category of women most subjugated to physical and psychological violence:

“*Batrachki* were frequently exploited sexually as well as economically. A household would hire a *batrachka* for several months or more, and often she would live with one of the men as his ‘wife,’ and work in the field besides his family. These women, known as ‘wives for a season,’ were thrown out of the household as soon as they became pregnant and were no longer able to work.”¹⁷⁴

The fate of *batrachki* is indicative of the practices of the times, when it was socially acceptable to take advantage of women’s physical labour and sexuality, in return for which women received abysmal remuneration and oftentimes humiliation. The experiences of such women, although different from conventional understanding of domestic violence, indicate that the practice of violence against women was not alien to familial domain and may have existed also in non-seasonal families.¹⁷⁵

In *Women in Soviet Society: Equality, Development and Social Change*, American political scientist, Gail Warshofsky Lapidus has provided a nuanced analysis of women’s rights and conditions in comparison with the government’s official stances about the family from the 1920s until the early 1970s. Of particular interest is her exploration of the shift that took place in political discourse from the portrayal of the family as a stigmatised domain of heavy labour in

¹⁷³ Ibid., 173.

¹⁷⁴ Ibid., 178.

¹⁷⁵ Judith Orr gives a clear indication of not only the existence but also social acceptance of domestic violence in rural pre-Bolshevik Russia: “in many peasant families a whip was passed to a new husband during a marriage ceremony and hung over the marital bed to keep the wife in line.” Judith Orr, “Z is for Zhenotdel,” *Socialist Review* (September 2009), accessed December 12, 2011, <http://www.socialistreview.org.uk/article.php?articlenumber=10938>.

the early 1920s to “a central socializing agency,”¹⁷⁶ responsible for the up-bringing of new Soviet citizens in the Stalin era. Warshofsky Lapidus wrote that in the Stalinist period “[m]arital stability was itself a condition of the proper up-bringing of children;”¹⁷⁷ such pro-family attitudes were reinforced by a legal framework that complicated divorce and outlawed abortion in 1936. The July 1944 Family Edict introduced a two-stage legal procedure and high fees for divorces at the same time as policymakers were increasing material incentives and giving honorary titles to mothers of many children.¹⁷⁸ Warshofsky Lapidus’s findings show that family stability as a value and the women’s liberation success story were very much upheld by state propaganda of the late 1930s and the 1940s, which in my view indicates that only limited space existed for acknowledgement of violence suffered by women in the Soviet families.

Another American historian, Barbara Evans Clements, has produced a considerable amount of scholarly work on Russian women and especially on women’s conditions in the Soviet Union.¹⁷⁹ According to Evans Clements, the Stalin years put a deep mark on women’s conditions in the Soviet Union and in the years to come: “the pattern of Soviet women’s lives established under Stalin has persisted.”¹⁸⁰ The author made a clear link between policy planners’ re-evaluation of women’s familial roles and the resurrection of the concept of family from the 1930s onward: “[...] at the same time that government spokespeople began to enjoin women to tend to their families, they also began to teach that the nuclear family was one of the basic institutions of Soviet society.”¹⁸¹ Her research emphasised the political nature of the decision to rehabilitate the traditional concept of family as well as the benefit that the state was getting from women’s unpaid labour at home. Evans Clements argued that decision-makers portrayed women

¹⁷⁶ Gail Warshofsky Lapidus, *Women in Soviet Society: Equality, Development, and Social Change* (California: University of California Press, 1978), 114.

¹⁷⁷ *Ibid.*, 114.

¹⁷⁸ *Ibid.*, 116-117.

¹⁷⁹ Barbara Evans Clements, “Later Developments: Trends in Soviet Women’s History, 1930 to the Present,” in *Russia’s Women: Accommodation, Resistance, Transformation*, eds. Barbara Evans Clements, Barbara Alpern Engel, Christine D. Worobec (Berkeley: University of California Press, 1991). Also see Barbara Evans Clements “Bolshevik Women: the First Generation,” in *Women in Eastern Europe and the Soviet Union*, ed. Tova Yedlin (New York: Praeger, 1980).

¹⁸⁰ Evans Clements, “Later Developments,” 267.

¹⁸¹ *Ibid.*, 268-269.

as foundational pillars for the resurrection and further stabilisation of families.¹⁸² “It was to shore up the family that divorce and abortion were outlawed. [...] Stalin’s government proclaimed that the state would endure, that the family was the cornerstone of the state, and that women were responsible for keeping this cornerstone firmly in place.”¹⁸³ And “[t]he government’s official position [even in the 1970s] remained that Soviet women were the freest and most privileged women in the world.”¹⁸⁴ Although the author did not focus on domestic violence, her work allowed for a better understanding of the role of women in the families, as the Soviet policymakers perceived it, which may be informative of why the same policymakers would have preferred to turn a blind eye to the existence of domestic violence.

The findings and conclusions of Evans Clements on the consequences of women’s exploitation at work as well as at home oftentimes coincide with those of yet another American scholar and historian, Barbara Wolfe Jancar.¹⁸⁵ Both scholars provided detailed analysis of how and why the social infrastructure that was designed to ease women’s household labour went under-funded.¹⁸⁶ Wolfe Jancar has researched not only women of the Soviet Union but also women from the other European communist countries during late 1970s and identified three explanations for the growing tension experienced by women in communist societies between the demands of family and work. These three factors were: 1. the demands of paid work; 2. the absence of sufficient services planned by the communist regimes to ease women’s household workload; and 3. the regimes’ concern with decreasing birth rates.¹⁸⁷ The interplay of these three factors, according to Wolfe Jancar, completely subjugated the needs and interest of the majority of women in communist societies to that of their families and state.

Regarding factual data on domestic violence traceable in the work of Wolfe Jancar, the author’s reference to an article from the Bulgarian women’s periodical (*Zhenata dnes*) is

¹⁸² Ibid., 269, 273.

¹⁸³ Ibid., 269.

¹⁸⁴ Ibid., 276.

¹⁸⁵ Barbara Wolfe Jancar, *Women under Communism* (Baltimore and London: The Johns Hopkins University Press, 1978).

¹⁸⁶ Evans Clements, “Later Developments,” 267. Wolfe Jancar, *Women under Communism*, 46-51.

¹⁸⁷ Wolfe Jancar, *Women under Communism*, 38.

noteworthy. The Bulgarian periodical outlined four major causes of divorce in Bulgaria in 1973, namely: (1) Adultery, 31 per cent of all divorce causes; (2) physical and mental harassment, 20 per cent; (3) Alcoholism, 10 per cent; and (4) “frivolous behaviour,” 12 per cent.¹⁸⁸ Thus, according to this article, in Bulgaria more than every fifth divorce was caused by physical and mental harassment. Wolfe Jancar did not provide information on the causes of divorce in the Soviet Union, but that the divorce rate was as high as 26.3 per 100 marriages in 1971 is quite telling.¹⁸⁹ The divorce rate doubled after the easing of restrictions and fines on divorces in 1956 and then in 1968. Throughout the 1970s, one out of almost every three marriages ended in divorce in the Soviet Union.¹⁹⁰ Such a high divorce rate in itself may be indicative of the existence of domestic violence. Andrea Stevenson Sanjian has explored the causes of divorce in the Soviet Union. According to the author, in the 1980s, alcoholism was the most frequently cited source of marital problems and divorces in the European part of the country, while in South Caucasus and Central Asia intergenerational cultural problems were primary causes. Stevenson Sanjian stressed that the “horrific alternative to divorce in a traditional society emerges in persistent reports of suicide: in 1986 there were at least 40 reported cases in Tadzhikistan of girls and young women immolating themselves in response to, among other things, family interference in marriage and unhappy arranged marriages.” This passage indicates that divorce was not always an option available to solve women’s family problems.¹⁹¹

A British researcher focusing on Soviet ideology as it related to women, Mary Buckley, has argued that one could observe a noticeable increase in Soviet policymakers’ attention to women’s issues during the 1970s. However, according to Buckley, the discussion which centred around issues of female employment, the birth rate, relations between women and men, and marriage and divorce “has arisen not so much from the initiative of organised women involved with women’s liberation, as out of the Soviet leadership’s grave concern with the decline in the

¹⁸⁸ Ibid., 68.

¹⁸⁹ Ibid., 67.

¹⁹⁰ Ibid., 66-68.

¹⁹¹ Stevenson Sanjian, “Social Problems, Political Issues: Marriage and Divorce in the U.S.S.R.,” 636.

rate of population growth.”¹⁹² The re-opening of the discussion around the “Woman Question” in the 1970s in countries as the United States and Great Britain was a result of women’s movements, including battered women’s movements. Thus, it may well be that one of the reasons why domestic violence did not make it to the Soviet policymakers’ agenda in the 1970s and 1980s was the absence of grassroots women’s movements in the Soviet Union’s republics. Buckley’s research clearly demonstrated some of the shortfalls of the formal, declaratory policy-making in the Soviet Union as it related to women; namely, despite the fact that women comprised 51% of those enrolled in the higher education institutions by 1977, it was predominately women who performed unskilled, often manual work, remaining at the very bottom of the job pyramid both in agriculture and industry.¹⁹³ In addition, according to Buckley, despite the fact that men and women received equal pay for work of equal value, women earned on average one third less than men (similar, that is, to the contemporary gender wage gap in OECD countries), as they comprised the majority of the employees of those sectors of economy in which salaries were lower.¹⁹⁴ As a result of her thorough analysis of women’s position in different fields of life in the Soviet Union during the late 1970s, Mary Buckley concluded that in the past sixty years “the promotion of equality according to sex, the establishment of not just necessary, but sufficient, social services, and the encouragement of appropriate attitudes toward women have not been top priorities of the Soviet political elite.”¹⁹⁵

According to Buckley, in the late 1970s research circles in Moscow had come to realise that the “Woman Question,” which was claimed to be resolved by the founding fathers of the Bolshevik state, demanded further consideration.¹⁹⁶ “Although Soviet researchers feel that the final solution to the ‘Woman Question’ is theoretically guaranteed since socialism has

¹⁹² Mary Buckley, “Women in the Soviet Union” in *Feminist Review*, no. 8 (Summer, 1981): 79.

¹⁹³ *Ibid.*, 85.

¹⁹⁴ *Ibid.*, 88. Janet S. Schwartz also argues that despite the fact that women made up almost three-quarters of the medical profession in the 1970s, still men dominated healthcare management. “In 1974, 39.7 percent of the scientific workers were women, but 49 percent of them were assistants and junior scientific workers. Among professors, academicians, and corresponding members of the prestigious Academy of Science in 1972, 2 percent were women.” Janet S. Schwartz, “Role Definitions of Soviet Women,” in *the Social Forces* 58, no. 1 (Sep., 1979): 75.

¹⁹⁵ Buckley, “Women in the Soviet Union,” 100.

¹⁹⁶ *Ibid.*, 101.

unquestionably laid the only possible foundation for the realisation of equality of the sexes, they do quite openly admit that certain details of the lives of contemporary Soviet women need to be documented, quietly challenged and overcome.”¹⁹⁷ Based on the contents of Buckley’s research, the phrase “certain details of the lives of the contemporary Soviet women,” most likely referred to the famous “double shift,” the declining fertility rates, and women’s under-representation among the political elites in decision-making positions.¹⁹⁸ However, these “details” still did not concern violence perpetrated against women in general or instances of domestic violence against women in particular.

My review of some of the most influential scholarly works about the women’s rights situation in the Soviet Union does not allow me to argue either that domestic violence existed in the country on a wide scale or that these authors have explored the problem in depth in their works. The review has provided us with certain glimpses, utterances by researched women, of domestic violence suffered by women from their spouses and other male family members, but these accounts are by no means comprehensive or exhaustive. The literature review has also given us some insights about the propagated visions of Soviet decision makers on women’s roles in the private and public domains in different periods of Soviet history. These insights are highly informative of the policy environment surrounding the famous “Woman Question” in the Soviet Union. In addition, as I will argue in the next chapter, the Soviet period has preconditioned many of the relevant attitudes and beliefs in the post-Soviet period.

De Facto Domestic Violence vs. De Jure Women’s Equal Rights in the Soviet Union

Soon after the establishment of the Soviet Union, the Soviet government considered the “Woman Question” successfully solved and the equality of the sexes mostly achieved. In his

¹⁹⁷ Ibid.

¹⁹⁸ Mary Buckley has structured her article “Women in the Soviet Union” in the following sub-chapters: Women’s Participation in the Labour Force, Women in Agriculture and Industry, The Birth Rate Dilemma, Population Politics, and Women in Politics. Violence against women in general and domestic violence in particular was not given special consideration by Buckley’s research.

speech delivered on the second anniversary of the Bolshevik Revolution in 1919 Lenin famously stated:

“In the course of two years of Soviet power in one of the most backward countries of Europe more has been done to emancipate woman, to make her the equal of the ‘strong’ sex, than has been done during the past 130 years by all the advanced, enlightened, ‘democratic’ republics of the world taken together.”¹⁹⁹

This grand narrative of the success achieved by the Soviet Union in the field of gender equality prevailed not only until the demise of the Soviet Union, but also in the post-Soviet era.²⁰⁰ Here I would like to present a general picture of women’s rights in the Soviet Union to understand how the formal gender equality policy-making could affect the recognition of domestic violence as a women’s rights concern by Soviet decision-makers.

The principle of equality of the sexes can be found in almost all Soviet laws including the most significant document of the country, the Constitution. In the Soviet Union there existed three kinds of constitutions: the Constitution of the Soviet Union, the Constitutions of the Soviet Socialist Republics, and the Constitutions of the Autonomous Republics. Among the three, the Constitution of the Soviet Union had the legal primacy and the other constitutions were to be in conformity with it. Altogether, the Soviet Union had three Constitutions, namely those of 1924, 1936 and 1977. The 1924 Soviet Constitution created the legal framework for the foundation of the Soviet Union.²⁰¹ The second Constitution, of 1936, reaffirmed women and men’s equal rights

¹⁹⁹ Lenin, “Sovetskaya vlast’ i polozhenie zhenshchiny” [Soviet rule and position of woman], *Polnoe Sobranie Sochinenii* [Full collection of essays], V39: 287, cited in Warshofsky Lapidus, *Women in Soviet Society*, 58.

²⁰⁰ In the decade following the fall of the Soviet Union, the belief in the success achieved by the Soviet government in the field of gender equality was still strongly rooted in the consciousness of the citizens. For more see the following chapter 3.

²⁰¹ *Bolshaya Sovetskaya Entsiklopedia*, “Konstitutsii Sovetskie” [The soviet constitutions] vol. 13(Moscow: Sovetskaya Entsiklopedia, 1972), 50-51. The 1924 Constitution legitimated the December 1922 Union of the Russian Soviet Federated Socialist Republic, the Ukrainian Republic, the Belorussian Republic, and the Transcaucasian Soviet Federated Socialist Republic to form the Union of Soviet Socialist Republics. This Constitution also altered the structure of the central government. It eliminated the Congress of Soviets and established the Central Executive Committee as the supreme body of state authority. In turn, the constitution divided

of both active and passive suffrage (Article 137).²⁰² Article 122 declared women and men equal in all walks of lives, but especially emphasised women's participation in the labour market and their reproductive function, signalling the logic of the law-makers' of the time that viewed women first and foremost as an important part of the labour force as well as mothers of future workers:

“Women in the USSR are accorded equal rights with men in all spheres of economic, state, cultural, social and political life.

The possibility of exercising these rights is ensured to women by granting them an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, state aid to mothers of large families and single mothers, granting paid leave to pregnant women, and wide network of maternity homes, nurseries and kindergartens.”²⁰³

According to Article 122, women were not only granted equal rights with men in all fields of life but the state also foresaw the policy measures that would allow women to freely exercise these rights. It is noteworthy how much women's reproductive function was stressed in the article; the state was ready to provide women with more benefits and protection in case of pregnancy, having many children, or single motherhood.

the Central Executive Committee into the Soviet of the Union, which would represent the constituent republics, and the Soviet of Nationalities, which would represent the interests of nationality groups. The Presidium of the Central Executive Committee served as the collective presidency. Between sessions of the Central Executive Committee, the Presidium supervised the government administration. The Central Executive Committee also elected the Sovnarkom, which served as the executive arm of the government. *Soviet Union: the 1924 Constitution*, accessed April 26, 2011, <http://www.country-data.com/cgi-bin/query/r-12607.html>.

²⁰² Russian Women were granted right to vote in 1917, for more see Rochelle Goldberg Ruthchild, “Women's Suffrage and Revolution in the Russian Empire, 1905-1917,” *Aspasia: International Yearbook of Central, Eastern and South-Eastern European Women's and Gender History* 1, no. 1 (2007): 1-35.

²⁰³ Article 122, Constitution of the United Soviet Socialist Republics of 1936. In the Constitution of 1977 the equality of women and men in the USSR was ensured by Article 35: “Women and men in the USSR have equal rights. The exercise of these rights is ensured by according women equal opportunities with men in receiving education and professional training, in labour, remuneration, and professional advancement, in socio-political and cultural activity, as well as by special measures for the protection of women's labour and health; by creating conditions allowing to combine work with motherhood; by the legal protection of and by material and moral support for mother and child, including the granting of paid leave and other benefits to pregnant women and mothers; and by a gradual reduction of working time for women with young children.”

The third and last Constitution of the Soviet Union, adopted in 1977, enlarged the understanding of equality and basic rights, freedoms, and obligations of the citizens of the USSR, making the chapter regarding the rights of the citizens the longest part of the whole body of the text. This fact by itself shows “that the rhetoric of human rights ha[d] become an almost universal phenomenon”²⁰⁴ in the Soviet Union. Despite the strong emphasis on the principle of equality of the sexes put in the most important legal documents of the country, after a detailed analysis of the 1936 and the 1977 Soviet constitutions versus their implementation, G. Ginsburgs and S. Pomorski wrote in 1979: “Soviet women bear the stigma of a double workload, inferior professional status (assignment to low-paying jobs), and extremely limited visibility in the upper echelons of the ruling apparatus despite their majority share in the country’s population in general and its labour force in particular (53%).”²⁰⁵

Informed by Marxist and Leninist understandings, legislators argued for equality emphasising that men and women were more similar than different, locating causes of inequality in class-related oppression. In fact the majority of Bolshevik women themselves thought that “[w]omen were not a separate group lobbying with the male leadership; they were part of a general struggle.”²⁰⁶ Richard Stites in his work emphasised that socialist revolutionary women of the late nineteenth and early twentieth century²⁰⁷ believed that there was no need for separate work to resolve the “Woman Question” and that “a social revolution [would] emancipate women along with all other exploited groups.”²⁰⁸ Thus, women along with men were considered oppressed as a homogenous group if they belonged to the lower classes. And because the Great

²⁰⁴ George Ginsburgs and Stanislaw Pomorski, “A Profile of the Soviet Constitution of 1977,” in *The Constitutions of the USSR and the Union Republics: Analysis, Texts, Reports*, ed. F. J. M. Feldbrugge (Alphen aan den Rijn, Netherlands: Sijthoff & Noordhoff, 1979), 45.

²⁰⁵ Ibid., 44.

²⁰⁶ Evans Clements “Bolshevik Women: the First Generation,” 69.

²⁰⁷ Namely, Roza Zemliachka, Vera Zasulich, Mariia Spiridonova, and Vera Figner.

²⁰⁸ Stites, “The Women’s Liberation Issue in Nineteenth Century Russia,” 24. An interesting vision with regard to rapid emancipation and liberation of women is expressed also in the 1924 article by T. Tsintsadze. According to the author, the revolution and the new government are doing more than enough for women’s emancipation and therefore “today we can bravely say that soon there will be no need to conduct any special awareness raising work targeting only women.” T. Tsintsadze, “qalta shoris mushaoba telavis mazrashi” [Work among women in Telavi district], *chveni gza*, no.10, 1924, 35.

October Socialist Revolution was seen both by citizens and policymakers as a means of ending the oppression of peasants and workers, it would liberate women along with men.

The principle of equality of the sexes was upheld also in the legislation of the Soviet Union; criminal, administrative and civil codes of the republics underlined that women and men had equal rights and were entitled to equal benefits. As there existed no special law on domestic violence, the general provisions of the Criminal Code criminalising battering, threatening, physical abuse, murder, blackmail, hooliganism,²⁰⁹ etc. were to be applied to crimes committed in the familial context. According to Janet Elise Johnson, before 1991 “domestic violence was intermittently regulated under the rubric of ‘hooliganism’”²¹⁰ and according to some estimates, domestic violence constituted up to 40 per cent of crimes charged under hooliganism.²¹¹ However, little was done to raise awareness of the society at large.

The Soviet success story in relation to women’s liberation was not groundless. The state was paying particular attention to the spreading of literacy and the education of citizens, including women; according to Jen Pickard, the number of women in the higher education system rose from 28 % in 1927 to 49 % in 1970.²¹² Women played an important role in the Bolshevik Revolution and the Civil War, they fought amidst the Red Army soldiers, worked as intelligence agents,²¹³ conquered the hearts and souls of peasants and workers through their

²⁰⁹ In the Soviet Union, “hooliganism” was made a criminal offense under the penal codes of the Soviet republics. Article 216 of the Criminal Code of the USSR defined hooliganism as “any deliberate behavior which violates public order and expresses explicit disrespect towards the society” a wide range of behaviours, such as vagrancy, stalking and foul language and sometimes also violence committed in the families. This clause was often used by the Soviet authorities also against political dissidents. Hooliganism, accessed February 7, 2011, <http://www.startsurfing.com/encyclopedia/h/o/o/Hooliganism.html>.

²¹⁰ Janet Elise Johnson, *Gender Violence in Russia: the Politics of Feminist Intervention* (Bloomington: Indiana University Press, 2009), 23.

²¹¹ Ibid., 24.

²¹² Pickard, *Women in the Soviet Union*, 6.

²¹³ Women from the Caucasus in general and Georgian women in particular were also involved in revolutionary activities, although the existing literature refers mostly to Russian women’s activism as in numbers and scale of impact they outweighed other national groups. Richard Stites refers to a special school for training disorganisation and espionage personnel set up upon Lenin’s order in a secret wing of a Moscow house. A Georgian revolutionary named Kamo headed this school, training Caucasian women in sabotage, simulation and holding up under interrogation. The graduates of this school became members of the First Partisan Special Purpose Detachment. See Stites, *The Women’s Liberation Movement in Russia*, 319.

propaganda work from rostrums, Agitation trains (*Agitpoezd*) or Agitation boats,²¹⁴ they served as Red Guard nurses and if captured by the Whites often faced brutal punishments.²¹⁵ However, as was the case after the French Revolution of 1789,²¹⁶ the influence of women in the political life of the post-revolutionary country, in this case the Soviet Union, was extremely weak so that *de jure* gender equality provisions up-held by the Constitutions were not translated into *de facto* gender equality. Richard Stites provides interesting data on the political empowerment of women, claiming that from 1917 until 1923 a small group of influential women held decision-making positions in the Bolshevik government, but after 1923-1925 they were removed from the sites of power. Thus, “[w]omen were then and for the future absent both from positions of power and prestige and largely from public prominence.”²¹⁷ Indeed, until the mid-1950s women were absolutely absent from the top decision-making positions; “before 1956, no woman ever sat on the politburo or the Presidium, the chief policy body of the Party.”²¹⁸

From the viewpoint of women’s political and economic empowerment, Hungarian sociologist Eva Fodor offers an interesting comparative study of Hungarian and Austrian working women’s lives in the period 1945-1995. Fodor points out that in the 1980s, in Austria about nine times more men than women were top-level managers, while in Hungary only twice as many men than women occupied high-rank managerial positions.²¹⁹ Fodor’s work reveals the opportunities state socialism provided women for upward social mobility as well as the mechanisms for their exclusion from the distribution of political power and influence. Fodor argues that a commonality observed in Hungarian and Austrian societies is the chameleon like, negotiated nature of “patriarchy” or “gender regimes” that lies at the heart of “[g]endered

²¹⁴ The most prominent Bolshevik women involved in agitation and propaganda work were Balabanova, Krupskaya, and Kollontai.

²¹⁵ Stites, *The Women’s Liberation Movement in Russia*, 317-323. Also see Evans Clements, “Bolshevik Women the First Generation,” 65-74.

²¹⁶ See Gisela Bock, “The French Revolution: The Dispute is Resumed,” in *Women in European History* (Oxford: Blackwell Publishers, 2002), 32-81.

²¹⁷ Stites, *The Women’s Liberation Movement in Russia*, 323.

²¹⁸ Ibid., 326. Ekaterina A. Furtseva was the only woman to sit on the Politburo, then called the Presidium. She held this post from 1957 to 1960 when she was relieved of it to become Minister of Culture. She remained Minister of Culture until her death in 1974. Buckley, “Women in the Soviet Union,” 103.

²¹⁹ Eva Fodor, *Working Difference: Women’s Working Lives in Hungary and Austria, 1945-1995* (Durham and London: Duke University Press, 2003), 65.

exclusion from the sphere of work and politics” and points out that “the *degree and mechanisms* of this exclusion varies over time and space.”²²⁰ Fodor’s insights can help us in analysing the opportunities provided to women in the Soviet Union: indeed after the Bolshevik Revolution women were provided with access to education and encouraged to join the paid labour force in huge numbers. However, “by the end of the post revolutionary phase, it was clear that mobilizing women into the economy and giving them training did not automatically assure a concomitant rise to high-status positions.”²²¹ The principles and mechanisms for women’s exclusion observed by Fodor in Austria and Hungary are also found in the Soviet Union; these mechanisms deny women “access to the most useful type of capital.”²²² Like in Hungary, Communist Party membership was considered the most useful type of capital in the Soviet Union, and “women did not enter the top echelons of the party,”²²³ the primary realm for political decision-making. Women’s Party membership was insignificant “even after the great blood-letting and the decimation of the male population in the years 1936-1945, the percentage was only seventeen, one percentage point more than in 1932.”²²⁴ The fact that in comparison with women from the capitalist countries the women of the Soviet bloc were granted equal rights by law does not imply that they acquired an equal footing with men in the high-level decision-making processes. Thus, the revolution failed to grant women substantive political equality with men.

First and foremost, the Soviet government strove to mobilise the labour force of millions of women for the building of the new state. Indeed, “in no country of the world did [... women] come to contribute such a significant part of the working class in so short a time. [...] Between 1929 and 1935, almost 4 million women began to work for wages, 1.7 million of them in industry.”²²⁵ Although the government officially upheld the principle of equal pay for equal work, Wendy Goldman points out that in the 1920s unskilled women earned much less than

²²⁰ Ibid., 7-8.

²²¹ Wolfe Jancar, *Women under Communism*, 149.

²²² Fodor, *Working Difference*, 103.

²²³ Evans Clements “Bolshevik Women: the First Generation,” 69.

²²⁴ Stites, *The Women’s Liberation Movement in Russia*, 326

²²⁵ Wendy Z. Goldman, *Women at the Gates: Gender and Industry in Stalin’s Russia* (Cambridge University Press: Cambridge, 2002), 1.

unskilled men in almost every industry simply because they were women.²²⁶ Soviet industry inherited from the Tsarist Russian industry the tradition of being sharply gendered both vertically, by branch, and horizontally, by skill and wage level.²²⁷ Thus women in comparison with men worked in lower-paid sectors of the economy in less skilled, lower level positions,²²⁸ their nominal monthly salary in Russia in 1975 was only 67-73 per cent of men's salaries.²²⁹ Still, the fact that so many women entered paid work made them less dependent on men than they had ever been in this region. Susan Gal and Gail Kligman argue that the Kremlin wanted to see women less dependent on their husbands and fathers and more dependent on the state through protectionist, paternalist laws.²³⁰

M. Pichugina in her 1939 book *Women in the USSR* discussed the condition of women in the Soviet Union in comparison with the condition of women in Tsarist Russia. Pichugina expressed her delight and fascination with what women were allowed to do under the guidance of the Communist Party. She herself started as an unskilled Kolkhoz worker and progressed to membership of the Supreme Soviet of the USSR.²³¹ The text is full of praise towards the Soviet government for having liberated women and having opened up opportunities for them to work in

²²⁶ Ibid., 16.

²²⁷ Ibid., 31.

²²⁸ According to Goldman, by 1925, 50 per cent of male industrial workers held skilled jobs, compared to only 13 per cent of women. In 1927 women were earning 64 per cent of the male wages. Goldman, *Women at the Gates*, 15-16. In 1922 women were 22 per cent of the workforce but within ten years this figure had grown to 32 per cent. Sectors dominated by female workers in Soviet as well as Post Soviet periods have been education, healthcare, and light industries. In the Soviet Union in 1970 more than half of working women were in occupations where 70 per cent of the workforce were women – 98 per cent of nurses, 75 per cent of teachers, 95 per cent of librarians, 75 per cent of Doctors. Pickard, *Women in the Soviet Union*, 6. According to data of 1989 in Georgia women composed 50.2 per cent of all the employed in agriculture, 77.4 per cent in healthcare and 70.4 per cent in light industry. Gender Development Association, *Status of Women in Georgia*, (Tbilisi, 1999), 7.

²²⁹ Pickard, *Women in the Soviet Union*, 6.

²³⁰ Susan Gal and Gail Kligman, *The Politics of Gender after Socialism* (NJ: Princeton University Press, 2000), 48.

²³¹ M. Pichugina was a Soviet author and member of the Supreme Soviet of the USSR during the 1930s. Pichugina worked on a collective farm until she married and moved to Moscow in 1930. She worked in a factory from a position of unskilled worker to foreman to the deputy to the Moscow Soviet in 1937. In addition to chairwoman duties, she supervised the work of the District Planning Department, the Department of Public Education, and the District Board of Health. She authored, in 1939, *Women in the U.S.S.R.*, a pamphlet that outlined the status of Soviet women in the 1930's. *Encyclopedia of Marxism: Glossary of People*, "Pichugina, M" accessed April 26, 2011, <http://www.marxists.org/glossary/people/pi/i.htm>. M. Pichugina, *Women in the U.S.S.R.* (Moscow: Foreign Languages Publishing House, 1939). Transcribed: for marxists.org in April, 2002, accessed December 16, 2002, <http://www.marxists.org/subject/women/authors/pichugina/women.html>.

spheres previously inaccessible to them.²³² She goes on discussing women's achievements in sports and labour and touches on the subject of how effectively the new Soviet style of empowering women has eliminated prostitution. However, in his writings Leon Trotsky²³³ revealed a different picture about the existence of prostitution in the Soviet Union. In *Revolution Betrayed*, Trotsky cited an article from the Soviet newspaper *Izvestia* of 1935 that informed readers that in Moscow 1000 women who were selling themselves on streets had been arrested. According to Trotsky, this was just one accidental mentioning of the problem in the press and “[w]e should vainly seek the approximate dimensions of this social evil. The modest bureaucracy orders the statistician to remain silent. But this enforced silence itself testifies unmistakably to the numerousness of the ‘class’ of Soviet prostitutes.”²³⁴ The silence of statisticians along with such propaganda as Pichugina's book created a distorted image of reality that was in line with the conclusion of Pichugina's eulogy: “[i]n the U.S.S.R. the mind and ability of the Soviet woman are exercised in the interests of the society and consequently in the interests of the woman herself.”²³⁵

Another clear example of Soviet propaganda regarding the condition of women in the Soviet Union is Nina Popova's early Cold War book, also in English, entitled *Women in the Land of Socialism*, in which the author argued that the October Revolution brought women freedom and happiness and that women were “free and equal daughters in the Stalin Family of

²³² Indeed, many women were entering traditional male occupations; by the year 1950 there were “over 250,000 women engineers and technicians in Soviet Russia. More than 100,000 women [were] doctors, comprising well over half the total number of doctors. The proportion of women lawyers and judges [was] not nearly so high, though it is nevertheless probably far higher than in any other country. During the war some 12,000 Soviet women were awarded combat decorations, and sixty-two received the title of heroine of the Soviet Union.” Harold J. Berman, *Justice in Russia: an Interpretation of Soviet Law* (Cambridge, Massachusetts: Harvard University Press, 1950), 240.

²³³ Leon Trotsky (1879-1940) was an influential political figure in the early days of the Soviet Union. He was the People's Commissar for Foreign Affairs, and later became founder and commander of the Red Army and People's Commissar of War. With the rise of Joseph Stalin and demise of the Left Opposition in the late 1920s, Trotsky was expelled from the Communist Party and deported from the Soviet Union. He was assassinated in Mexico by a Soviet agent Ramon Mercader in 1940. *Frequently Asked Questions about the Encyclopedia of Trotskyism On-Line*, accessed March 9, 2011, <http://www.marxists.org/history/etol/faq/faq-eng.htm#wholeon>.

²³⁴ Leon Trotsky, *Revolution Betrayed: What is the Soviet Union and Where is it Going*, 1936, accessed March 16, 2007, <http://www.marxists.org/archive/trotsky/works/1936-rev/ch07.htm>.

²³⁵ Pichugina, *Women in the U.S.S.R.*

Peoples of the U.S.S.R.”²³⁶ Comparing the condition of women in the Soviet Union with that of women in capitalist countries, Popova claimed that “under capitalism the great majority of women are inhumanly exploited and they suffer from numerous disabilities, from restrictions of their rights in the public and political life, from degrading marriage and divorce laws which place women in a humiliating and inferior position to men, from economic dependence and household drudgery. [While] Lenin and Stalin led the working men and women of our country to victory over tsardom and capitalism.”²³⁷ Moreover, “only the path of Lenin and Stalin, the glorious path to communism, leads to freedom and happiness for the people, to freedom and happiness for mankind.”²³⁸ The book is a product of its times, clearly marked by the politics of the Cold War, therefore it is not surprising that there is no mentioning of any hardships faced by women or instances of violations of their rights. The pathos of Popova’s claims leaves no room for any acknowledgement of the violations of women’s rights that were taking place in the Soviet Union, including domestic violence against women.

Not only did these propaganda works praise the Party and government for women’s emancipation, but many women in the Soviet Union genuinely believed state propaganda, and more importantly, personally experienced upward social mobility. However, women’s experiences are never uniform; in the Soviet Union, including Soviet Georgia, many women became educated and employed, but many also suffered terribly because they and/or their family members became subject to the state terror in the 1930s and 1940s. Women who had been declared enemies of the state were exiled into labour camps and even shot and their children’s education and career development chances were incomparable to those of the other citizens.²³⁹

²³⁶ In her book Nina Popova devoted whole chapter to the description of successful women in sports, industry, military, etc. to strengthen her argument about women being free and equal members of the communist society under Stalin’s leadership. Nina Popova, *Women in the Land of Socialism*, 111-139.

²³⁷ Nina Popova, *Women in the Land of Socialism*, 7-8.

²³⁸ *Ibid.*, 10.

²³⁹ "ALZhIR" was one of the women’s labour camps in Akmolinsk oblast, Kazakhstan in the period 1939-1943. In this camp wives, mothers, and daughters of “traitors of the native land” in due time settled down. On the experiences of women in Gulag see Anne Applebaum, *Gulag: A History* (New York: Random House, 2003).

Attempts like Pichugina and Popova's works that homogenised the experiences of Soviet women as "good" turned a blind eye to the experiences of many others.

The *Great Soviet Encyclopaedia* clearly stated in 1972 that "in general lines the emancipation of women in Socialist countries is achieved. However, elimination of factual inequality of women in daily life is a lengthy process that will end along with completion of gradual transformation of socialism into communism."²⁴⁰ The Soviet government continued to emphasise its commitment to women's liberation. However, the meaning ascribed by late communist policy planners to women's liberation, as process and end-goal, did not resemble the aspirations of early Bolsheviks. A citation from an interview with Pavel Gilashvili, Chair of the Presidium of the Supreme Council of the Georgian Soviet Socialist Republic, conducted in 1978, was very indicative of this shift: "The Party considers [...] the improvement of women's conditions as [...] mother, up-bringer of children and a housewife to be its responsibility"²⁴¹ According to Gilashvili, the Soviet Union showed the world "a trustworthy example of a successful resolution of the 'Woman Question', which ensured the actual equality of women,"²⁴² and he was proud of this. This interview revealed the double-sided situation of women's emancipation in Soviet Georgia in the 1970s, similar to the 1930s, when "[d]espite the emphasis on a strong, stable family, the Party continued to encourage women to enter the workforce, and, moreover, contributed to couch its appeals in the older rhetoric of women's liberation."²⁴³ Gilashvili argued that the "Woman Question" had been successfully resolved and saw no contradiction between this statement and praising women as mothers, up-bringers of children and good housewives.

Soviet policy makers in their speeches and policies regarded women as a homogeneous group made up of peasants and workers; the wide spectrum of diversity along the lines of religious, cultural, class belonging, age, urban and rural residence was not acknowledged

²⁴⁰ *Bolshaya sovetskaya entsiklopedia*, "zhenskii vopros" [Woman's question], vol. 9, 1972, 172.

²⁴¹ Z. Timofeeva, "mi v dolgy pered zhenshchinami" [We owe women], *Rabotnitsa*, no.11, 1978, 7.

²⁴² *Ibid.*, 7.

²⁴³ Goldman, *Women, the State and Revolution*, 342.

effectively. A review of the Soviet period women's journals provides us with some *de facto* information about the women's rights situation in the Soviet Union, indicating not only that women's experiences varied across and within republics, but also that their problems, especially with regard to domestic violence, were very much culturally and environmentally specific. In Russia, the 1920s' articles named alcoholism as the primary cause of wife battering. Although the example below shows that a drunkard husband had been systematically abusing his wife and finally caused her death, it would be highly simplistic to generalise and claim that for the whole Russia wife battering was taking place primarily because of alcohol abuse:

“Escaping, she was finding shelter at neighbours. Sometimes, she was freezing for hours on cold dark stairways [...] On that fatal evening drunk Zarezin came home and started to demand money from her for vodka. There was no money [...] Being convinced that beating alone was not helpful enough, he grasped a bottle with denaturant and poured it on his wife and around the room. He locked the door and took the key with him. Zarezina, with her last forces climbed out from window and was trying to get to the yard through window cornice. However, she lost hold of the window and fell on the pavement from the second floor. The neighbours heard the noise, they carried Zarezina to their apartment [...] - Where is my wife? I want her to peg out at home [...] On the next day Zarezina died. The Voronezh district court acknowledged Zarezin's guilt in the death of his wife and sentenced him to five years of imprisonment.”²⁴⁴

Zarezin was found guilty in the death of his wife. However, it cannot be concluded from the article that the court acknowledged Zarezin's fault for the continuous inhuman treatment of his wife. There was no mentioning of the domestic violence which finally caused the death of

²⁴⁴ D. “zhutkoe delo” [Terrifying case], *Rabotnitsa*, no.3, 1920, 19.

this woman. Zarezin got a lighter sentence than he deserved because the law and the court punished him for only a small portion of the crime he had committed.

Many indications of domestic violence can be found in the 1920s' Georgian periodicals for women. According to a 1924 article published in *chveni gza*, "husbands are throwing their wives with children out onto the streets, where hunger and death await them."²⁴⁵ This brief piece of information indicates that the civil registration of marriages, easily obtainable divorces, and generous but highly gendered provisions regarding childbearing in unregistered relationships did not do much for poor rural women, who remained economically dependent on their husbands.²⁴⁶ The Soviet government found it extremely hard to eliminate traditional forms of discrimination against women taking place in familial contexts among different subgroups of the population including the inhabitants of Svanetia²⁴⁷ in Northern Georgia. The women's journal *chveni gza* reported in 1924 that in Svanetia:

"... [W]oman is extremely helpless, oppressed and humiliated. She is a powerless creature already in her father's family – a real slave. She has no right not only to marry according to her own wish but also to speak to a man or joke with him. Woman can only be bought and [male] Svanetians are usually buying their fiancés in exchange for one or two cows, or sheep depending on women's beauty. [...] The prejudices are so well-rooted in Svanetia that during birth-giving women are not allowed to lie in bed at home but are left alone without care in the cattle house and are provided with food there."²⁴⁸

²⁴⁵ Zinaida E. "t'filisis musliman qalta shoris" [Among the Muslim women of Tbilisi], *chveni gza*, no.4, 1924, 42.

²⁴⁶ Later in the chapter I will explore what kind of state-supported mechanisms were in place to address the issues of such women inquiring also about the efficiency of these mechanisms.

²⁴⁷ Svanetia is a mountainous region in northern Georgia. The inhabitants of Svanetia are called Svanetians, ethnically they are considered Georgian.

²⁴⁸ Violeta, "svanetis glekh-qalta tskhovrebidan" [From the lives of Svanetian peasant women], *chveni gza*, no.6, 1924, 54.

Such inhumane treatment during childbirth oftentimes resulted in women's death: "Our husbands accuse us of being evil and make us give birth in the cattle house. [...] Don't you remember young woman Tsitsino died because of this tradition, poor woman was left alone without care after childbirth and passed away in the cattle house."²⁴⁹ The author of this article, Tina, made an effort to educate Svanetians, stating that such degrading traditions could not be observed in other parts of Georgia and that she had herself witnessed how in Samegrelo, a Western region of Georgia, women gave birth in beds and were provided with the best care their families could afford.

A poem by Varvara Chelnochnitsa "Vsyem na Pokaz" (For everyone's gaze) published in *Rabotnitsa* described women's problems. In one of the verses the author told a story of two brothers – Pavel and Victor Stukli, one of them "freed" his wife from her teeth and the other from her hair. "Now they are getting to the ribs of their wives and beat them with what they find [...] by the way, Victor is still part of Komsomol, while his wife lies down and prays to the god, she is ashamed to complain and afraid to protest."²⁵⁰ Anzhella Mkhitarian, in her article "Byez Parandzhi" (Without veil), published in *Krestyanka* in 1987 tells the story of a young Muslim girl Ruzigul, from Uzbekistan, Central Asia, who fell victim of domestic violence and local traditions -- she was the youngest daughter-in-law and was the most exploited in an extended family of her husband. Ruzigul was condemned by her husband and his family for her desire to start paid work outside the family. She could not endure the pain caused by her husband when he insulted and divorced her and burnt herself.²⁵¹

Women's periodicals tended to depict rural and religious, especially Muslim women, as suffering the most from violence and other degrading practices. And although these periodicals represent my primary source for factual data on domestic violence, my intention is by no means

²⁴⁹ Tina, "rogor miighes glekhis qali marine rva marts partiashi" [How was peasant woman Marina admitted to the party on March 8], *chveni gza*, no.12-13, 1925, 11.

²⁵⁰ Varvara Chelnochnitsa "Vsyem na Pokaz" [For everyone's gaze], *Rabotnitsa*, no.5, 1929, 14-15.

²⁵¹ Anzhella Mkhitarian, "Byez Parandzhi" [Without veil], *Krestyanka*, no.9-87, 1987, 18-20. See also article by Alexander Osipov, "Eto vash vrag zhenshchiny" [Women, this is your enemy], *Rabotnitsa*, no.4, 1962, 22-23, where the author, former professor of theology persuades women that religiousness degrades them, hinders their development and self-realisation.

to reinforce the stigmatisation of rural and religious women. We know that domestic violence is not bound to any particular, class, religion, race, or ethnicity. In Georgia, with its multi-ethnic and multi-religious composition, the problems of Georgian and Azeri Muslim women significantly differed from the problems of ethnically Georgian Christian women or women who were residing in mountainous regions of Georgia, where Christianity was strongly influenced by pagan beliefs and local traditions. The problems of urban women varied from those of rural women. And although the causes of violence suffered by women differed along the lines of their religious and ethnic belonging or place of residence, still, domestic violence existed across these differences. “[Our husbands] insult and beat us up, make us work like animals...”;²⁵² such utterances can be found in almost every other issue of the monthly women’s magazine *chveni gza*, published in Georgia during the 1920s.²⁵³ However, from the 1930s onward, it is much harder but still possible to find such openhearted confessions either in the central-level periodicals targeting women, published in Russian, or in the respective Georgian magazines.²⁵⁴ The most compelling explanation for the silence about domestic violence lies in the incompatibility of state-sponsored propaganda about the progress made in liberating women with women’s stories about domestic violence. The decision-makers could not allow the acknowledgment of the existence of domestic violence in a society where gender equality was “achieved,” and women’s liberation had been “completed.”

²⁵² Tina, “rogor miighes glekhis qali marine rva marts partiashi,” 11.

²⁵³ See Violeta, “svanetis glekh-qalta tskhovrebidan” [From the lives of Svanetian peasant women], *chveni gza*, no.6, 1924, 54; T. Tsintsadze, “qalta shoris mushaoba telavis mazrashi,” [Work among women in Telavi district] *chveni gza*, no.10, 1924, 35; Olya, “darejan tandilashvilis dardianoba” [The sorrow of darejan tandilashvili], *chveni gza*, no.1 (11), 1925, 32; Tina, “rogor miighes glekhis qali marine rva marts partiashi” [How was peasant woman Marina admitted to the party on March 8], *chveni gza*, no.12-13, 1925, 11.

²⁵⁴ In the women’s periodicals of the 1960s and beyond one can find, albeit rarely, stories of mother-in-laws complaining about their daughter-in-laws and vice-versa, of wives heartbroken by the violence and negligence of their husbands. See article by Olia Revia, “mudam skhvebze zrunvashi” [Constantly caring for others], *saqartvelos qali*, no.11, 1969, 14; D. Abashidze, “tserili rdzals” [Letter to daughter-in-law], *saqartvelos qali*, no.8, 1969, 20; Marine Nakaidze, “gtkhovt momisminot: tsolis versia” [Please listen to me: wife’s version], *saqartvelos qali*, no.11-12, 1991, 1-2.

Family Buried and Resurrected: Political, Economic, and Socio-Cultural Dimensions

As Marxism was the primary ideological doctrine of the Soviet Union, the original roots for the majority of priority items on the agenda of the Bolshevik policy planners are traceable to the writings of Karl Marx and Friedrich Engels. This is true also with regard to the intention of the early Bolshevik government to abolish the institute of family. In the work *German Ideology*, Marx clearly stated that in the family the wife and children were slaves of the husband/father and therefore the family represented the first form of private property - "this latent slavery in the family [...] is the first property."²⁵⁵ The annihilation of private property was the significant precondition for a communist society to come into existence, and, private property could be abolished through the annihilation of the individual economy. Following this logic, Marx deemed it self-evident that "the abolition of [the] individual economy [was] inseparable from the abolition of the family."²⁵⁶ According to Marx, the project of the elimination of the individual economy could succeed only if a communal domestic economy replaced it -- the early Bolshevik government attempted to follow these instructions by shifting most of the household work from the private field of family to the public sphere.

From a political viewpoint the early Soviet policy-planners' abolitionist attitudes towards the family had several dimensions; among these, the elimination of private property through abolition of what Marx called "the individual economy" was one, while the intention to free women from the drudgery of unpaid familial labour was another. The early Bolshevik abolitionist attitude towards the family or their belief in the family's "withering away" did not include an annihilation of marriage. Marriage was viewed as a union of individuals based on mutual love and understanding, free from obligations that the family had imposed on them in feudal and capitalist settings. On the contrary, early Bolshevik rhetoric aimed to introduce new understandings of marriage via the institutionalisation of civil marriages, easily obtainable

²⁵⁵ Karl Marx and Friedrich Engels, "Private Property and Communism," *The German Ideology*, 1845, accessed March 16, 2007, <http://www.marxists.org/archive/marx/works/1845/german-ideology/ch01a.htm>.

²⁵⁶ Ibid., footnote 1.

divorces, and the promotion of the idea of a union based on affection and shared ideals rather than on women's subordination and economic dependency.²⁵⁷

The adoption of a series of decrees in 1917²⁵⁸ and of the *Code on Marriage, Family, and Guardianship* in 1918, soon after the Bolsheviks came into power, established equality of the sexes in marital relations. These legal provisions introduced the civil registration of marriages, granted spouses with equal rights and made divorce easily obtainable upon initiation of one of the sides. Bolsheviks such as Alexander Goikhbarg, one of the authors of the *Code on Marriage, Family, and Guardianship*, believed that the Code was a temporary measure and that “without civil marriage, the population would resort to religious ceremonies and the church would flourish.”²⁵⁹ They also believed that in a socialist society there would be no need for the family or the law to regulate human relations, and regarded these legal regulations as temporary. However, the expectations of the revolutionaries proved wrong and in the years to come, especially since the 1930s: not only did the law become instrumental in governing the people but the family turned into an increasingly influential and autonomous unit within Soviet society.²⁶⁰

The Bolshevik propaganda of the 1920s juxtaposed the new laws and policies against Tsarist religiously based laws and practices to demonstrate the progressivism and superiority of the former in comparison with the latter. Commitment to women's emancipation in general, and in marital relations in particular became one of the primary topics of this ideological work. Bolshevik policymakers were challenging many of the socio-economic realities of the previous regime through the prism of women's rights and their liberation; in the first issue of the magazine *Krestyanka*, a magazine targeting peasant women that was published by the central government in Russian, in June 1922, one finds a clear demonstration of this attitude:

²⁵⁷ Goldman, *Women, the State and Revolution*, 1-58.

²⁵⁸ Namely the decrees of December 16, 1917 about divorce; the decree of September 18, 1917 about civil marriages establishing equality of spouses and granting equal rights to children born out of wedlock with children born to registered couples.

²⁵⁹ Goldman, *Women, the State and Revolution*, 56.

²⁶⁰ Janet S. Schwartz in her 1979 article argues that “from the mid 1930s, the family in the USSR was assigned nearly the same function as the Western Family.” Schwartz, “Role Definitions of Soviet Women,” 69.

“According to rural understandings, to marry a woman means to gain a labour force for a household, silent and obedient worker who never asks for any payment for her hard work. ...Church and Tsarist laws were strongly up-holding such attitudes in the villages. ‘Wife should fear her husband’ – this is what the church was preaching to a peasant woman. And according to this principle wife was an obedient slave, while husband was a master, who had right to punish and pardon her.”²⁶¹

The author of this article made an effort to stress that husbands’ domination over their wives, which was supported by Tsarist laws and the Church, came to an end in the Bolshevik state. On December 18, 1917 the Soviet government introduced civil marriage²⁶² allowing women to keep their maiden name or to choose their husbands’ family name. The article informed peasant women that divorce had become easily obtainable – “in order to get divorce even a verbal appeal to the People’s Court²⁶³ is enough. The judge will make a note in the protocol and will inform the other spouse about the decision granting divorce. He [the judge] has no right but to satisfy the appeal for divorce.”²⁶⁴ In case of divorce, the wife had the right to demand half of the property accumulated during the period of cohabitation, even if she had been a housewife for all those years. The article explained that women could identify the fathers of their children while registering them at birth or afterwards in the village Councils without civil registration of marriages. Children born out of wedlock were granted the same rights as children of registered couples. Women were also given the right to name the father of a child and in certain instances, if she was dating several men and the identity of the father

²⁶¹ A. Lisitsin, “Brak i Krestyanka” [Marriage and peasant woman], *Krestyanka*, no.5, 1922, 17.

²⁶² The Soviet government established special organisations for the registration of civil acts which were popularly known by its Russian abbreviation – ZAGS.

²⁶³ The People’s Courts were established in November 1917, when the Bolshevik government issued a Decree on Courts. The Constitution of the Soviet Union of 1936 and the laws that were adopted based on this constitution further defined and reaffirmed the mandate of People’s Courts. The People’s Courts were the courts of the first instance and reviewed administrative, civil as well as criminal cases. *Bolshaya Sovetskaya Entsiklopedya*, vol.17, (Moscow: Sovetskaya Entsiklopedya, 1973), 284-285.

²⁶⁴ A. Lisitsin, “brak i krestyanka,” *Krestyanka*, no.5, 1922, 18.

was unclear, she had right to name a few as potential fathers and assign them with alimony to pay.²⁶⁵

Despite very detailed information regarding women's rights to enter and dissolve marriages, the 1922 *Krestyanka* article did not mention any kind of special legal or policy response to domestic violence. The existence of certain serious problems in the families in the past was acknowledged; "there were too many women's lives doomed because of the lack of opportunity to obtain a divorce."²⁶⁶ Following this logic, now that the situation had changed, women would be saved because they had the right to free and easy divorce. Thus, implicitly, the article informed women whose rights had been violated in marriage that there was a way out, seeing divorce as a means to end unhappy family life. It is possible that the Bolshevik policymakers naively believed that these new laws would combat domestic violence and that "[t]he abolition of the family, rather than gender conflict within it, held the key to women's emancipation."²⁶⁷ If so, they clearly failed to see the complicated conditions of women who were, in many cases, not only economically and emotionally dependent on their husbands but also were chained by religious and traditional norms, especially in rural settings across the Soviet Republics.²⁶⁸

The Bolshevik policymakers saw heavy unpaid work performed by women in their families as the primary cause of their exploitation. Lenin has described housework as "barbarously unproductive, petty, nerve-racking stultifying and crushing drudgery."²⁶⁹ The abolition of the family as a unit of production addressed this problem via the shifting of household work from the private to the public sphere, thus setting women and men "free" from household occupations. At the same time, this shift undermined the individual economy for the

²⁶⁵ Ibid., 18.

²⁶⁶ Ibid., 17.

²⁶⁷ Goldman, *Women, the State and Revolution*, 6.

²⁶⁸ Andrea Stevenson Sanjian in her work outlines the hardships faced by the Soviet policy planners due to the fact that there was no "generic version of the family" they could deal with, instead there existed urban and rural, European and non-European families "each with its special features and special problems." Stevenson Sanjian, "Social Problems, Political Issues," 632.

²⁶⁹ Lenin in Marx, Engels, Lenin, and Stalin, *The Woman Question* (New York: International publishers, 1975), 56. Cited by Mary Buckley, "Women in the Soviet Union," *Feminist Review*, no. 8 (Summer, 1981), 89.

benefit of the communal economy. This approach was not nurtured only by policy planners' desire to empower women, but also out of a desire to recruit more and more women into the labour force.²⁷⁰ Thus, the economic implications of the abolition of the family were in line with the political intentions of Bolshevik decision-makers; the family would no longer be a place of household work and production, and these would be shifted to the public field resulting in the creation of communal infrastructure - "the institutions of the socialist society"²⁷¹ in Trotsky's words. Moreover, the state would gain more workers as women liberated from family burdens would start to look for jobs. "Under Socialism, household labour would be transferred to the public sphere: the tasks performed by millions of individual unpaid women in their homes would be taken over by paid workers in communal dining rooms, laundries, and childcare centres."²⁷²

Along with routine household work, childbearing was seen as one of the most significant social functions of the old-fashioned family. Therefore, apart from the establishment of public dining and laundry systems, the government envisioned the liberation of its citizens from parental obligations by taking up the responsibility for child up-bringing. From this viewpoint Alexandra Kollontai's²⁷³ article "Communism and the Family,"²⁷⁴ published in 1920 in the magazine *Komunistka*, the Communist Party's magazine targeting women,²⁷⁵ is one of the most influential and telling products of its times. The article is written in the abolitionist spirit towards the family by one of the most prominent Bolshevik women, the first woman People's Commissar

²⁷⁰ See Goldman, *Women at the Gates*, 2002.

²⁷¹ Trotsky, *Revolution Betrayed*.

²⁷² Goldman, *Women, the State and Revolution*, 1, 3.

²⁷³ Alexandra Mikhailovna Kollontai (March 31, 1872 - March 9, 1952) was one of the decisive figures of the Soviet Socialist movement, diplomat and agitator, widely involved in women's issues. She was author of a large part of social legislation of the young Soviet state. Throughout her long and active political career she occupied a number of decisive political positions, widely influencing the USSR's social policies towards women. *Bolshaya Sovetskaya Entsiklopedya* names Kollontai as the world's first woman Ambassador, appointed to represent Soviet government in Norway in 1923. *Bolshaya Sovetskaya Entsiklopedya*, Moscow: Sovetskaya Entsiklopedya, 1973, 437. According to Tom Condit and Richard Stites, from the period of the early 1920s when Kollontai became an official representative of the Soviet government in Norway, Sweden, and Mexico, "until her retirement for health reasons in 1945, Kollontai was effectively in exile as a diplomat, and her views on the status of women [and family] were marginalized and trivialized in the USSR itself." From 1946 until her death in 1952, Kollontai was an advisor to the Soviet Ministry of Foreign Affairs. *Alexandra Kollontai Archives*, accessed March 14, 2003, <http://www.marxists.org/archive/kollonta/into.htm>.

²⁷⁴ This article was published in two languages, first in Russian in the *Komunistka*, no. 2, 1920, and then in English in *The Worker*, again in 1920.

²⁷⁵ The name of the magazine – *Komunistka* – already suggests its targeted readership as the word "Komunistka" in Russian means female member of the Communist party.

who was also the author of a significant portion of social legislation.²⁷⁶ In the article Kollontai tried to ensure working women and men that the state's intentions were not negative and would not be carried out by forceful means. "Communist society is not intending to take children away from their parents or to tear the baby from the breast of its mother, and neither is it planning to take, violent measures to destroy the family. No such thing!"²⁷⁷ Kollontai was constructing an ideological foundation for the introduction of a new vision of marriage and a new policy for the upbringing of children, with the state playing a primary role in the process; she was trying to calm the fears associated with such innovative aims. She supported her claim through the juxtaposition of new ideas about marriage in the Soviet state with the experience of parents under capitalist regimes, where marriage was the beginning of a family, which in many cases brought suffering to the people.

In this article Kollontai homogenised the state, communist society, and the workers. She mentioned mothers separately at certain points, but predominantly used the word "parents," categorising working women and men as homogenous subjects that were "young" and "loving," and had the right to pursue happiness. Once the actors had been reduced to two – working parents and communist society, with no reference to the differences within each category and in comparison (if at all comparable) with each other, it was easier for the author to consider communist society on the same playing field with parents, as if the two were of equivalent value with regard to the upbringing of children:

"Communist society sees that the old type of family is breaking up, and that all the old pillars which supported the family as a social unit are being removed: the domestic economy is dying, and working-class parents are unable to take care of their

²⁷⁶ Aleksandr Vasiliev, "dorogaya A.M.!" [Dear A.M.!), *Krestyanka*, no.3-87, 1987, 7. Alexandra Kollontai helped actively to prepare the drafts of decrees of December 16, 1917 about the dissolution of marriages and the decree of September 18, 1917 about civil marriages which established equality of spouses and granted equal rights to children born out of wedlock with children born to registered couples.

²⁷⁷ Alexandra Kollontai, "Communism and the Family" (1920), in *Selected Writings of Alexandra Kollontai*, trans. Alix Holt (Allison & Busby, 1977), accessed December 16, 2011, <http://www.marxists.org/archive/kollonta/1920/communism-family.htm>.

children or provide them with sustenance and education. Parents and children suffer equally from this situation. Communist society has this to say to the working woman and working man: ‘You are young, you love each other. Everyone has the right to happiness. Therefore live your life. Do not flee happiness. Do not fear marriage, even though under capitalism marriage was truly a chain of sorrow. Do not be afraid of having children. Society needs more workers and rejoices at the birth of every child. You do not have to worry about the future of your child; your child will know neither hunger nor cold.’”²⁷⁸

Kollontai, by making the state an active participant or social parent to the child, was also reducing parenthood merely to provision of food and education. In the text it was clear that parents would not be excluded from bringing up their children, if only they were “capable of appreciating the joys of parenthood.”²⁷⁹ This statement hinted at a process of setting of criteria for parenthood with the priority given to communist society at large rather than to individual parents; the former was portrayed as having the authority, knowledge, and means to be a good parent (even to the parents themselves), while the latter were portrayed as suffering, not having the awareness of changes that took place, and lacking the knowledge and means to meet the criteria of good parenthood. Thus, the propagandistic agenda behind the article was to shatter some of the foundational pillars of the concept of family; the state by taking responsibility for the upbringing of children, in an era when the family was viewed no longer as a productive, but as a consumptive unit, not only shifted a type of domestic occupation into the public sphere, but also deprived the family as a social unit from one of its most important functions.

The vigour to destroy and detach oneself from previous forms of existence, which came to the forefront during the post-revolutionary decade,²⁸⁰ was subdued by the success of the first

²⁷⁸ Ibid.

²⁷⁹ Ibid.

²⁸⁰ As it is characteristic of Revolutions, the Bolshevik Revolution also strived to create a new reality that would have nothing in common with the previous one. Guided by Marxist ideology, Bolsheviks did share with Marx

steps made by the Bolsheviks in the process of the creation of a new political, economic, and social order. However, harsh economic realities such as unemployment, poverty, inflation and an increase in orphaned children caused by the years of Civil War and revolutionary disturbances hindered the full-scale realisation of the blueprints made for social reforms.²⁸¹ Moreover, after the victory in World War II, Soviet policymakers developed an ambition of becoming the architects of a new social life that was different from and superior to that in capitalist countries.²⁸² Therefore, the Soviet family that persisted despite serious attempts to annihilate it was considered different from and morally superior to pre-revolutionary families or families in capitalist societies. In this light, it was more appropriate to consider such problems as domestic violence as existing in foreign rather than local contexts, in the past rather than in the present.

The abolitionist attitude of policymakers towards the concept of the family began to dramatically change already by late 1920s. *The New Economic Policy* introduced in 1921 by the government limited the state's capacity to shift domestic occupations into the public sphere.²⁸³ Problems related to homeless children (*bezprizorniki*), rapid industrialisation, and the introduction of the five-year plans in 1928 challenged the efficiency of the new civil legislation and revolutionary ideas about the re-organisation of traditional forms of existence. According to Leon Trotsky, unfortunately "the real resources of the state did not correspond to the plans and intentions of the Communist Party. [...] Now [1936] the leaders are forcing people to glue together again the shell of the broken family, and not only that, but to consider it, under threat of

his conviction that Communism is not "a state of affairs, which is to be established, an ideal to which reality would have to adjust itself. [Communism is] a real movement which abolishes the present state of things." Karl Marx and Friedrich Engels, *The German Ideology*, 1845, accessed March 16, 2007, <http://www.marxists.org/archive/marx/works/1845/german-ideology/ch01a.htm>.

²⁸¹ Goldman, *Women, the State and Revolution*, 59-101.

²⁸² This ambition of the Soviet government being the architects of a different social order that emancipated women could be found in the following sources: *bolshaya sovetskaya entsiklopedia*, "zhenskii vopros" [The Woman Question] third edition, vol. 9, 1972, 170-172; *saqartvelos qali*, no.11 under rubric "kapitalis samyaroishi" [In the world of capital] articles "gantsirulni" [Doomed], "fashiduri diqtaturis mskhverplni" [Victims of fascist dictate], 1969,17; Mary Gotsiridze in "saqartvelos mahmadian qalta pirveli kriloba" [The first convent of Muslim women of Georgia], *saqartvelos qali*, no.3, 1979, 19-20; *Rabotnitsa*, no.3, "Dobrie Vesti iz Zhenskikh Sovetov" [Good news from Women's Councils], 1962, 25. *Soviet Women's Committee* (Moscow: Novosti Press Agency Publishing House, 1975), 5-7.

²⁸³ Lenin introduced *The New Economic Policy (NEP)* at the Tenth Party Congress in March 1921. Lewis Siegelbaum, "1921: New Economic Policy, Lenin Introduces NEP," in *Seventeen Moments in Soviet History*, accessed December 22, 2011, <http://www.soviethistory.org/index.php?page=subject&SubjectID=1921nep&Year=1921>.

extreme penalties, the sacred nucleus of triumphant socialism. It is hard to measure with the eye the scope of this retreat.”²⁸⁴ Apart from blaming the government for making futile promises to its citizens, Trotsky saw this retreat as a betrayal of the Marxist agenda of communism. The government failed to create quality “institutions of socialist society” (communal crèches, kindergartens, dining rooms, laundries, etc.), a significant precondition spelled out by Marx for the establishment of a communal economy which would allow the abolition of the family.²⁸⁵ The Civil Law of 1936 dramatically altered the radical and subversive regulations of the 1918 and 1926 Civil Codes. Formally maintaining the notion of gender equality, it prohibited abortion, introduced fines on divorce, increased alimonies, and introduced punitive measures for people carrying out and undergoing illegal abortions and for men refusing to pay alimonies.²⁸⁶

Scholars who analyse the Stalin era all agree that this period was a turning point in Soviet policymaking regarding women. Many scholars also agree that the shift in family legislation during the Stalin era was a shift towards conservative, even authoritarian visions of family and gender roles and broke with the Bolshevik vision of the family’s “withering away.” What scholars disagree about are the reasons behind this departure from the Bolshevik blueprints, and they suggest two main explanations. One, voiced by Warshofsky Lapidus, is that the “[s]hift in Soviet policy toward the family in the mid-1930s was neither a conclusive demonstration of the family’s functional necessity nor a complete reversion to the status quo ante. It occurred in the context of political and economic changes that transformed the environment in which the family was embedded.”²⁸⁷ Thus, according to Warshofsky Lapidus, the political and economic changes significantly influenced the motivations behind alterations in the Stalinist policies. The second explanation is elaborated by Wendy Z. Goldman, who while maintaining that “the lack of state resources, the weight of a backward peasant economy, society, and traditions, the wartime

²⁸⁴ Trotsky, *Revolution Betrayed*.

²⁸⁵ According to Leon Trotsky, the abolition of food-card system in 1935 caused many of the workers to return to home dining tables. The quality of service provided in crèches and laundries was abysmal; in the latter the chances that one’s linen would be torn or stolen were higher than that it being washed. Ibid.

²⁸⁶ For more information about the change in Soviet Policies regarding women, family, and work see Goldman, *Women, the State and Revolution* and *Women at the Gates*.

²⁸⁷ Warshofsky Lapidus, *Women in Soviet Society*, 111.

devastation of the industrial base, unemployment, famine, and poverty all seriously undermined the forcing of the early socialist vision,²⁸⁸ still argued that “the ideological reversal of the 1930s was essentially political, not economic or material in nature, bearing all the marks of Stalinist policy in other areas.”²⁸⁹ According to Goldman, “Stalinist policy toward the family was a grotesque hybrid: Rooted in the original socialist vision, starved in the depleted soil of poverty, and ultimately deformed by the state’s increasing reliance on repression.”²⁹⁰ Thus, from the 1930s until the very end of the Soviet Union, the family was considered “the bulwark of the social system, a microcosm of the new socialist society.”²⁹¹ Policymakers considered it the “cornerstone of the state, and women were responsible for keeping this cornerstone firmly in place.”²⁹² Moreover, “[t]he concepts of socialist family, law and state [...] had become the new holy trinity of the Party.”²⁹³

These new developments in law and attitudes towards family in a way also created a suitable environment for the practice of domestic violence to flourish without acknowledgement and remedy. Complicated divorce procedures, lack of women’s control over their bodies, and no special laws and policies addressing domestic violence led to a favourable environment for silencing the problem. “[T]he family is now [in the 1940s] considered to be a prime necessity both for its members and the state, and, more than that, the state attempts through the law to form the moral and legal consciousness of the family members in such a way as to promote family stability.”²⁹⁴ In the 1940s there were attempts to increase the importance of family, more so than the importance of marriage. Harold Berman, an American legal scholar and an expert in comparative, international and Soviet/Russian law, presented clear evidence of this by examining the regulations, which allowed unmarried mothers to receive support during pregnancy and even

²⁸⁸ Goldman, *Women, the State and Revolution*, 341.

²⁸⁹ Ibid., 342.

²⁹⁰ Ibid.

²⁹¹ Warshotsky Lapidus, *Women in Soviet Society*, 112. The same point is argued by Evans Clements, Stites, and Goldman.

²⁹² Evans Clements, “Later Developments,” 269.

²⁹³ Goldman, *Women, the State and Revolution*, 338.

²⁹⁴ Harold J. Berman, *Justice in Russia*, 236.

after delivery of a child from a child's biological father. Regardless of a couple's civil status, the father had "the full parental obligation of maintenance, support, and supervision of his natural child, who in turn had full rights of inheritance from his father."²⁹⁵ It is obvious that the rhetoric of women and men being equal and free from the responsibility of child up-bringing, which was to be taken up by the state, did not outlive the early years of Bolshevik rule. Moreover, the regulation assumed that children would remain with their mothers, who would bring them up while the law-makers viewed the critical function of fathers as providing for their children financially. Such distribution of responsibilities reinforced by the law maintained the traditional division of gender roles. As a result, not only the concept of family was resurrected by the Soviet policymakers, but also traditional gender divisions of labour and responsibilities within the family (father -- breadwinner, mother -- caregiver), remained unaltered.²⁹⁶

The political arguments in favour of marriage, family, and the up-bringing of children by parents was maintained in the 1950s and 1960s. "We would like each woman and man to marry only on the basis of love and we would like to create excellent material conditions for the newlywed couples, for the birth-giving and up-bringing of children,"²⁹⁷ wrote a male author in 1964 in *saqartvelos qali*, the leading Georgian women's periodical of the time. However, later on the author wrote that love should be the foundational pillar for a marriage but if love disappeared "parental obligation very often serves as the guarantee for family's stability. [...] One of the most essential functions of the family is the up-bringing of children."²⁹⁸ This discourse about the family and its functions differs dramatically from that of the Bolshevik

²⁹⁵ Ibid., 242.

²⁹⁶ The double burden of women, who were employed outside the home as well as bore responsibility for housework and childcare, is well-documented. For more see Stevenson Sanjian, "Social Problems, Political Issues," 629 -649. The problem of women working in a "double shift" was identified also by Arlie Russell Hochschild in the capitalist economic system of the United States. This finding is indicative of the fact that despite radical differences between the two economic systems, the traditional patriarchal division of gender roles subjugated predominantly women to household work keeping them working in the "double shifts." See Arlie Russell Hochschild, *Second Shift* (New York: Penguin books, 1989 (reprinted in 2003)).

²⁹⁷ Gela Bandzeladze, "vitskebt saubars sikvarulze, ojakhze, bednierebaze" [We start conversation about love, family, happiness], *saqartvelos qali*, no.5, 1964, 18.

²⁹⁸ Ibid., 19.

revolutionaries. The family was no longer doomed; on the contrary, it was rehabilitated, strengthened, and granted with more significance in the up-bringing of future generations.

In the late 1970s, Georgian decision-makers not only sent strong messages constructing the family as an important social unit, but clearly indicated the insufficiency of a social infrastructure that was designed to free women from household work. Pavel Gilashvili, Chair of the Presidium of the Supreme Council of Georgian Soviet Socialist Republic admitted to the leading Russian women's periodical *Rabotnitsa* that "regardless of how much we improve the system of public dining, we always look forward to tasting dishes prepared by a good housewife." He added that "[m]embers of the Supreme Council are especially worried by the backwardness of our republic [Georgia] in the field of building of pre-school institutions. Only 23,5 per cent of children of pre-school age are enrolled in the kindergartens."²⁹⁹ This indicator is significantly lower than the same data for the country [the USSR] in average."³⁰⁰ The Soviet policymakers' failure to successfully free women from household occupations was obvious to communist sociologists who labelled the many hours of housework performed by the millions of women as the "second shift." A housework survey carried out in the city of Gorky in 1964 showed that fully employed women who had one or more children spent almost as much hours on housework as they were spending at work:³⁰¹ "In fact, women have what amounts to a thirteen to fifteen hour work day."³⁰² The findings of the surveys reveal that women's exploitation was so widespread that it became commonly known as the "second shift." The fact that in almost all of the Soviet bloc countries the demand for housing, the number of day-care

²⁹⁹ By 1972 throughout the Soviet Union 50 per cent of children under the age of five were attending the pre-school facilities (daycares, nurseries, kindergartens). However, over 78 per cent of the enrolled children's families lived in urban areas. This meant that the primary responsibility for upbringing children in the rural areas lied with the nuclear and/or extended family. The research by the Soviet sociologists (A.C. Karchev, S.I. Golod, Z. Yankova) in Russia carried out in the 1960s indicate that in almost an absolute majority of families women were solely responsible for childrearing. Wolfe Jancar, *Women under Communism*, 46-47. The availability of kindergartens also varied with the level of urbanization and between the republics. "urban areas in 1974 enjoyed eight thousand more childcare facilities than rural areas, catering for 7.6 million and 2.2 million children respectively. More than half of the childcare facilities were located in the Russian Republic, followed by the Ukraine with just under one-fifth. Compared with Russia's 56.3 thousand such facilities in 1974, Tajikistan had the lowest number of all – just 503." Buckley, "Women in the Soviet Union," 91.

³⁰⁰ Timofeeva, "mi v dolgy pered zhenshchinami," 8.

³⁰¹ Wolfe Jancar, *Women under Communism*, 41.

³⁰² Buckley, "Women in the Soviet Union," 93.

centres, shopping facilities, and labour saving devices outweighed their supply clearly contributed to women's "second shift."³⁰³ Moreover, many of the sociological surveys carried out in 1960s and 1970s in the Soviet Union stressed that women regarded husbands or some other male member of the family as the head of the household.³⁰⁴ These findings also indicate that not only did the family as a social unit never fall into the oblivion, but also the gender division of work within the family remained predominantly unaltered.

Certainly, the state-led family reform process was not progressing uniformly across the Soviet Union, as the archetype of family was not the same throughout the country. At this juncture the socio-cultural dimension of these processes become critical. In urban Russia as well as in the Western parts of the USSR conjugal families were more widespread than in rural Russia, Central Asia and the Caucasus, where extended patriarchal family types were common. In the latter, usually two to three generations of family members lived together and an older man, usually the father, was considered the head of the household. The Soviet government's attempt to penetrate and abolish such families was strongly resisted by the population. This resistance created a real threat of "jeopardizing the regime's power position by alienating much of the population."³⁰⁵ Some scholars think that for instance in "Central Asia, the Soviet leadership's efforts to revolutionise women ran up against traditional attitudes that were not susceptible to rapid change. To stop the assault on the Moslem family, Moslem men started joining the Party in large numbers. Women lost their incentive to rebel because, in the face of male resistance, the regime was unable to fulfil its promise of liberation."³⁰⁶ Thus, the reaction to state's policies was far from uniform and varied according to cultural context.

The socio-cultural context of the transformation of the concept of family in the Soviet Union should be analysed through the prism of interaction between the private and the public. According to Gal and Kligman, the Soviet governments' conscious attempts to push women into

³⁰³ Wolfe Jancar, *Women under Communism*, 38-56.

³⁰⁴ Ibid., 63.

³⁰⁵ Ibid.

³⁰⁶ Ibid.,59.

the labour pool, to educate them and to shift household occupations into the public sphere indeed caused women to be directly dependant on the state and less dependent on men than they had been in any pre-soviet political formation.³⁰⁷ Along with Gal and Kligman, the anthropologist Katherine Verdery also thinks that during socialism not only women but also men were more dependent on the state and the state was occupying not only traditional public (political) but also private (in both senses economic and domestic) domains leaving almost no space for privacy.³⁰⁸ The state became the almighty male head of private familial life; communism “usurped ‘head of household’ as a masculine image and produced very few alternative pictures of masculinity.”³⁰⁹ According to Verdery, in the socialist countries, society reminded one of a large family with the Party as its parent; “Socialist society thus resembled a classic *Zadruga*:³¹⁰ as an extended family, it was composed of individual nuclear families, but these were bound into a larger familial organisation of patriarchal authority with the ‘father’ party at its head. We might call the result a ‘zadruga-state’.”³¹¹ The existence of the “zadruga-state” could be observed even more so in the Soviet Union because the latter remained a central generator of the modalities of social and political systems for the other countries of the so called Socialist bloc.

However, the government’s policies that attempted to enter and control the private fields of citizens’ lives,³¹² and thus created the ‘zadruga-state’ model, were not the only emphasis of the policy planners’ work. Other developments also opposed the continued attempt by the government to bring the different nationalities of the Soviet Union together.³¹³ Already in 1923,

³⁰⁷ Gal and Kligman, *The Politics of Gender after Socialism*, 48.

³⁰⁸ Katherine Verdery, *What Was Socialism and What Comes Next* (Princeton: Princeton University Press, 1996).

³⁰⁹ Gal and Kligman, *The Politics of Gender after Socialism*, 54.

³¹⁰ Zadruga was the term used to refer to large patrilineal extended family forms in the Balkans, containing not only at least three generations of family members but also several brothers with their families. Verdery, *What Was Socialism and What Comes Next*, 64.

³¹¹ Ibid.

³¹² Here I am referring to the intentions of the Bolshevik government in the 1920s to annihilate family and make the up-bringing of future generations the state’s responsibility rather than parents’. Goldman, *Women, the State and Revolution*, 1993; Private lives were also altered dramatically by the purges and terror of the 1930s and the 1940s, when anonymous reports were considered as enough grounds for the imprisonment, exile and killing of not only “enemies of the people” but also the ruthless persecution of their family members. Applebaum, *Gulag: A History*. Later in this chapter I discuss the developments of the 1960s and the 1970s with regard to Comrade Courts -- another mechanism designed to interfere in the private lives of the citizens.

³¹³ J.W.R. Parsons, “National Integration in Soviet Georgia,” *Soviet Studies* 34, no. 4. 1982, 547-569.

the XII Congress of the Russian Communist Party (of the Bolsheviks)³¹⁴ took decisions on two very important issues that shaped the fate of the family in the Soviet Union. The Congress decided that the development of heavy industry was the priority for the country, and secondly that addressing all kinds of nationalisms and of the inequality between nations through the policy of “indigenisation” (*korenizatsya*) would accommodate national sentiments and aspirations.³¹⁵ The decision to prioritise the development of heavy industry limited the state’s capacity to develop a social service infrastructure, thus undermining the grandiose plans of shifting household labour from the private to the public domain.³¹⁶ The “indigenisation” policy, in Georgia’s case strengthened “the process of modern nation building,”³¹⁷ which gave further significance to the notion of the family. From the 1920s onward, the “socio-economic forces outside government control such as urbanisation and increased mobility and communications continued to promote a process of ‘Georgianisation’³¹⁸ that also contributed to the transformation of the notion of the Georgian family into an important symbol of national pride in the Soviet as well as post-Soviet periods. During the Soviet period, family and honour became core and interlinked values of the Georgian society. “The individual Georgian sees honour accruing to families and sees families linked by a common honour. In such a context there is little role for the state or for any centrally organised hierarchy. Relationships need always to be personalised and abstraction has no place.”³¹⁹ In such a setting acknowledgment of domestic violence that could shatter the foundations of the family by dishonouring its members was clearly against the value orientations of society. Moreover, based on the above one may argue that women and men in many of the republics of the Soviet Union, including Georgia, resisted the state’s invasion into

³¹⁴ Often referred to as RKP (b).

³¹⁵ De Rebus Antiquis Et Novis, accessed May 2, 2007, <http://minaev.blogspot.com/2007/04/april-17-in-russian-history.html>.

³¹⁶ Evans Clements, “Later Developments,” 268.

³¹⁷ Stephen Jones, “The Establishment of Soviet Power in Transcaucasia: The Case of Georgia 1921-1928,” *Soviet Studies* 40, no. 4. (October 1988): 616.

³¹⁸ Ibid., 627. According to Jones the “indigenization” policies applied not only to ethnic Georgians but also to the national minorities residing in Georgia and included hiring of local population in the administration and government, native language schooling and newspapers and books, etc; Ibid., 617-618. In 1926 over 96 per cent of ethnic Georgians claimed Georgian as their first language

³¹⁹ Gerald Mars and Yochanan Altman, “The Cultural Bases of Soviet Georgia’s Second Economy,” *Soviet Studies* 35, no. 4, 1983, 549.

the private sphere by firmly fixing their ethnic identity on the value of the sacredness of family privacy and the importance of kinship.

The lack of opportunities for civil activism, free from government control, further limited the chances for giving visibility to such social problems as domestic violence. As a result of this lack of civil activism, the familial context gained additional significance; Gal, Kligman and Verdery argue that in the socialist period in Hungary, Czechoslovakia, and Poland many dissident writers created a space for “public” activity in the “private” field of family as this was the only place where they could express themselves politically and exercise their authority relatively independent of the State’s gaze.³²⁰ I think these developments further prevented some women who were facing domestic violence from speaking up because among the many barriers that would have prevented them from disclosing their problems was the fear of being viewed as a traitor: “people perceived a fundamental distinction between the state, understood as a powerful ‘they’ who ran the country, and the family, the private ‘us’ who sacrificed and suffered.”³²¹ Thus, it is not surprising that for many citizens a strong and united family represented the “‘site of resistance’ to communism.”³²² In such an environment, admitting the existence of domestic violence as a social problem was a losing position and against the interest of a big number of the Soviet citizenry.

Philosopher Zaza Shatirishvili in the interview for this chapter stated: “We [Georgians] had a feeling of an occupied people, family and traditions that have regulated our relations have been small islands, a sort of parallel sub-culture, where we did not want communism to penetrate, something that was private and our own.”³²³ Although these private “islands” were instrumental for preserving Georgian ethnic identity, relations within the family were far from unproblematic in terms of domestic violence during the Soviet period. According to Salome Asatiani, a Georgian journalist and publicist, during the Soviet period there emerged the concept

³²⁰ Gal, Kligman, *The Politics of Gender after Socialism*, 52; Verdery, *What Was Socialism and What Comes Next*, 66.

³²¹ Gal, Kligman, *The Politics of Gender after Socialism*, 50.

³²² Ibid., 69.

³²³ Zaza Piralishvili (philosopher), interview by author, Tbilisi, Georgia, February 13, 2006.

of “‘the phenomenon of [the] Georgian family,’ which implied a range of things - from respect towards the elderly, to strict adherence to moral norms.”³²⁴ The fact that “society, which likes to boastfully talk about this ‘phenomenon’, automatically turns a blind eye towards many real and immediate problems”³²⁵ contributed to hindering the identification and regulation of domestic violence. This resistance to disclose “private matters” has remained visible during the post-Soviet period. The research of Armine Iskhanian on the development of Armenia’s NGO sector in the decade after the breakup of the Soviet Union demonstrates that in the early 1990s organisations working on women’s issues were hesitant to work on the issue of domestic violence. NGO activists emphasised that domestic violence was private problem that was “self-regulatory” and needed no interference from the state: “We don’t air our dirty laundry in public. [...] That is not a problem we wish to discuss in public.”³²⁶

This tension between family privacy, family honour and the state’s desire to interfere in familial matters can offer one more explanation of why the mentioning of domestic violence became increasingly rare in the periodicals targeting women since the 1930s. Despite the silence surrounding the problem of domestic violence both in the media and legislation, it is worthwhile to explore what kind of protection mechanisms, if any, were available for women facing domestic violence at different periods of the Soviet Union. In the following sub-chapter I will try to discover precisely these protection mechanisms and their working.

³²⁴ Salome Asatiani, *Giving Voice to the Silenced: Story of a Georgian Woman*, Review of the film *Return* by Levan Glonti in Radio Free Europe / Radio Liberty, *One World Film Festival*, March 2006.

³²⁵ *Ibid.*, 1.

³²⁶ Armine Ishkanian, *Is the Personal Political? The Development of Armenia’s NGO Sector During the Post Soviet Period* (University of California, Berkeley, 2002), 14.

The State-sponsored Support Mechanisms for Women Facing Domestic Violence in the Soviet Union

Battering takes place every day - hang yourself if you like...
Factory management ironically smiles... trade unions are
touched... The other organisations, as expected, do not even
consider helping women out...³²⁷

My review of Soviet periodicals designed for women from the 1920s has provided extensive data about the prevalence of domestic violence against women and the lack of sufficient policy-measures to address the problem. Soviet policymakers decided to publish special periodicals targeting women “for agitation and propaganda of communist ideas among peasant [and worker] women”³²⁸ because working women were considered especially backward due to the drudgery and exploitation they faced during the Tsarist period.³²⁹ These journals started to appear from the early 1920s³³⁰ in Russia as well as in Georgia and other republics of the Soviet Union. The Women’s Departments of the party, *Zhenotdeli*, were playing an instrumental role in the dissemination and popularisation of these periodicals among women. *Zhenotdeli* were also responsible for supplying the editorial boards of the journals with materials, articles, and letters from peasant and worker women to be published in the magazines.

The striking commonality of the Georgian and Russian journals of the 1920s is the stress on women’s abysmal conditions during the Tsarist regime³³¹ and their subsequent liberation by

³²⁷ “poboi kazhdyi dyen, khots golovu v petliu proden, a fabzavkom tolko ukhmiliaetsya, profsoiuz ot dushi umilyaetsia, prochie organizatsii, kak polagayetsia, babu spastis ne dogadaiutsya.” Author’s translation in English. Varvara Chelnochnitsa “vsyem na pakaz,” *Rabotnitsa*, no. 5, 1929, 15.

³²⁸ “jurnal komunisticheskoi partii dlia krestianok, otdel Ts.K. R.K.P. po rabote sredi zhenshchin” [Journal of Communist Party for Peasant Women, Department for Work with Women of the Central Committee of Russian Communist Party] *Krestyanka*, no. 4 (August, 1922), inner side of the last page.

³²⁹ Makharadze, “saqartvelos mshromel qalebs: ‘chveni gza’ 1924 tseli,” 3.

³³⁰ An exception to this is *Rabotnitsa* which was launched earlier in 1914 by Krupskaya, Armand and a group of other Bolshevik women.

³³¹ In some of the Georgian articles, the authors place emphasis on the abysmal conditions of women during the Menshevik’s rule from 1918 to 1921.

the Bolshevik government.³³² In the journals from the 1930s onward, especially in the post-World War II period until the late 1980s, the emphasis shifts to the progress made by the women of the Soviet Union and other Socialist countries in comparison with women from the capitalist countries who were seen as still having to fight for their basic human rights.³³³ The review of the journals further demonstrated that, although cases of domestic violence were reported to the People's Courts, Women's Departments of the Party, or local executive committees, the Soviet government did not identify the practice of domestic violence as a serious social and criminal problem that required state intervention, as I will show below.

After the first Congress of Russia's Worker and Peasant Women in November 1918,³³⁴ activists of the women's movement started to be referred to as delegates (*delegatki*) and with time more and more women were encouraged to nominate themselves as delegates of their communities. The Women's Department of the Party (*Zhenotdel*) was established already in 1919, existed until 1930, and was an active proponent for women's rights, especially when it came to women and land ownership, women's employment rights and opportunities, and

³³² View Nina, "delegati qali" [A woman delegate], *chveni gza*, no.1 (11), 21-23; Pelagia Mebuke "qalebis monatsileoba prof. modzraobasa da tsarmoebashi" [Women's participation in professional movements and production], *chveni gza*, no.3, 1924, 13-14; G. Mushishvili, "sartsmunoeba da mshromeli khalkhi," [Religion and working people], *chveni gza*, no.3, 1924, 17-19; A.Lisitsin, "brak I krestyanka" [Marriage and a peasant women], *Krestyanka*, no. 5, 1922, 17-18; Arkhip, "Bil Pan – Popal na Arkan" [Once was a noble - now appeared on lasso] *Krestyanka*, no. 6, 1922, 21-22.

³³³ News about abysmal condition of women in the capitalist countries are for instance provided under the rubric "kapitalis samyaroshi" [In the world of capital], "gantsirulni" [Doomed], "fashiduri diqtaturis mskhverplni" [Victims of fascists dictatorship], *saqartvelos qali*, no.11, 1969, 17.

³³⁴ According to Alexandra Kollontai, the idea to convene the first Congress of peasant and worker women (held from 16 to 21 November 1918 in 3rd House of Soviet, Sadovo-Karetnaya street, Moscow) was first voiced by comrade Anuchkina. Anuchkina met with Alexandra Kollontai over a cup of tea when the latter was traveling to the remote areas of Russia to conduct awareness raising work among women. "I liked the idea, and put it before the party Central Committee when I returned to Moscow. Vladimir Ilyich fully approved of this idea and gave it his support," wrote Kollontai. Along with Kollontai, Nadezhda Krupskaya and Inessa Armand were actively involved in the organisation of the Congress. Thus, with Lenin's strong support, the Congress took place and 1,147 women delegates (instead of expected 300) participated. Lenin unexpectedly joined the Congress on the 19 November and made his historic speech that according to Kollontai formed the foundation of the Bolshevik's work among women. At this congress, it was clearly stated that although motherhood is a major social obligation of women they should be given equal opportunities to enter public fields of life. Moreover, women were assigned important functions as supporters of the Bolshevik revolution and ideals; as Lenin put it "we must mould the female working masses into a solid bulwark of Soviet power." Alexandra Kollontai, *V.I. Lenin and the First Congress of Women Workers*, accessed September 12, 2006, <http://www.marxists.org/archive/kollonta/1918/congress.htm>.

women's rights in marital relations.³³⁵ The *Zhenotdel* activists were concerned with the rights of not only peasant and worker women, but also of housewives and unemployed, impoverished women. As Richard Stites has pointed out,

“It is certainly true that the *Zhenotdel* never possessed the freedom of independent action that the feminist organisations possessed before the revolution. It is also true that its efforts were hampered constantly by party indifference and hostility, by a shortage of work staff and funding, and much of its efforts were nullified by bureaucratic bungling. But it is also true that within these limitations – common to many early Soviet organs – *Zhenotdel* accomplished a great deal and indeed continued the emancipatory work of earlier generations.”³³⁶

In the Georgian periodical for women *chveni gza* of 1924 there is a brief note from the Women's Department of the Akhalkalaki Regional Committee in southeast Georgia, stating that “[i]n all those villages where there are women delegates, husbands do not dare to beat their wives, they are afraid that women delegates will inform the Women's Departments.”³³⁷ Although not designed to prevent domestic violence, the availability of such a rudimentary reporting mechanism was still beneficial for women. The fact that women victims of domestic violence were indeed receiving support from the Women's Departments can be confirmed by a number of other abstracts from the periodicals targeting women. However, one also notices that due to the lack of mechanisms and of a clear mandate to work on the issue, the efforts of the Women's Departments were insufficient. The abstract below describes the hardships of Muslim

³³⁵ For more information of the work of *Zhenotdel* regarding women's land rights, employment rights and opportunities and rights in marital relations see Goldman, *Women, the State and Revolution*. For further details on the organisation and work of *Zhenotdel* see Stites, *The Women's Liberation Movement in Russia*, 329-345.

³³⁶ Stites, “The Women's Liberation Issue in Nineteenth Century Russia,” 27.

³³⁷ Tekle, “akhal qalaqis samazro komitetis qalta gankopileba” [Women's department of Akhalkalaki regional committee], *chveni gza*, no. 3, 1924, 39.

women residing in the capital of Georgia, Tbilisi, and the limitations of the Women's Department's response.

“Muslim women consider the Women's Department as their only protector and appeal to it for help. The women's Department manages to secure such women with partial financial support [alimony] from their husbands through the People's Courts, but this support is temporary and insignificant.

Due to lack of funds we [the Women's Department] cannot establish workshops, where women can work and earn their own living, there is no opportunity for their professional training that would have allowed such women to develop and liberate.”³³⁸

This quote from the 1924 article indicates that Women's Departments were actively involved in the protection of women's rights locally. This also shows that the *Zhenotdeli* were struggling to work on these issues due to lack of funding and mechanisms for women's rehabilitation, including vocational training. These organisational hardships experienced by the Departments are an indication of the lack of support from the side of the central as well as local governments. More importantly, the quote implicitly indicates the economic dependence of women on their husbands as the most significant factor preventing them from freely seeking divorce. Women who stayed with their children on “temporary and insignificant” support from their husbands, in an environment where their “only protector,” the Women's Department, was unable to address their vocational training and employment needs, were doomed for poverty.

The piece of information also shows that *Zhenotdeli* were playing the role of mediators in cases between Muslim women of Tbilisi whose rights were violated by their spouses and People's Courts. In this vein we also learn that the People's Courts had authority to require

³³⁸ Zinaida E. “Tbilisi musulman qalta shoris,” 42.

husbands who abandoned their wives or caused women to seek divorce by bringing “second wives in the family” to pay alimony in order to ensure at least temporary material wellbeing of women and children.

On the third meeting of the Heads of the Women’s Departments of South Caucasus, which took place in the beginning of 1924, women delegates voiced a number of serious concerns from the work experience of the Departments within the judicial system of Armenia, Azerbaijan and Georgia:

“The existing Regional and People’s Courts are so overloaded with work that often the cases of worker and peasant women are kept for months among chancellery papers. These cases cannot be put on hold: husbands are often kicking out their wives with under-age children on the street. Poor mothers are left literally on the streets without a piece of bread for their children and then they appeal to Women’s Departments and ask for help. However, due to the lack of clarity of the Civil Code laws (in the field of maternity and protection of minors) we are powerless to help them.”³³⁹

This passage indicates that women’s appeals for the protection of their rights through the obtaining of divorces, assigning of alimonies, and other legal affairs that required an urgent response from the state were put on hold due to the insufficiency of the judicial system, which was overburdened with all kinds of cases. The representatives of the Women’s Departments also spoke about the lack of clarity and efficiency of the civil legislation to adequately address women’s and children’s concerns. And although the Civil Code of 1918 granted women equal rights with men to enter and dissolve marriages and women and children with special protection

³³⁹ “amier kavkasiis qalta shoris mushaobis gankofilebata gamgeebis mesame tatbiris gamo” [Because of the third meeting of the heads of departments for work among women of the South Caucasus], *chveni gza*, no.6, 1924, 11.

benefits, the mechanisms for the law's implementation were lacking. The malfunction of procedural regulations created fertile soil for the law and life to collide.³⁴⁰

During the 1924 third meeting of the Heads of the Women's Departments of the South Caucasus, women delegates not only complained about the insufficiency of the laws and the judicial system but also stressed the positive sides of their cooperation with the People's Courts and made suggestions to improve the situation:

“It is true that the Women's Department has good connections with the People's Courts and they often satisfy our requests to review some cases ad hoc, but this is not enough. It is absolutely necessary that the board of the South Caucasian Women's Department elaborates project about the separation of courts working on divorce cases and adds such articles to the Civil Code that would provide more support to the protection of the worker women's rights. This way we will improve the conditions of single women whose numbers are increasing daily.”³⁴¹

The passage above reveals that when it came to following up on women's appeals in the People's Courts, much depended on personal contacts of the representatives of the Women's Departments. The Departments were clearly not happy with the procedural hardships faced by their constituencies and requested reforms in the judicial and legal system that would have made individual women's interaction with the judicial system less complicated and more effective. The abolition of the *Zhenotdel* in 1930 prevented the solution of many of the issues raised by its representatives in the 1920s and signalled the end of the proletarian women's movement.

Some of the functions fulfilled by the *Zhenotdel* were at a later stage integrated in the mandate of Women's Councils (*Zhensoviety*), which were established during Khrushchev's rule

³⁴⁰ “Law and Life Collide” – is a title of the chapter describing the hardships related to the implementation of the Civil legislation of the Soviet Union in the period 1917-1936 in Goldman, *Women, the State and Revolution*, 101-143.

³⁴¹ “amier kavkasiis qalta shoris mushaobis gankofilebata gamgeebis mesame tatbiris gamo,” 11.

in the late 1950s with the primary goal of helping women to balance work and home life and commitments.³⁴² In the Women's Councils more so than had been the case with the Women's Departments, work priorities were set and driven not by women members of the Councils but by the Party leadership that was predominately male.³⁴³ And as Janet Elise Johnson argues, the establishment of such party affiliated women's institutions meant that there remained "almost no non-party, non-state spaces for challenging gender."³⁴⁴

Although the recommendation to establish special courts for the review of divorce cases was not carried out, since the 1960s Comrade Courts³⁴⁵ lightened the heavy workload of the People's Courts. Before the 1960s, Comrade Courts predominantly heard cases that dealt with violations of work discipline in factories or collective farms and with instances of the production of defective articles and goods. However, the XXII Session of the Communist Party, from October 17 to 31, 1961, decided to broaden the scope of the Comrade Courts' work. They were assigned to review not only production related cases but also private matters of workers and peasants, in order to "help the Soviet people's liberation from the leftovers of previous life and to nurture among them a Communist consciousness."³⁴⁶ According to the Soviet lawyers Afanasiev and Panina, who described the mandate and mode of operation of the Comrade Courts in the women's periodical *Rabotnytsa* in 1962, the Party viewed these courts as "guardians of public order that are to fight immoral behaviour, vestiges of the past in the consciousness of the people and strengthen high moral features among the citizens of the country."³⁴⁷ Although the assignment of alimonies continued to fall under the mandate of the People's Courts, the Comrade

³⁴² Janet Elise Johnson, *Gender Violence in Russia: the Politics of Feminist Intervention*, 26.

³⁴³ Ibid.

³⁴⁴ Ibid.

³⁴⁵ Comrade Courts functioned on and off, mainly to discipline labor, until 1940. However, the form of Comrade Courts reintroduced in many Soviet Republics in 1957 and in the Russian Republic four years later, were far broader in scope than their predecessors, as can be seen in the *Model Statutes on Comrade Courts* passed by the Supreme Soviet in October 1959. According to the *Model's* first article, "Comrade Courts are elected public agencies charged with actively contributing to the inculcation in citizens of a spirit of a Communist attitude toward labor and socialist property and the observance of the rules of socialist behavior..." By October 1963 there were nearly 200,000 Comrade Courts to discipline labor and defend everyday laws of Soviet life. Julius Jacobson, *Russian Law Enters the "Final Stages of Communism,"* 1963, accessed December 14, 2011, <http://www.marxists.org/history/etol/writers/jacobson/1963/xx/russia-law.htm>

³⁴⁶ S. Afanasiev, M. Panina, "Tovarisheski Sud" [Comrade Courts], *Rabotnytsa*, no.3, 1962, 30.

³⁴⁷ Ibid.

Courts became increasingly involved in pushing women and men “to fulfil their parental responsibilities.”³⁴⁸

The establishment of the Comrade Courts and the enlargement of their mandate was guided by the spirit of “transformation of the Socialist statehood into the communist self-governing that [foresaw] a gradual transmission of the state functions, and among them of the judicial function, to public organisations.”³⁴⁹ According to Afanasiev and Panina again, the goal of the Comrade Courts was “not to punish but to convince and up-bring people.”³⁵⁰ Thus, these Courts did not have strong authority to enforce their decisions, as was the case with the People’s Courts. However, if a person whose case was adjudicated before the Comrade Court failed to comply with either public reproach or payment of fine (these were the forms of punishment practiced by the Comrade Courts) than his/her case was transferred to the law-enforcement agencies (such as *Militia* [Police] or Office of the Prosecutor General). The Comrade Courts were elected during large gatherings of workers in factories, peasants in collective farms, inhabitants of apartment buildings, or village people. These courts could have been established literary everywhere where people formed a group and were working, studying or living together. In the Comrade Courts, elected members were usually “respected citizens, who are wiser because of their life-experience and have the ability to talk to a person openheartedly, to listen to him and make just conclusions.”³⁵¹

In Georgia, the mandate and procedures of Comrade Courts got defined by a special Decree of July 10, 1961, according to which members of the Comrade Courts were elected once in every two years through open vote.³⁵² “Comrade Courts are entitled to review issues related to violation of discipline at work-place and administrative misbehaviours, [also] some cases of the civil law (damage of residential and non-residential buildings, citizens’ disputes over utilisation

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

³⁵¹ Ibid.,

³⁵² Academy of Science of Georgia, *qartuli sabtchota entsiklopedia* [Georgian soviet encyclopedia] (Tbilisi: Special Scientific Editorial, 1975), vol. 1, 417.

of additional storage places, etc.); immoral behaviour (disrespectful attitude towards a woman or a parent, etc.).”³⁵³ Thus, the spectrum of cases reviewed by the Comrade Courts varied. They could review workers’ misbehaviour such as being regularly late to work; disputes around the late payment or non-payment of communal services, property-related disputes in the scope of fifty rubbles or less, private merchandise (punishable during the Soviet Union), and also problems faced by spouses in the family (such as alcoholism of a husband, adultery of one of the spouses, wife battering, and resistance to paying alimony). A Comrade Court was to review an appeal within fifteen days after the initiation; it was also eligible to initiate cases on its own.³⁵⁴

Since I was not able to find any secondary data about the actual working and effectiveness of the Comrade Courts, I decided to inquire about them with a few randomly selected respondents from my immediate circle of relatives and friends who were old enough in the 1960s and the 1970s to remember this mechanism.³⁵⁵ Contrary to the enthusiastic tone of Afanasiev and Panina’s article, according to my interviewees many citizens of Georgia did not regard the Comrade Courts as an authoritative and effective mechanism. “No one was taking these courts seriously, maybe some people in Russia considered them important but in Georgia it was such a fallacy. Indeed, because the sanctions of the Comrade Courts were not serious and far lighter than that of real courts [i.e. the formal judicial system], people in Georgia tried to bribe the Militia or the Prosecutor General’s Office and arrange their cases to be discussed by the Comrade Courts,” explained a 70-year-old woman, a retired nurse.³⁵⁶ “These Comrade Courts were one other attempt of the state to construct a grey mass of citizens, they would get into your bedroom because no one had the right to be different, all were to be alike,” recalled a 61 year-old

³⁵³ Ibid.

³⁵⁴ S. Afanasiev, M. Panina, “Tovarisheski Sud,” 30.

³⁵⁵ With regard to the efficiency of the Comrade Courts in general and to address domestic violence problems in particular I spoke with randomly selected four different interviewees from my immediate circle of relatives and acquaintances -- two men and two women -- their age group was 57-79; three of them were urban residents and one woman resided in a village. I am fully aware of the limitations of my sample and respondents’ selection method, therefore do not regard the findings of these interviews in any ways representative. I have double-checked some of the key findings derived from the interviews about the effectiveness of Comrade Courts with a handful of other individuals and they have mostly agreed with what my respondents have said. This encouraged me to share some of the key findings and messages below in the chapter, while at the same time I understand the limitation of the data collected.

³⁵⁶ Leyla A. (nurse), interview by author, Tbilisi, Georgia, August 19, 2006.

man, a metallurgist.³⁵⁷ This respondent has clearly considered Comrade Courts as an alien and invasive attempt from the side of the state to interfere in citizens' private lives.

Another respondent was a 79-year-old woman who has spent most of her life in a village nearby Tbilisi and who worked at a collective farm from 1951 to 1971. I asked her about the effectiveness of Comrade Courts in her community and if they interfered in instances of wife battering. She explained that she had heard of such courts, but did not remember one to be set up in her village, "like in Soviet times, husbands still keep beating their wives they do not think that they should be afraid of anything; wives are theirs, so they think they can beat or cuddle them as they please."³⁵⁸ The fact that she had heard about such courts but did not remember whether or not such thing existed in her village can be another indication of the lack of the court's popularity and influence. However the remark regarding wife battering is indicative of how much domestic violence was viewed by this particular respondent as one's own private matter, it is also indicative of the strength of prevailing patriarchal attitudes that perceived wife as the property of a husband. "If a husband was told on such gathering as a Comrade Court not to beat his wife, the chances that this warning was given to him in a serious environment were very small and the probability that he would obey to it was even smaller. If a person's consciousness allowed such thing no Comrade Court could convince him otherwise"³⁵⁹ -- mentioned a 57-year-old male engineer in the interview. Although in parallel to the formal judicial system the state introduced Comrade Courts as additional measure for the regulation of citizens' behaviour, I was not able to find evidence that it became an effective mechanism for the protection of women facing violence in the families. In a strongly controlled society continuously under ideological pressure, the attempt to transfer state functions to a public organisation was doomed for failure from the start. The government's belief in the efficiency of such mechanism as the Comrade

³⁵⁷ Teimuraz N. (metallurgist, Doctor of Sciences in Metallurgy), interview by author, Tbilisi, Georgia, August 31, 2006.

³⁵⁸ Tamar Ch. (retired peasant woman), interview by author, Tbilisi, Georgia, July 4, 2006.

³⁵⁹ Nodar S. (engineer), interview by author, Tbilisi, Georgia, July 6, 2006.

Courts is one example of its lack of connection with the people, especially given the diverse ethnic and cultural composition of the country.³⁶⁰

Another mechanism institutionalised by the state that had a preventive and regulatory function for domestic violence cases and was far more formal than Comrade Courts was the institute of block/district inspector (policeman). These district inspectors were part of the Soviet Militia.³⁶¹ Appointed by the executive committees of the regional and town councils, their mandate was to ensure the protection of public order, the protection of the Socialist property, the rights and legitimate interests of the citizens, the prevention of crime especially of juvenile crime, along with other duties and obligations common to regular policemen.³⁶² The position of district inspector allowed the state to exercise more control over domestic violence cases because such inspectors personally knew the inhabitants in the district under their inspection and were to register and react to each case of family conflict, adolescence crime, or any other activity that violated the law. As explained to me by a former senior officer working for the Georgian intelligence during the Soviet period, although there existed no special instructions of conduct for district inspectors, in cases of family conflicts they, just like other officials working for the Militia, were supposed to ensure that the perpetrator signed an official warning issued on his name in the presence of witnesses, where his behaviour was acknowledged as wrong. After two warnings or if the violence that had occurred during the family conflict was extremely brutal, the

³⁶⁰ According to the 1989 Census (the last census carried out in the Soviet Union) there resided 102 nationalities in the USSR. Twenty-two had a population of over 1 million and thus constituted the major ethnic groups. "The single largest national group is the Russians, who constitute 50.78 per cent of the total population." See Hilary Pilkington, "Russia and the Former Soviet Republics. Behind the Mask of Soviet Unity: realities of Women's Lives," in *Superwomen and the Double Burden: Women's Experience of Change in Central and Eastern Europe and the Former Soviet Union*, ed. Chris Corrin (London: Scarlet Press, 1992), 181.

³⁶¹ The Soviet Militia was established in the fall of 1917 and until 1931 was controlled by local councils. From 1931 until 1946 the Militia became part of Peoples Commissariat of Internal Affairs. From 1946 until the demise of the Soviet Union, it was an inalienable part of the Ministry of Internal Affairs of the Soviet Union and of the respective Ministries of the Union and autonomous republics of the USSR. M.I. Eropkin, "militsia," *Bolshaya Sovetskaya Entsiklopedya*, vol. 16, (Moscow: Sovetskaya Entsiklopedya, 1974), 258-259.

³⁶² *Ibid.*, 258.

inspector was to arrest the perpetrator and initiate a criminal case.³⁶³ Unfortunately, I was not able to find any quantitative data about such cases initiated by district inspectors in Georgia.

The famous Georgian novel *Cucaracha* (1973) by Nodar Dumbadze described the work and tragic death of a district policeman in pre-World War II Tbilisi. Cucaracha was the nickname of a policeman who the author describes as “a very strange, fair, charitable, and overall very lovable man.”³⁶⁴ In the novel there is a description of a domestic violence case -- a husband repeatedly beats his wife and son. Cucaracha interferes after the first instances of violence and attempts to talk the husband out of his violent behaviour, and then starts threatening him. However, Cucaracha’s efforts do not appear successful as one day he finds the husband severely beating his half naked wife with the belt in the yard of their house. When Cucaracha interferes to help the woman he also gets couple of belt whips from the violent man. After a fight, Cucaracha finally defeats the husband who falls unconscious. The frightened wife, who thinks that her husband has died, hits Cucaracha’s head from the back with a heavy wooden stick³⁶⁵ and he also loses consciousness. Then, instead of words of praise and appreciation for his braveness, Cucaracha receives strong disapproval from the side of his supervisor: “Have I not told you many times to stop private initiatives?!”³⁶⁶ The manager orders Cucaracha’s detention for two weeks so that his wounds can heal and he is punished for “hooliganism and private initiative.” This episode from the novel is symptomatic and important for our understanding of what may have been dominant trends in the law-enforcement’s response to instances of domestic violence in pre-World War II Tbilisi. Although this was a novel and as such cannot be regarded as historical “evidence,” still it indicates that in popular consciousness, as understood by the author Nodar Dumbadze in the 1970s, district inspectors of the late 1930s were neither instructed nor encouraged to interfere and take preventive and protective measures to redress domestic

³⁶³ Based on the subject-based interview with a former high-level officer of the Georgian intelligence during the Soviet period who preferred to remain anonymous, conducted on 19 July 2006.

³⁶⁴ Nodar Dumbadze, “cucaracha,” *tkhzulebebi otkh tsignad, tsigni mesame* [Short stories in four volumes, volume three], (Tbilisi: Merani, 1990), 8-9.

³⁶⁵ A household item designed to hold the wet cloths and linen hanging out in the yard to dry high from the ground.

³⁶⁶ Dumbadze, “cucaracha,” 38.

violence, on the contrary even. Although this episode is not the primary focus of the novel's plot, it is not insignificant either, which could indicate that such cases were common parts of district inspectors' daily work. However, according to Janet Elise Johnson, Soviet police often ignored instances of domestic violence as outside of their jurisdiction:

“If extreme, such violence might be seen as a ‘family scandal’ but not as an injustice, and the goal of police intervention was reconciliation. This was the case even though the rates of spousal homicide were particularly high. In the 1980s, women in Russia were almost three times more likely to be murdered by their current or former intimate partners than women in the United States, where the rates were also comparatively high.”³⁶⁷

A former district inspector that I have interviewed recalled that he not only knew the perpetrators but also had been friends with some of them in his district and was trying to appease and talk them out of violent behaviour through informal interaction.³⁶⁸ The findings of this interview also indicate that district inspectors were not always strict with the wrongdoers and regarded crimes committed in the familial context as less serious than other crimes. Although during the Soviet period they were formally requested to interfere and react to family conflict cases, this was not a significant aspect in evaluating a district inspector's performance; thus, neither their capacity nor their motivation to intervene was particularly strong.³⁶⁹ District policemen in many cases were not effective enough in curtailing the behaviour of wrongdoers. Victims could not trust district policemen as they could easily be someone who would not dare to interfere in private, familial matters, having a stronger respect for traditional norms.

³⁶⁷ Johnson, *Gender Violence in Russia*, 24.

³⁶⁸ Vasil Monaselidze (district policemen in Tbilisi in 1980s), interview by author, Tbilisi, Georgia, January 4, 2006.

³⁶⁹ This point is based on the interview with Vasil Monaselidze, district policemen in Tbilisi in the 1980s, conducted on January 4, 2006 and with another interview with the former high-level officer of the Georgian intelligence during the Soviet period who preferred to remain anonymous, conducted on July 19, 2006.

The Soviet state compromised family privacy and failed to elaborate effective policy measures to combat domestic violence. There existed neither procedural measures that would have strengthened the applicability of crimes listed in the Criminal Code to the familial context nor a well-developed infrastructure to help victims of domestic violence. Neither Comrade Courts nor the institute of district inspector effectively addressed the problem. Such weak regulation and response to domestic violence allowed it to ‘flourish’ in secrecy, maintaining and reproducing women’s oppression and gender inequality.

Conclusion

The practice of domestic violence existed throughout the Soviet Union, including Soviet Georgia, but due to the complex dynamics surrounding the women’s liberation question, the redefinition of the concept of family and women’s role in it, policymakers failed to identify domestic violence as a problem that required centralised or republic-level policy and legal response from the government. This lack of identification of domestic violence as a problem worthy of state’s intervention is quite characteristic of the times. As argued by Janet Elise Johnson, in the Soviet Union as in the absolute majority of the countries of the world of that time “[t]here was no consensus that gender violence was a distinct and structural problem that impacted women collectively, nor much cultural critique. No statistics were collected on the extent of gender violence; there was not even an agreed-upon term designating gender violence.”³⁷⁰

Nonetheless, I emphasise the lack of centralised response to and regulation of domestic violence because of the important role centralised policy-making played in the Soviet Union; in this regard this lack in my view indicates the low status granted to the issue by the central government. I would like to argue that policymakers’ failure to identify the problem resulted

³⁷⁰ Johnson, *Gender Violence in Russia*, 25.

from the co-existence of multiple barriers. In this line, the grand narrative of success achieved by the Soviet government in the field of gender equality and the effects of the re-evaluation of the concept of the family stand out as the most significant hindering factors.

Equality of the sexes was considered by the Soviet government as one of its primary achievements. This success story on one hand was upheld by a number of concrete policy and legal initiatives that clearly empowered women. On the other hand, much was done by state propaganda to construct an ideology that regarded the “Woman Question” successfully solved. Respectively, the state turned a blind eye on such manifestations of gender inequality as women’s underrepresentation in positions of power, lower monthly average incomes, and their exploitation in the “double shift.” The myth of achieved gender equality nurtured the policy planners’ low sensitivity to the problem of domestic violence suffered by many Soviet women. Given the fact that violence against women in general got international recognition as a women’s human rights violation only in the 1990s, it is not surprising that the Soviet Union, one of the pioneer countries of the world in granting women equal rights with men, preferred to remain in the mist of achieved illusory gender equality and turned a blind eye to such an alarming example of gender inequality as domestic violence.

The second factor hindering the recognition of domestic violence was the re-evaluation of the concept of the family that took place in the Soviet Union. In its early years, the Soviet government believed that the family as a social unit would cease to exist because the state would take up the work and responsibilities of family members. However, this belief failed to get translated into adequate laws and policies. Moreover, from the 1930s onwards, the Soviet government not only started to share a conservative vision of a patriarchal family but also attempted to become its almighty male head. This strong interference of the state in the private sphere inspired resistance among the citizens of various Soviet Socialist Republics. As a reaction, people comforted themselves with traditional norms that draw distinctions between the private sphere of the family and the public sphere of a state. This resistance was multifaceted and

varied across the Republics. The lack of space for civic activism, especially since the 1930s, made family privacy sacrosanct because the familial domain remained the only relatively “free arena” for self-realisation of Soviet citizens. The urge to protect family privacy was another reason why in my opinion many Soviet citizens themselves were against the disclosure of such “familial matters” as domestic violence to the state’s gaze, not only during the Soviet period but also in the decade that followed its demise.³⁷¹

Despite initial serious intentions to play a significant role in the lives of proletarian families, in the long run, Soviet policymakers significantly compromised in many areas, including that of domestic violence, in order to protect family privacy and did not interfere in “familial matters” as much as had been envisioned by the Bolshevik Revolutionaries. This neglect to adequately address domestic violence and the failure to see the important link between domestic violence and a lack of gender equality also signifies the Soviet government’s decreased political will to achieve substantive gender equality.

Although neither special laws nor policies to respond to the problem of domestic violence existed, still the concerns of individual women victims of domestic violence were sometimes heard and fully or partially addressed locally by different state actors. The former as well as the latter were encountering numerous hardships related to the failure of policymakers to identify and address the problem on a central level. And most of the time, the effectiveness of the support mechanisms in place depended on the personality and skills of the individual public officials concerned.

Some of the barriers that prevented Soviet policy planners and society in general from acknowledging and reacting to domestic violence have been diminished or overcome in independent Georgia. In this regard, the most significant novelty brought by independence is the space for civic activism. The new opportunities for giving visibility to the problem and its consequences will be explored in further details in the next chapters.

³⁷¹ See Ishkanian, *Is the Personal Political?*.

Chapter 3: Gender Equality and Women's Rights in Independent Georgia (1991-2006)

Becoming Independent

The Supreme Council of Georgia announced the country's independence from the Soviet Union in 1991.³⁷² The *Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims*, was adopted in May 2006. This chapter will attempt to uncover those developments that took place in Georgia between these two years and could have somehow contributed to the adoption of domestic violence legislation. While doing this, comparative links will be made with the previous chapter to outline opportunities and developments that were unthinkable during the Soviet period but took place during independence.³⁷³ This chapter will focus on the major developments that took place in Georgia since 1991 and are relevant from the viewpoint of identification of domestic violence as a problem in need of state regulation, except for the development of the NGO sector. The dynamics around the development of the NGO sector in general and women's NGOs in particular will be dealt with in-depth in the next chapter, while chapter 5 explores the actual drafting and adoption process of the Domestic Violence Law.

After the breakup of the Soviet Union in 1991, Georgia started to experience the transition process from a centrally planned to a market-based economy. This transition process in Georgia was accompanied by two internal ethnic conflicts (over two breakaway regions of Georgia -- Abkhazia and South Ossetia) and one civil war. Thus, in the early 1990s Georgia transformed from a Soviet vacation destination into a post-conflict transitional country with hundreds of thousands of Internally Displaced Persons (IDPs) and high unemployment and poverty rates.³⁷⁴

³⁷² Independence was declared on April 9, 1991.

³⁷³ The emergence of the NGO sector clearly stands out as one of the major new developments brought about by independence. Exploration and analysis of the role that NGOs played in putting domestic violence on the agenda of Georgian legislators requires special attention, thus, the next chapter will explore the role and significance of NGOs in relation to increasing visibility of the problem of domestic violence in detail.

³⁷⁴ Unemployment and poverty rates tended to increase in Georgia in the period 1991-2004. According to the State Department of Statistics, the percentage of the population living in extreme poverty increased from 10 per cent in 1997 to 17 per cent in 2004, while the percentage of the population living below poverty line increased from 46

The Soviet era was over, along with the state-sponsored gender equality rhetoric. Georgian society was confronted with huge political and economic changes caused by the demolition of the previous socio-economic and political system, struggling for survival in face of the challenges brought by the independence.

“Transition,” means movement, passage, or change from one position, state, stage, subject, concept to another.³⁷⁵ In political terms, “transition” is defined as a movement from one political and economic state order to another. In Georgia’s case, this process of change started with *Perestroika* and gained speed after the official breakup of the Soviet Union in 1991. According to one definition, “transitional states” represent “hybrids with significant aspects of the old order coexisting with the new. Whether moving toward democracy and markets or more authoritarian rule, their common feature is instability.”³⁷⁶ This definition is very apt for the situation in Georgia, especially in the first years of the country’s independence in the early 1990s.

The politics of Zviad Gamsakhurdia, Georgia’s first democratically elected President,³⁷⁷ “had not only alienated the country's substantial ethnic minorities but had led to the virtual disintegration of the state.”³⁷⁸ The Autonomous Republic of Abkhazia in the northwest of Georgia declared independence from Georgia in 1992.³⁷⁹ Another dispute surrounded the political status of South Ossetia in the North Central part of the country. The separatist government of South Ossetia declared its intention to break away from Georgia already in

per cent in 1997 to 53 per cent in 2004. Official unemployment data tended not to reflect the actual level of unemployment in Georgia as only a small portion of unemployed citizens registered with the government. Still the percentage of unemployed individuals rose from 8 per cent in 1997 to 12 per cent in 2003. State Department of Statistics, under the Ministry of Economic Development, cited in Government of Georgia, *Millennium Development Goals in Georgia* (Tbilisi, 2004), 25; Government of Georgia, *Millennium Development Goals in Georgia: progress report for 2004-2005* (Tbilisi, 2004), 8.

³⁷⁵ Webster’s *Unabridged Dictionary: Newer Words Faster* (Random House Inc., 1999), s.v. “transition.”

³⁷⁶ Adrian Karatnycky, “Political and Economic Reform in East Central Europe and New Independent States: A Progress Report,” in *Nations in Transit 1997: Civil Society, Democracy and Markets in East Central Europe and the Newly Independent States*, eds. Adrian Karatnycky, Alexander Modyl and Boris Shor (New Brunswick and London: Transaction Publishers, 1998), 9.

³⁷⁷ Zviad Gamsakhurdia was elected President in the election of May 26, 1990 with 87 per cent of the vote on a turnout of over 83 per cent.

³⁷⁸ Charles King, *Potemkin Democracy: Four Myths about Post-Soviet Georgia*, accessed April 15, 2008, <http://www.encyclopedia.com/doc/1G1-76560819.html>.

³⁷⁹ *Abkhazia*, accessed April 21, 2008, <http://www.abkhazeti.org/index.php?title=Abkhazia>.

1990.³⁸⁰ A significant part of the population had grown increasingly dissatisfied with the nationalistic and authoritarian politics of President Gamsakhurdia. A violent coup d'état that lasted from December 20, 1991 to January 6, 1992 removed Georgia's President Gamsakhurdia from power in favour of an interim Military Council. This marked the start of the civil war in Georgia. The supporters of Gamsakhurdia continued their armed resistance to the new regime, especially in the Samegrelo region, where the President's family was originally from.³⁸¹ In March 1992, the Military Council became the State Council of the Republic of Georgia, which was led by Eduard Shevardnadze, an ethnic Georgian who was the First Secretary of the Communist Party in Soviet Georgia in the 1970s and early 1980s, and Foreign Minister of the Soviet Union from 1985 to 1990.³⁸²

Under Shevardnadze's leadership during the first half of 1992, the Georgian army attacked the separatist regions of Abkhazia and South Ossetia with the intention of re-establishing Georgian jurisdiction over these breakaway regions. However, Georgian forces were defeated "with the assistance of [...] Russian, forces stationed in the separatist zones [of Abkhazia and South Ossetia], the regional administrations managed to rout Shevardnadze's troops."³⁸³ Another outbreak of conflict over South Ossetia took place in August 2008, resulting in civilian casualties, destruction, and suffering, along with a new wave of forced displacement. At present, there are over 293,048 Internally Displaced Persons (IDPs) in Georgia as a result of the conflicts from early 1990s as well as the recent August 2008 war,³⁸⁴ women and girls

³⁸⁰ Separatist sentiments became very strong in South Ossetia in the twilight of the Soviet Union. After several outbreaks of violence between Georgians and Ossetians, the region declared its intention to secede from Georgia in 1990 and, the following year, declared de facto independence. The collapse of the USSR and Georgian independence in 1991 only strengthened South Ossetia's determination to break with Tbilisi. BBC News, *Regions and Territories*, accessed December 1, 2011, http://news.bbc.co.uk/2/hi/europe/country_profiles/3797729.stm.

³⁸¹ "Throughout 1992 and 1993, "Zviadist" guerrillas loyal to former President Zviad Gamsakhurdia continued to attack military and police forces in western Georgia." King, *Potemkin Democracy*.

³⁸² For more see Ghia Nodia, "Georgia's Identity Crisis," *Journal of Democracy* 6, no.1, January 1995, 104-116; George Nikoladze, *The War in Abkhazia, 1992-1993*, Abkhazia Institute for Social and Economic Research, June 2007, accessed June 23, 2007 <http://www.abkhazia.com/content/view/327/63/>.

³⁸³ Charles King, *Potemkin Democracy*.

³⁸⁴ Report of the UN Secretary General, *Status of internally displaced persons and refugees from Abkhazia, Georgia*, A/63/950, August 24, 2009, 2.

comprise about 55 per cent of all IDPs, in both the so-called “old” (early 1990s) and “new” (August 2008) waves of displacement.

The casualties numbered 10,000 to 15,000 dead and at least 8,000 wounded in the Georgian-Abkhaz ethnic conflict of the early 1990s.³⁸⁵ According to the Georgian researcher Feride Zurikashvili, in the period after the ceasefire agreements were signed, an additional 1,200 women and children died as a result of forced migration, sporadic ethnic-based attacks, and other forms of violence.³⁸⁶ More than 250,000 ethnic Georgians were uprooted from Abkhazia during the 1992-93 Abkhazia conflict and fled to other parts of Georgia. Thousands of Russians, Greeks, Armenians, and Jewish people also left the country. “Nearly 70,000 civilians were displaced in every direction as a result of the South Ossetia armed conflict [of the early 1990s]. In a crazy mosaic of movement 40,000 South Ossetians moved north and sought sanctuary with ethnic kinsmen inside the Russian Federation, equal numbers of ethnic Georgians living in South Ossetia and ethnic Ossetians living in Georgia virtually swapped places and several thousand people were displaced within South Ossetia itself.”³⁸⁷

Many citizens of Georgia suffered severe forms of violence and deprivation during the early years of the country’s independence.³⁸⁸ According to the *Rapid Needs Assessment of Internally Displaced Women as a Result of August 2008 Events*,³⁸⁹ 6.3 per cent of respondents had information about sexual violence committed against women during the August 2008 military clashes. Out of this 6.3 per cent (70 respondents), 21 per cent said they had information about cases of rape, 33 per cent about group rape, 14 per cent about attempted rape and 32 per cent did not specify the kind of sexual abuse. Only 1 per cent, i.e. 10-11 respondents, reported

³⁸⁵ Greenberg Research Inc., *Country report Georgia/Abkhazia: ICRC Worldwide consultation on the rules of war* (ICRC: Geneva, November 2011), 1, accessed December 13, 2011, <http://www.icrc.org/eng/assets/files/other/georgia.pdf>.

³⁸⁶ Ibid.

³⁸⁷ Ray Wilkinson, “(IDPs) – A Particularly Complex Problem,” *Refugees Magazine* (UNHCR, 1999), 117, accessed June 7, 2007, <http://www.unhcr.org/publ/PUBL/3b83e713b.html>.

³⁸⁸ Please see the details below in this chapter.

³⁸⁹ Institute for Policy Studies with UNIFEM’s support carried out the Rapid Needs Assessment through September 5-29th 2008. In the framework of this assessment, 1144 IDPs (47 per cent men and 53 per cent women) were surveyed. Additionally, fifteen discussion groups with IDPs were conducted in the collective centres in Tbilisi, Kutaisi and Gori. Thirty in-depth interviews with the representatives of international organisations, government and local NGOs were carried out.

witnessing rape.³⁹⁰ Taking into consideration the taboo associated with the issue of sexual violence in the Georgian society, we may assume that the findings of the survey shed light only on the tip of the iceberg. When asked about family conflicts during the displacement, 3.6 per cent of internally displaced men and 8.6 per cent of internally displaced women reported witnessing such conflicts and instances of domestic violence.³⁹¹ In this chapter, I explore the possibility that these experiences of conflict, violence, and displacement made violence more perceptible for the Georgian society and in a way contributed to the identification of domestic violence as a social problem requiring state intervention.

Eduard Shevardnadze led the country from 1992 until November 2003, when mass peaceful protests forced him to resign. “Shevardnadze’s regime most probably could be placed somewhere between authoritarian and post-totalitarian. Economic pluralism in Georgia was certainly greater than in a classic autocratic regime, while the political leadership was oligarchic. [...] Nevertheless, the regime was also characterized by many freedoms (for the media, political parties, and some associations) that were barred in most post-Soviet states.”³⁹² Corruption, which flourished during Shevardnadze’s rule, turned out to be detrimental for the development of Georgia.³⁹³ In the last years of Shevardnadze’s administration, the political and socio-economic situation was so dire that in June 2001 Charles King, a US scholar of International Affairs, considered it “worth asking whether a state called ‘Georgia’ even exists today in any meaningful sense.”³⁹⁴ The number of people living in poverty was increasing and by 2003 the majority of citizens felt cynicism and distrust towards their government.³⁹⁵ The anger and dissatisfaction of the population culminated when the government falsified the results of the November 2, 2003 Parliamentary elections in favour of the ruling political power leading to mass peaceful protests

³⁹⁰ Institute for Policy Studies, UNIFEM, *Rapid Needs Assessment of Internally Displaced Women as a Result of August 2008 Events* (Tbilisi: October 2008), 10.

³⁹¹ Ibid., 20.

³⁹² Giorgi Kandelaki, “Georgia’s Rose Revolution: A Participant’s Perspective,” United States Institute of Peace Website, 3, accessed April 21, 2008, <http://www.usip.org/pubs/specialreports/sr167.pdf>.

³⁹³ Amalia Kostanyan, *Policy Partnership in Combating Corruption in the South Caucasus Region*, Terry Sanford Institute of Public Policy (Duke University, Durham, NC, October 30, 2003); Also Jonathan Wheatley, *Georgia from National Awakening to Rose Revolution* (Aldershot: Ashgate, 2005).

³⁹⁴ King, *Potemkin Democracy*.

³⁹⁵ Wheatley, *Georgia from National Awakening*, 171.

led by opposition forces.³⁹⁶ On November 23, 2003, Shevardnadze resigned and made space for a new generation of politicians. The peaceful, velvet revolution that removed Shevardnadze from power was called the Rose Revolution because the protesters gave roses to the police and military. Moreover, on November 22, opposition leader Mikheil Saakashvili, with the help of thousands of his supporters, forced his way into the plenary room of the Parliament waving a long-stemmed red rose and interrupting the speech of Shevardnadze by shouting “gadadeqi! gadadeqi!” (resign! resign!). President Shevardnadze's bodyguards rushed Shevardnadze out of the parliament building through a back door. On the evening of November 23, Shevardnadze announced his resignation.³⁹⁷

The Rose Revolution has been evaluated as “a revolution of a kind the turbulent region had never seen before. Not one person was injured, not a drop of blood was spilled.”³⁹⁸ On one hand, it is surprising that in a country with a recent history of armed conflicts and a military coup d'état a peaceful revolution took place. On the other hand, it may well be that the vivid memory of the recent history contributed to the peacefulness of the Rose Revolution. In his attempt to explain the success of the Rose Revolution, Jonathan Wheatley, a British political scientist, has identified seven critical factors:

“First, there was skilful and well-motivated opposition elite with previous experience of government. Second, there was an active independent media which shed light both on the activities of the opposition and on the misdeeds of the government. Third, there were several very active and politicized non-governmental organizations (NGOs) that played a crucial role in mobilizing the population against the authorities. Fourth, certain international organizations (most notably the Soros Foundation) actively assisted the opposition either directly or indirectly through

³⁹⁶ “Probably the actor that contributed the most to the successful outcome was the National Movement and, in particular, its leader Mikheil Saakashvili.” *Ibid.*, 185.

³⁹⁷ “How the Rose revolution happened,” BBC online, accessed April 21, 2008, <http://news.bbc.co.uk/2/hi/europe/4532539.stm>.

³⁹⁸ *Ibid.*

assistance of these few key NGOs. Fifth, the main foreign powers (i.e. Russia and the US) were neutral or favorably inclined towards the opposition and did not interfere on the side of the government. Sixth, Shevardnadze's government was extremely unpopular because it provided virtually nothing in terms of public goods for the population. Finally, the government was either incapable of using or unwilling to use repression to resist the wave of demonstrations that gathered strength in the days that followed the disputed elections; at the crucial moment the police abstained from using force against protesters.³⁹⁹

The Rose Revolution brought to power the leader of the opposition to Shevardnadze, Mikheil Saakashvili,⁴⁰⁰ who was elected President in January 2004. In February 2004, the Georgian parliament passed constitutional amendments which strengthened the "presidency at the parliament's expense, and gave the country a cabinet and a prime minister for the first time. [...] One of Mr Saakashvili's two main allies in the Rose Revolution, Zurab Zhvania,⁴⁰¹ became prime minister. The other, Nino Burjanadze,⁴⁰² remained in her position as speaker of the weakened Parliament."⁴⁰³

As the first bloodless change of power in the recent history of Georgia, the Rose Revolution reawakened hopes for democracy. "Many observers refer to the Rose Revolution as an inspiration for what some, including Georgia's new president, Mikheil Saakashvili, have called a 'new wave of democratization'."⁴⁰⁴ In November 2007, four years after the promising Rose Revolution, people dissatisfied with President Saakashvili and his administration started

³⁹⁹ Wheatley, *Georgia from National Awakening*, 191.

⁴⁰⁰ For a detailed biography of Mikheil Saakashvili see "Mikheil Saakashvili," *Administration of the President*, accessed April 21, 2008, <http://www.president.gov.ge/?l=E&m=1&sm=3>.

⁴⁰¹ Zurab Zhvania died of gas poisoning blamed on a faulty heater, in February 2005. For a detailed biography of Zurab Zhvania see "Zurab Zhvania," *Biographical Dictionary Online*, accessed April 21, 2008, <http://www.s9.com/Biography/Zhvania-Zurab>.

⁴⁰² Nino Burjanadze called press-conference and resigned on 21 April 2008. For a detailed biography of Nino Burjanadze see "Nino Burjanadze," *Parliament of Georgia*, accessed April 21, 2008, http://www.chairman.parliament.ge/burjanadze_nino.html.

⁴⁰³ "How the Rose revolution happened," BBC online, accessed April 21, 2008, <http://news.bbc.co.uk/2/hi/europe/4532539.stm>.

⁴⁰⁴ Kandelaki, "Georgia's Rose Revolution," 11.

mass peaceful protests demanding his resignation. “Before long, impatient and poorly trained riot police dispersed the crowd. Pictures of indiscriminate police beatings, clouds of tear gas, and rubber bullets flickered across Western TV screens.”⁴⁰⁵ In addition, the government broke into the private opposition TV company “Imedi” (hope) and closed it down, declaring a state of emergency.⁴⁰⁶ According to the Georgian economist Vladimer Papava, the politics of Saakashvili’s government aimed at a greater concentration of power in the executive branch. Thus, “the parliament has become so weak that it is now called the ‘government’s notary.’ [...] Today, [the judiciary] is run by the General Prosecutor’s Office, firmly rooting it within the executive branch. [...] And while] the campaign against petty corruption has largely been successful, corruption among [the government] elites continues to be a problem.”⁴⁰⁷ On November 8, 2007, on the next day of the violent crackdown, Saakashvili resigned and set the date for the Presidential elections in January 2008, in which he won a second term.⁴⁰⁸ In comparing the November 2003 events with those of November 2007, the US political scientist Stephen Jones provided an interesting analysis:

“In 2003, the Rose Revolutionaries faced a feeble government with a history of venality and corruption that had undermined all pillars of support for the regime, most importantly, the army, businessmen, and political elites. The riots of November 2007, by contrast, happened in the midst of dynamic economic growth, improved infrastructure including reliable electricity and water supply, a resourceful and solvent government, and ecstatic international approval of its reformist policies. In short, the context of the Rose Revolution in 2003 was a *failing state*. By contrast, the pretext of November 2007 was a

⁴⁰⁵ Stephen Jones, “Reflections on the Rose Revolution: A Tale of Two Rallies,” *Harvard International Review*, March 16, 2008, accessed April 21, 2008, <http://www.harvardir.org/articles/1702/>.

⁴⁰⁶ Vladimer Papava, “Georgia’s Hollow Revolution: Does Georgia’s Pro-Western and Anti-Russian Policy Amount to Democracy?” *Harvard International Review*, February 27, 2008, accessed April 21, 2008, <http://www.harvardir.org/articles/1682/3/>.

⁴⁰⁷ *Ibid.*, 2.

⁴⁰⁸ In January 2004 Sakaashvili became president with 96 per cent of vote, while in 2007 he won only by gaining 53 per cent.

surging state. However, the surging state built by the Rose Revolutionaries over the last four years contained inner tensions which led directly both to the November 2007 crisis and its ugly resolution.”⁴⁰⁹

The events of November 2007 have disillusioned even ardent supporters of the Rose Revolution both within Georgia and abroad. Even after “the relatively smooth”⁴¹⁰ presidential elections of January 5, 2008, during which Saakashvili was reelected, “the disparity between the rhetoric and reality of democracy in post-revolution Georgia”⁴¹¹ remained obvious for many.

This chapter will attempt to locate different groups of women in the turbulent processes briefly reviewed above. The main questions that I will attempt to answer are: how have ethnic conflicts, the military coup, and the peaceful Rose Revolution affected the position and conditions of different groups of women? What were the findings of the first studies on domestic violence? More importantly, did the findings of these studies bring about the lifting of the taboo on the problem of domestic violence in Georgia? This chapter will also explore the overall policy environment in relation to gender equality and women’s rights, examining the compliance of Georgian legislation with CEDAW as well as the sustainability and effectiveness of state institutional mechanisms working for the achievement of greater gender equality.

⁴⁰⁹ Stephen Jones, “Reflections on the Rose Revolution.”

⁴¹⁰ Lincoln Mitchell, “What was the Rose Revolution For? Understanding the Georgian Revolution,” *Harvard International Review*, February 27, 2008, accessed April 21, 2008, <http://www.harvardir.org/articles/1684/1/>.

⁴¹¹ Ibid.

Ethnic Conflicts: Violence Demystified

Lagvilava Valentina – 82 years old, a teacher,
shocked by the tragedy hung herself at the graveyard.⁴¹²

The armed conflicts that took place in the Georgian regions of Abkhazia (1992-1993) and South Ossetia (1989-1992, then again in August 2008) resulted in the deaths and displacement of thousands of citizens. Ceasefire agreements have been reached, but the conflicts remain unresolved to date. These developments caused devastation in the conflict areas as well as adjacent areas that have continued in the years following the ceasefire agreements. According to UN 2004 research, in the fifteen years since the demise of the Soviet Union in Abkhazia “the GDP has fallen by 80-90 per cent, unemployment [has reached] around 95 per cent and per capita incomes have decreased by 90 per cent.”⁴¹³ According to a 2005 needs assessment study by the OSCE in South Ossetia, “more than 7,500 hectares of once productive cropland [...] have reverted to fallow,”⁴¹⁴ and electricity, gas distribution, and water supply systems are out of order,⁴¹⁵ contributing to abysmal living conditions of the population. In both Abkhazia and South Ossetia social infrastructure such as roads, schools, kindergartens, and hospitals along with a large percentage of housing was destroyed as a result of the armed hostilities.

Women and men suffered trauma and violence on all sides of the conflicts, regardless of their ethnic belonging. Rape, “forced rape,”⁴¹⁶ violence, physical and psychological torture, and

⁴¹² Analytical group on Abkhazian Issues at the Parliament of Georgia, *Facts of Genocide and Ethnic Cleansing of Georgians in Gali Region by the Abkhazian Separatists From 20 - 26 of May 1998 and Later*, accessed November 11, 2006,

http://www.abkhaziageorgia.parliament.ge/Comments/facts_of_genocide_and_ethnic_cleaning.htm. Ms. Valentina Lagvilava was one of many victims of the conflict whose cases were included in the paper.

⁴¹³ Bureau for Crisis Prevention and Recovery, *Report of UNDP-led Feasibility Mission to Gali District and Adjacent Areas of Abkhazia*, Georgia, April 2004, 10.

⁴¹⁴ OSCE, *OSCE-Led Needs Assessment Study in the Zone of the Georgian-Ossetian Conflict and Adjacent Areas*, 2005, 14.

⁴¹⁵ *Ibid.*, 24, 35.

⁴¹⁶ There have been reports of cases when soldiers forced male family members to rape female members of their families, especially teenage girls. For more on this see: UNHCR, *The Dynamics and Challenges of Ethnic Cleansing: The Georgia-Abkhazia Case*, accessed November 11, 2006, <http://www.unhcr.org/cgi-bin/texis/vtx/publ/openssl.htm?tbl=RSDCOI&id=3ae6a6c54&page=publ>.

humiliation occurred. According to UNHCR, Georgian IDP women repeatedly retell the incidence of a commonplace form of violence witnessed, the so-called “‘Italian necktie’, in which the tongue is cut out of the throat and tied around the neck.”⁴¹⁷ Another such horror story that is well remembered and retold by IDPs is the killing of small children in Gudauta, where Abkhaz *boeviks* (warriors) cut off their heads and played football with such “‘balls.’”⁴¹⁸ A UNHCR report also described Georgian forces shooting down a Russian Mi-8 helicopter evacuating mostly Abkhaz women and children from the town of Tkvarcheli in December 1992.⁴¹⁹ Sexual violence, predominantly rape, was used by *boeviks* and soldiers from all conflicting sides “‘as a tool of ethnic cleansing.’”⁴²⁰ Actual rape numbers have been difficult to access because many women have refused to seek assistance for psychological and physical trauma due to the cultural stigma associated with rape. However, narratives of the clients of the Georgian Centre for Psychological and Medical Rehabilitation of Torture Victims do describe systematic sexual violence suffered by girls and women:

“Female captives locked up in the school building, tortured and hungry lie on the floor or desks penned up tightly together. The enemy begins to select them – chooses the youngest and the prettiest ones and takes them out. Older women try to hide them, defend or cover them with their bodies. Ten to twelve-year-old girls are concealed in the sacks as if they were some luggage. Sometimes they even sit down on these sacks to deceive the guards. Instead of an unmarried sister the mother of many children

⁴¹⁷ Ibid.

⁴¹⁸ Ibid., UNHCR’s personal interviews with IDPs, Kutaisi, 8 July 1997.

⁴¹⁹ Ibid., The report of UNHCR regarding the dynamics of ethnic cleansing in the case of the Georgian-Abkhaz conflict compares these stories “‘of unspeakable horror’” to the experiences of Hutu refugees in Tanzania.

⁴²⁰ Thomas Buck with Alice Morton, Susan Allen Nan, and Feride Zurikashvili, *Aftermath: Effects of Conflict on Internally Displaced Women in Georgia*, Center for Development Information and Evaluation, Working Paper no. 310, (September 2000), 5, accessed November 11, 2006, http://pdf.dec.org/pdf_docs/PNACJ947.pdf.

goes out... ‘She went out and then came back’ – everybody knows why they are taken out or how [they] are [brought back...]’⁴²¹

Although this wartime gender-based violence has not been widely discussed and reacted to yet, it has clearly left scars on the individual as well as collective memory of the IDPs and Georgian society in general.⁴²² “[M]any of the people who went through this hell [were] not able to forgive the rest that they have witnessed all their shame and violence against them. They [were unable] to forgive all the dirt they have passed through together.”⁴²³ The effects of trauma experienced during these conflicts can be seen in the high incidence of suicide, and neural and heart diseases among the IDP population. Overall, their health status is qualitatively worse than that of the rest of Georgia’s population.⁴²⁴

Women comprise 55 per cent of all IDPs in Georgia⁴²⁵ and the majority of them, because of being ethnically Georgian or married to Georgians, feared physical annihilation and fled from conflict zones. According to Georgian researchers, between 250 and 350 IDP women have died from hunger, cold, and illness while fleeing from Abkhazia through the mountains of Svanetia in

⁴²¹ Archil Qiqodze, “The Village Story” (Compiled from the narratives of clients of Georgian Centre for Psychological and Medical Rehabilitation of Torture (GCRT) Victims) in *Exploring Torture*, ed. Nino Makhashvili, (Tbilisi: GCRT, European Commission, 2007), 143.

⁴²² According to the Analytical Group on Abkhazian Issues at the Parliament of Georgia, in some parts of Abkhazia, especially in the ethnically Georgian Gali region, acts of violence continue until today regardless of the existence of a ceasefire agreement. In the beginning of 1994, the Abkhaz de facto government carried out a cleansing of the remaining and spontaneously returned IDPs in Gali region. In the period of 8-13 February Abkhaz "boeviks" and mercenaries murdered more than 800 peaceful citizens, mostly women, children and elderly; over 4000 houses were burnt and tens of thousand people became displaced for a second time. According to the Analytical Group, “in spite of the fact that peacekeeping forces under the auspices of the CIS, whose obligation was to secure return of refugees, entered Gali region, the separatist government again carried out the cleansing of Gali’s population in summer and autumn of 1995-1996. The victims of these actions were more than 400 peaceful inhabitants, hundreds of residences were burnt and thousands of people again fled out from their dwellings. [...] Genocide and ethnic cleansing were conducted with different intensity during 1997.” Analytical group on Abkhazian Issues at the Parliament of Georgia, *Facts of Genocide and Ethnic Cleansing of Georgians in Gali Region by the Abkhazian Separatists*.

⁴²³ Qiqodze, “The Village Story,” 143.

⁴²⁴ Walter Kälin, *Specific Groups and Individuals: Mass Exoduses and Displaced Persons: Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons*, E/CN.4/2006/71/Add.7, 12, 24 March 2006.

⁴²⁵ The Ministry of Refugees and Accommodation, *IDP’s Reference Book* (Tbilisi: Association “Migrant,” UNHCR, 2002), 395.

1993. “Among internally displaced persons themselves, this escape became known as the death path.”⁴²⁶ Some women died during childbirth on the “death path.”⁴²⁷

Thomas Buck, Alice Morton, and Feride Zurikashvili, and other scholars ascribe causes of domestic violence among the internally displaced population to the experience of trauma. Men who have lost the war and have failed to adapt to the new harsh realities of life show greater aggression towards their wives, sometimes because their wives have demonstrated greater adaptability and have even become breadwinners in some of the families.⁴²⁸ Although some women have coped with the difficult socio-economic conditions better than men, they were able to do so because they accepted low-paying and unsafe jobs.⁴²⁹ Approximately 96,970 IDPs have been living in places of so-called compact settlement or collective accommodation centres since 1993⁴³⁰ with abysmal housing conditions. “[...] It is impossible to describe their suffering. People live in schools, kindergartens, administrative buildings and farms, in many places there are 20-25 people in one room.”⁴³¹ According to Oxfam GB and local NGOs, the average number of people per room varies from 3.2 to 4. Because of a traditional gendered division of labour, women are the ones responsible for the upbringing of children and household work such as cleaning, cooking, ironing, washing, etc. Therefore, the abysmal and inadequate housing is the hardest burden on them, deteriorating their health and well-being.⁴³² These additional circumstances created a sub-group of the Georgian society comprised of those IDP women who

⁴²⁶ Buck et al., *Aftermath*, 5.

⁴²⁷ Ibid. This is a reference to Feride Zurikashvili, *The Socio-Economic Status of Women With Children Among Internally Displaced Persons in Contemporary Georgia* (Tbilisi: Women’s Studies Centre of Tbilisi State University, 1998).

⁴²⁸ Thomas Buck, et al., *Aftermath*, 8.

⁴²⁹ The majority of IDP women have higher education; they used to have professional careers before their displacement. However, after the conflicts, IDP women’s employment opportunities were limited mainly to physically demanding, insecure, and low-paid jobs. The majority of IDP women living in cities became involved in small market trading of cheap goods and food and those who live in rural areas are active in the agricultural sectors. It should also be noted that due to the IDPs limited ownership of land, most of the IDPs engaged in agriculture are working as hired labour. Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer, *Reality: Women’s Equal Rights and Equal Opportunities in Georgia* (Tbilisi: Polygraph, 2006), 12.

⁴³⁰ Kälin, *Specific Groups and Individuals: Mass Exoduses and Displaced Persons*, 12.

⁴³¹ Analytical Group on Abkhazian issues of the Parliament of Georgia, *Facts of Genocide*.

⁴³² For more on this see, Oxfam GB, Georgian Young Lawyers’ Association, NGO Sakhli, *Violence Against Women and Right to Adequate Housing: the Case of Georgia*, Report Delivered at Asia Pacific Regional Consultations with the UN Special Rapporteur on the Right to Adequate Housing on: “The interlinkages between violence against women and women’s right to adequate housing” 30-31 October 2003, New Delhi, India.

have faced or are at risk of facing multiple forms of violence, from the armed conflict experiences to sexual harassment and discrimination in the workplace, and ending with domestic violence from their spouses.

It should be also noted that IDPs are not a homogenous group, the experiences and conditions that I have referred to above belong to the majority. However, a smaller percentage of IDPs have managed to overcome the hardships of displacement much more successfully. My separation of the majority of IDP women from the rest of the Georgian community at this stage should not be interpreted as an effort towards their stigmatisation; my intention is to stress the contribution of their local and individual experiences to the conceptualisation of what constitutes violence against women at times of war as well as of peace in Georgia.

I view conflict and displacement not only as static results but also as dynamic processes that are capable of continuously informing and influencing societal life on multiple levels. According to Serbian scholar Vesna Nikolić-Ristanović, “social changes, such as social transition and war are mirrored in all spheres of life and they significantly affect personal relationships, thereby creating situations in which domestic violence is likely to occur. Changes that happen on the macro level provoke micro-level changes which negatively affect both, women’s vulnerability to violence and the possibility of leaving the molester and get protection.”⁴³³ Ethnic conflicts and civil war made violence a commonplace experience for many citizens of Georgia, imprinting the collective memory of the newly independent Georgian society. Those not affected directly by conflicts were also to a certain degree informed about the multiple manifestations of violence. In this light, the cruelties of the conflicts and the hardships experienced by the IDPs afterwards contributed to making violence concrete and comprehensible. Although it is very difficult to establish clear-cut links, the experiences described above allow me to suppose that the violence suffered, remembered, and retold in many

⁴³³ Nikolić-Ristenović, *Social Change, Gender and Violence*, 81.

ways contributed to the demystification of violence in general and violence committed against women in particular.

Labelling the Problem and Data about Domestic Violence in Georgia

The complex and challenging process of acknowledgement of domestic violence in the post-communist societies began with the identification and labelling of the long existing but previously unrecognised practice of domestic violence. This process of labelling in itself is informative of how dissimilar the attitudes towards women's rights and gender equality issues in the post-communist countries are from that of the United States and Western European countries, where the initial naming of the problem of domestic violence took place. In the latter group of countries domestic violence against women is understood as "violence that is driven by a traditional gender ideology and is inflicted on women *because they are women*."⁴³⁴ As Fabian, Johnson and Zaynullina, Chivens, Krizsan, Popa, Thomas and others argue, a very clear shift in the identification and labelling of the problem of domestic violence took place in post-communist countries, from the "violence against women" paradigm applied in the West, to the more gender-neutral "violence in the family" conceptualisation of the problem that is obvious in the language of the domestic violence laws adopted in the countries of Central and Eastern Europe and the Former Soviet Union.⁴³⁵

The Western understanding of domestic violence considers women as primary victims of domestic violence, while the gender-neutral interpretation of the problem dominating in the post-

⁴³⁴ Smith, *The Oxford Encyclopedia of Women in World History*, 92. The *Oxford Encyclopedia of Women in World History* refers to psychological research conducted in the United States, Canada, and Britain that differentiate between two distinct types of domestic violence: one that is committed by men and women equally – so called "common couple violence" and the other that is perpetrated disproportionately by men against women – so called "patriarchal terrorism." Common couple violence consists of single, unrepeated instances of violence that are associated with lack of interpersonal and relationship skills of individuals. Patriarchal terrorism on the other hand is caused by a one partner's desire to control and dominate the other and is justified by patriarchal ideology and beliefs. Ibid.

⁴³⁵ For an analysis of the language and the scope of new laws on domestic violence in Central and Eastern Europe and the Former Soviet Union, see Cheryl Thomas, *Legal Reform on Domestic Violence in Central and Eastern Europe and the Former Soviet Union* (Expert Paper, Expert Group Meeting on good practices in legislation on violence against women, United Nations Office, Vienna, May 12, 2008).

communist states, including Georgia, came to underline that everyone, regardless of sex, can be either victims or perpetrators of domestic violence, placing increased emphasis on children as primary victims.⁴³⁶ According to Fabian:

“The current solution to the terminological quandary is ‘domestic violence’ and ‘violence in the family.’ Violence was conditionally and partially extricated from male power, but ‘violence against women’ or ‘wife abuse’ were used extremely rarely in the various postcommunist contexts. Using ‘domestic violence’ or ‘violence in the family’ omits gender connotations about probable victimhood and perpetrator and, by ignoring women’s higher likelihood of suffering from domestic violence, demonstrates the continued influence of patriarchic cultural arrangements.”⁴³⁷

Also in Georgia’s case, the commonly used terms are gender-neutral, and thus apolitical from a feminist perspective. These terms are “*ojakhuri dzaladoba*” – “domestic violence” and “*dzaladoba ojaxhshi*” – “violence in the family.” In my analysis, the lobbying process for Georgia’s Domestic Violence Law (the Law also uses the term “violence in the family”)⁴³⁸ demonstrated similarities with the advocacy strategies used in other post-communists states, such as Hungary and Poland where activists laid greater emphasis on child abuse in the family rather than on domestic violence against women, and by “[r]eplacing the feminist interpretation with the ‘family dynamics approach’ de-gendered and consequently significantly toned down their political message.”⁴³⁹ Was such de-gendered labelling of the problem in post-communist countries a result of the lobbyists’ lack of understanding of domestic violence against women or

⁴³⁶ Thomas Chivens, “The Politics of Awareness: Making Domestic Violence Visible in Poland,” in Fabian, *Domestic Violence in Postcommunist States*, 171-194; Fabian, “Reframing Domestic Violence,” 221-260.

⁴³⁷ Fabian, Introduction to *Domestic Violence in Postcommunist States*, 22.

⁴³⁸ The name of Georgia’s domestic violence law is as follows: *Saqartvelos kanoni ojaxhshi dzaladobis aghkvetis, ojaxhshi dzaladobis mskhverpita datsvisa da dakhmarebis shesakheb* [The Law of Georgia on Elimination of Violence in the Family, Protection of and Support to Its Victims]. In the majority of English language versions of the Law the phrase “dzaladoba ojaxhshi” [violence in the family] is translated as “domestic violence” [*ojakhuri, sashinao dzaladoba*], which is not accurate.

⁴³⁹ Fabian, “Reframing Domestic Violence,” in Fabian, *Domestic Violence in Postcommunist States*, 229.

was it their strategic decision derived from their knowledge of the attitudes of the majority of the government officials and politicians with whom they had to lobby domestic violence policies and laws? Among other issues, my research has tried to answer also this question.⁴⁴⁰

Prior to presenting data on domestic violence in Georgia, I would like to underline my awareness of the risks articulated by Inderpal Grewal in relation to discourses and narratives used by international human rights organisations that universalise “the third world as a region of aberrant violence, and this notion of aberration occurs in relation to a First World that is seldom included as violating its women.”⁴⁴¹ By providing the below account of data on domestic violence in Georgia, by no means would I like to contribute to reinforcing the narrative of post-communist transitional countries being sites of exceptional violence. As it is widely known, domestic violence is commonplace in all parts of the world regardless of a country’s level of socio-economic development. What is different and should be cautiously addressed are societal frameworks for male violence,⁴⁴² the ways in which women acknowledge domestic violence and find remedies for the problem.⁴⁴³ An important set of questions posed by Grewal in relation to the objects and subjects of human rights discourse, namely “who is speaking for whom? What relations of power enable them to speak for others? What forms of violence do these representations perform?”⁴⁴⁴ and more importantly, what are the silences of human rights discourse?⁴⁴⁵ are highly relevant for the account provided below and I will try to reflect on these questions once presenting the data on domestic violence in Georgia.

There is very limited information about gender-based violence among ethnically Abkhaz, Russian, Armenian and Greek women as well as returnee ethnically Georgian women residing in

⁴⁴⁰ Please see discussion of these questions in chapter 5 that deals with how the Domestic Violence Law was drafted and adopted in Georgia.

⁴⁴¹ Inderpal Grewal, “On the New Global Feminism and the Family of Nations: Dilemmas of Transnational Feminist Practice,” in *Talking Visions: Multicultural Feminism in a Transnational Age*, ed. Ella Habiba Shohat (Massachusetts: Massachusetts Institute of Technology, 2001), 502.

⁴⁴² Chandra Telpade Mohanty refers to study of Felicity Eldhom, Olivia Harris, and Kate Young “Conceptualising Women” (1977) and argues that instead of assuming that male violence is a universal fact, it “must be theorized and interpreted *within* specific societies, both in order to understand it better, as well as in order to effectively organize to change it.” Mohanty, “Under Western Eyes,” 67, 84.

⁴⁴³ Grewal, “On the New Global Feminism and the Family of Nations,” 520.

⁴⁴⁴ *Ibid.*, 504.

⁴⁴⁵ *Ibid.*, 503.

the breakaway region of Abkhazia after the ceasefire agreements were reached.⁴⁴⁶ In 2006 UNIFEM supported the women's NGOs "Avangardi" and "Alashara" from the Gali and Ochamchira regions respectively to undertake an assessment of the situation with regard to women's reproductive health and rights and domestic violence in the Ochamchira, Tkvarcheli, and Gali regions of Abkhazia.⁴⁴⁷ According to this assessment, there existed neither a law nor policy that would provide victims of domestic violence with protection and support.⁴⁴⁸ Twenty per cent of the survey respondents indicated that women had no place to appeal to if subjected to violence.⁴⁴⁹ Eighteen per cent of the surveyed 300 women disclosed that they had frequently experienced threats and verbal abuse. Six per cent admitted being subject to beatings and torture. "Nine per cent to pushes, pinching and slaps in the face, 9 per cent were kidnapped by their husbands to-be, 7 per cent were forced to marry. Only 2 per cent claimed that they had never experienced any kind of violence mentioned in the questionnaire."⁴⁵⁰ Since Abkhazia is a breakaway region of Georgia, beyond the jurisdiction of the Georgian government, putting emphasis on human rights violations there has additional political significance for the Georgian side. Of course the overall security situation in this part of the country is acute due to the presence of military personnel (under the control of Russian Government and de facto Abkhaz Government) and the fact that disarmament has not happened since the conflicts of the early 1990s. However, it is very hard to argue that the scale of the problem of domestic violence is higher in Abkhazia than it is in other parts of Georgia. What could be argued without hesitance, is that in the given security environment and cultural context should inform the design of awareness raising work and of remedies for the problem.

⁴⁴⁶ Information is limited also about ethnically Georgian and Ossetian women residing in the breakaway region of South Ossetia, Georgia.

⁴⁴⁷ Madlena Kvaratsheliya, Maya Kvaratsheliya, Anjella Torua, Pikria Jakhaya, Larisa Narmania, Maka Basaria, Alla Gergia, Kristina Kameneva, *Understanding Women's Rights over Their Bodies – Domestic Violence and Reproductive Health in Abkhazia*, UNIFEM, 2006. This was the first study that looked at these issues and initiated public discussion on domestic violence in Abkhazia, Georgia. The researchers conducted twelve focus group discussions, twelve interviews with experts and six in-depth interviews concerning domestic violence and reproductive health. In addition, 300 questionnaires were handed out to the visitors of women's consultations, and the answers have supplemented the data received from the focus-group discussions and interviews. Ibid., 5.

⁴⁴⁸ Ibid., 4.

⁴⁴⁹ Ibid., 9.

⁴⁵⁰ Ibid., 10.

According to the 2003 Second and Third Periodic Reports of Georgia on the Implementation of CEDAW, “traditionally, gender-based discrimination and negligence of women’s rights have not been recognised in Georgia, and no effective study [has been carried out] in this direction.”⁴⁵¹ Although it is hard to interpret what the report meant by “effective study,” NGOs working on women’s rights in Georgia started to research the state of women’s rights and produce articles, leaflets, and brochures on domestic violence already in the early 2000s.⁴⁵² The US-based international organisation Minnesota Advocates for Human Rights (presently called Advocates for Human Rights) and a Georgian think-tank NGO, the Institute for Policy Studies, conducted an assessment of the domestic violence and child abuse situation in Georgia in 2006, concluding that much more needed to be done to research and understand the problem. The assessment found a number of small-scale studies addressing domestic violence or larger-scale studies that included domestic violence as only one of their components.⁴⁵³ Moreover, in terms of available data, the assessment showed that “a variety of issues, including a lack of clearly defined terms, inconsistent definitions, inconsistent data gathering practices make it difficult to draw meaningful conclusions about trends.”⁴⁵⁴ I share the concerns of the assessment authors regarding the drawbacks in the existing domestic violence data. However, the existing studies were among the first attempts to collect information about domestic violence, which was critical for making the problem visible. Below, I review some of the most

⁴⁵¹ Government of Georgia, *Second and Third Periodic Reports of Georgia on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women*, November 2003, 6.

⁴⁵² Rusudan Pkhakadze, *dzaladoba ojaxhshi – genderuli damokidebulebebis kvleva* [Violence in the family: the study of gender attitudes], NGO Sakhli, Oxfam GB, (Tbilisi, 2002); Rusudan Pkhakadze, *dzaladoba ojaxhshi da sazogadoebrivi azri* [Violence in the family and the public opinion], NGO Sakhli, Oxfam GB, (Tbilisi, 2004); NGO Sakhli, leaflet - “Self-Help Groups”; The Institute for Women, Law and Development International, *ojaxuri dzaladoba da sakhelmtsipo: akhlandeli statusi da sachiro tsvlilebani* [State responses to domestic violence: current status and needed improvements], (Tbilisi, 2002); V. Metonidze, “qalta mimart dzaladoba: samartlebrivi aspeqtebi,” [Violence against women: legal aspects], *Almanakhi*, (Tbilisi: Georgian Young Economists Association, 2000); Lela Khomeriki, Nino Javakhishvili, *genderi, politika da masmedia* [Gender politics and mass media], (Tbilisi, 2002); Nino Tsikhistavi, et al., *Women/Profiling Situation in Georgia*, ODIHR, CWN, (Tbilisi, 2002); Ia Verulashvili, et al., *eqimis roli ojaxuri Zaladobis problemis gadawyvetashi*, [The role of physician in solving the problem of domestic violence], (Tbilisi 2004); Ia Verulashvili, et al., *ojaxuri szaladobis samedicino aspeqtebi* [Medical aspects of domestic violence], (Tbilisi, 2005).

⁴⁵³ Institute for Policy Studies, Minnesota Advocates for Human Rights, *Domestic Violence and Child Abuse in Georgia: An Assessment of Current Standings of Law and Practice Regarding Domestic Violence and Child Abuse in Georgia, and Recommendations for Future United Nations Country Team Involvement*, UNDP, UNFPA, UNICEF, UNIFEM and UN Resident Coordinator’s Office, December 2006, 7.

⁴⁵⁴ *Ibid.*, 7.

comprehensive research to create an understanding of the scope of domestic violence in independent Georgia (1991-2010). I would like on the one hand to critique certain aspects of the knowledge produced on domestic violence while on the other hand argue that the sharing of the findings of this research has also contributed to the increased visibility of domestic violence in Georgia.

The NGO Women's Advice Centre Sakhli started to research domestic violence in 2001. Their report *dzaladoba ojaxshi – genderuli damokidebulebebis kvleva* (Violence in the family - the study of the gender attitudes) was published 2002; it revealed that 95 per cent of interviewed 400 respondents (51 per cent women and 50 per cent men) identified beating/battering as a manifestation of domestic violence.⁴⁵⁵ Sixty-two per cent of men and 53 per cent of women acknowledged that domestic violence took place in Georgian families.⁴⁵⁶ Moreover, 79 per cent of female and 50 per cent of male respondents believed that to combat domestic violence a special law should be adopted.⁴⁵⁷ Given the fact that the NGO did not have resources to conduct a wide-scale representative survey they limited their sample to 400 respondents. With regard to attitudes toward the problem, another 2006 research project of this NGO is also interesting: *Domestic Violence – Threat to the Health* revealed that 49 per cent of the interviewed Georgian doctors were not comfortable discussing domestic violence with their patients; at the same time, 63 per cent believed that registration of such cases was necessary.⁴⁵⁸ Ninety-five per cent of interviewed doctors did not record information about domestic violence and 58 per cent reported that the lack of available services to refer patients to hindered them from speaking with their patients about domestic violence.⁴⁵⁹ In the brief publication highlighting the findings of this survey the authors put particular emphasis on the fact that domestic violence is not recognised as a problem in need of state regulation. There exists no data about its scope and that the state

⁴⁵⁵ Pkhakadze, *dzaladoba ojaxshi – genderuli damokidebulebebis kvleva*, 6.

⁴⁵⁶ *Ibid.*, 8.

⁴⁵⁷ *Ibid.*, 9.

⁴⁵⁸ Rusudan Pkhakadze, Nana Koshtaria, Marina Mikeladze, Marina Mdivnishvili, *Domestic Violence – Threat to Health*, NGO Sakhli, Oxfam GB (Tbilisi, 2006), 9-10.

⁴⁵⁹ *Ibid.*, 9-10.

policy in relation to domestic violence is not defined.⁴⁶⁰ As Rusudan Pkhakadze, the head of NGO Sakhli explained, they felt an urgent need to start producing data on domestic violence to help their advocacy efforts with the government and the broader public, to convince them that domestic violence indeed was an issue. The findings of the study were often used also with donor agencies to get funding in order to expand NGOs anti-domestic violence work.⁴⁶¹

A 2006 Survey of ABA/CEELI also looked at knowledge and attitudes about domestic violence in Georgia.⁴⁶² Sixty-two per cent of those surveyed believed that they knew what the term domestic violence stood for.⁴⁶³ The majority of respondents considered physical abuse of one family member towards another to be domestic violence.⁴⁶⁴ Seventy-seven per cent of respondents thought that families were hiding domestic violence in Georgia and 81 per cent believed that the primary reason for hiding it was a fear of public opinion (men: 83 per cent and women: 79 per cent).⁴⁶⁵ Unemployment, poverty, and economic problems, followed by alcoholism, infidelity, jealousy, and drug addiction were named as the main causes of domestic violence.⁴⁶⁶ At this point, it is useful to evoke a citation from a 2006 UN Secretary General's report:

⁴⁶⁰ Ibid., 7.

⁴⁶¹ Rusudan Pkhakadze (psychologist, director of NGO Women's Advice Centre Sakhli), interview by author, Tbilisi, Georgia, October 25, 2007. In-depth discussion of the role of NGOs in making domestic violence visible is presented in the subsequent chapter 5. According to Nana Khoshtaria, Psychologist working at the NGO Sakhli, the staff has shared their research findings with other NGOs working on women's rights and gender equality and with the relevant representatives of donor and governmental organisations. Nana Khoshtaria (psychologist, NGO Sakhli), interview by author, Tbilisi, Georgia, July 26, 2007.

⁴⁶² ABA/CEELI, *Domestic Violence Survey: Georgia*, (Tbilisi: USAID, 2006). The first qualitative stage of this research included twenty-nine in-depth interviews with victims identified through the NGOs working on domestic violence issues. The second stage (quantitative) was a survey of 1,200 respondents, who had not been previously identified as victims of domestic violence. Ibid., 5.

⁴⁶³ Twenty-two per cent of the respondents were not aware of the term and 16 per cent found it hard to answer this question. In response to an open-ended question, the respondents most frequently named physical forms of violence as being domestic violence. Verbal abuse was the most common form of non-physical violence. The majority of respondents (63 per cent) considered rude slapping to be domestic violence, oral abuse/swearing was considered domestic violence by 51 per cent, slapping by 31 per cent, murder by 25 per cent, torture by 17 per cent, marital rape by 14 per cent, rape of a family member by 10 per cent, isolation by 10 per cent, control of behaviour by 9 per cent, forceful abortion by 7 per cent. Ibid., 6-7.

⁴⁶⁴ Ibid., 7.

⁴⁶⁵ Ibid., 14.

⁴⁶⁶ Ibid., 20.

“Acts of violence against women cannot be attributed solely to individual psychological factors or socio-economic conditions such as unemployment. Explanations for violence that focus primarily on individual behaviours and personal histories, such as alcohol abuse or a history of exposure to violence, overlook the broader impact of systemic gender inequality and women’s subordination.”⁴⁶⁷

The ABA/CEELI study found that most respondents lacked awareness about the role of gender inequality caused by patriarchy and domination as the root cause of domestic violence. However, in a way this study also reinforced de-gendered approach to the problem by relying on the Georgian Domestic Violence Law’s definitions of what constitutes domestic violence, who could be victims and perpetrators. The authors of the report tried to emphasise that domestic violence violates the human rights of all members of society, women, men, and children, equally.⁴⁶⁸ If approached from the viewpoint of the questions posed by Grewal, this study is a clear example of how a US actor, in this case ABA/CEELI, is stepping in to increase the awareness about domestic violence in Georgia and through this exercise reinforces what Grewal has called the “moral superiority” of US.⁴⁶⁹ Along with all the interesting findings that this study presents, based on who has commissioned and published it and because it focuses on Georgia and at no point mentions that similar problems are wide-spread in the US, it implicitly reinforces the notion of the US as “the ‘land of freedom’ whose representatives can stand in judgment of the practices of other nation-states.”⁴⁷⁰

Nugzar Gabrichidze, Prosecutor General of Georgia from 2001 to 2004,⁴⁷¹ in 2004 published a monograph on violent crimes committed as a result of family conflicts. Gabrichidze compared the total number of violent crimes committed outside the familial domain with those committed within families in the period 1998-2003. He found that every second physical injury,

⁴⁶⁷ United Nations, *In-Depth Study on All Forms of Violence against Women*, 29.

⁴⁶⁸ ABA/CEELI, *Domestic Violence Survey: Georgia*, 4, 13.

⁴⁶⁹ Grewal, “On the New Global Feminism and the Family of Nations,” 511.

⁴⁷⁰ Ibid.

⁴⁷¹ In January 2004 Nugzar Gabrichidze was elected as the member of the Supreme Court of Georgia.

every fifth murder, and every sixth murder attempt occurred as a result of family conflicts.⁴⁷² The research also revealed that every nineteenth rape reported in Georgia from 1998 until 2003 occurred within a family.⁴⁷³ This research looked not only at domestic violence against women but at all kinds of family conflicts. Although the author described women as the main group of victims in the majority of concrete cases of family conflicts,⁴⁷⁴ the study remained gender blind, presenting “material hardships” as the primary cause of escalating violence in the family.⁴⁷⁵ The monograph detailed the diverse measures that the author thought necessary to be taken in Georgia for the prevention of violent crimes committed in the family, but failed to identify measures that would contribute to the achievement of greater gender equality.⁴⁷⁶ This study was used by the MP Ketevan Makharashvili in February 2006 when she presented the *Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims* to the Parliament of Georgia. She underlined the acuteness of domestic violence by referring to the proportion of crimes committed in the family as compared to the number of crimes committed in the country in general.⁴⁷⁷

The NGO Caucasus Women’s Research and Consulting Network completed their multi-component domestic violence research in 2005.⁴⁷⁸ The aim of this research was to understand the dominant forms of domestic violence as well as to explore the scope of the problem.⁴⁷⁹ For this study were interviewed 1,000 women throughout Georgia (except the conflict regions of

⁴⁷² Nugzar Gabrichidze, *saojaxo konfliktis shedegad chadenili dzadobit danashauleba*, [Violent Crimes as a Result of Family Conflicts], Tbilisi: Inteleqti, 2004, 44.

⁴⁷³ Ibid., 55.

⁴⁷⁴ Nugzar Gabrichidze was himself motivated to study family conflicts in the 1980s when as a young investigator he worked on the case of doctor Valeri Kh. who killed his wife with a medical knife in front of their child after wounding her 18 times. Ibid., 9. Nugzar Gabrichidze described another case of domestic violence in which a husband murdered his wife as a result of battering on February 17, 2002. Ibid., 162-163.

⁴⁷⁵ Ibid., 13.

⁴⁷⁶ Ibid., 141-172.

⁴⁷⁷ Speech of MP Ketevan Makharashvili, delivered on the plenary session of the Parliament of Georgia on 17 February 2006. MP Makharashvili advocated for the Domestic Violence Law in the Parliament and in her lobbying strategy preferred not to put special stress on the gender equality dimension of the problem. The details of her speech and advocacy manoeuvres of the Domestic Violence Law are discussed in chapter 5 of dissertation in further detail.

⁴⁷⁸ Nino Tsikhistavi, Nana Berekashvili, eds., *Domestic Violence against Women: Multi-Component Research* (Tbilisi, 2006). This research was carried out with the financial support of the Global Fund for Women in 2005 and was published in English and Georgian with financial support of the UN Country Team in Georgia in 2006.

⁴⁷⁹ Ibid., 8.

Georgia) with experience of married life for longer than one year,⁴⁸⁰ selected through random sampling. The majority of respondents (62 per cent) were in the age-group of 24-45, 41 per cent had higher education and 48 per cent had secondary and special-technical education.⁴⁸¹ The research found that “every fourth or fifth woman (22 per cent) admits that they have experienced physical abuse. And for 5 per cent of women this experience was very frequent.”⁴⁸² Hitting and beating were identified as the most widespread forms of physical violence. However, other forms of physical violence such as pulling hair, torturing with a weapon, tying up, and beating with other objects were also reported.⁴⁸³ Thirteen per cent of women considered the necessity of police intervention after physical abuse but only 2 per cent of them actually appealed to the police.⁴⁸⁴ This is indicative of the low rates of women’s appeal to the law-enforcement for diverse reasons.⁴⁸⁵ Out of 8 per cent of women requiring medical help after battering, only 3 per cent actually appealed to medical service and 1 per cent did so multiple times. The authors explain the hesitation to seek medical services by shame, unwillingness to make the event known to wider public, and fear of husbands.⁴⁸⁶

The study found that almost half of the respondents did not have their own income, which made them dependant on other family members.⁴⁸⁷ The majority of interviewed women (54 per cent) did not work due to childcare obligations and household work (45 per cent) or due to restrictions placed on them by their husbands (7 per cent).⁴⁸⁸ In terms of economic violence,⁴⁸⁹ 9

⁴⁸⁰ Plus 50 women for a pilot study. Ibid., 11. Out of 1000 women, 79 per cent were in their first marriage, 7 per cent were divorced, 2 per cent were remarried after divorce, 9 per cent were widowed. 0.6 per cent were in a new marriage after widowhood, 1 per cent were in unregistered marriages. Ibid., 13.

⁴⁸¹ Ibid.

⁴⁸² Ibid., 41.

⁴⁸³ Ibid.

⁴⁸⁴ Ibid., 42.

⁴⁸⁵ The study found that fear of a husband, shame, and mistrust of police were the primary hindering factors to appeal to police. Among the other reasons, there were named -- desire to preserve family, the fact that husbands did not allow them to contact the police, and that women themselves considered such behaviour inappropriate. Ibid., 42.

⁴⁸⁶ Ibid.

⁴⁸⁷ Ibid., 19.

⁴⁸⁸ Ibid., 17.

⁴⁸⁹ The Domestic Violence Law defines economic violence as “restriction of the right to property, the right to work and the right to enjoy shared property.” *The Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims*, May 2006, Article 4.

per cent of women have been refused money as a means of punishment and 9 per cent have been threatened with being thrown out from their homes by their spouses.⁴⁹⁰

Additionally, 26 per cent of interviewed women mentioned that they have experienced sexual assaults from their husbands, of this, 4 per cent have been forced to have sexual contact frequently and 7 per cent from time to time.⁴⁹¹ The study revealed an alarming picture of attitudes of women themselves: “Almost half of the respondents (46 per cent) stated that a wife should agree on sexual contact if a husband desires so.”⁴⁹² The study also revealed that 64 per cent of women thought that “no matter what, what happens in the family, it should stay within the family,” and only 3 per cent thought that law-enforcement agencies should get involved in regulation of this problem.⁴⁹³ Representatives of NGOs working on women’s rights have referred to the findings of the Caucasus Women’s Research and Consulting Network multiple times on TV and Radio shows and other NGO activities devoted to the issue of domestic violence.⁴⁹⁴ These findings were also brought up during an informal Country Consultation of the UN Special Rapporteur on Violence against Women with the Government of Georgia.⁴⁹⁵ The chosen research methodology, namely the narrowing down of the sample of respondents only to women with experience of married life for longer than one year, contributed to the high number of domestic violence prevalence rate. Very often the findings of this study were used by women’s NGOs with government and media without specifying that the 26 per cent of women who admitted to have experienced physical violence were from the pool of women married for longer than one year. Oftentimes this finding was presented as true for “all women of Georgia,” serving political and advocacy purposes of women’s NGOs.

⁴⁹⁰ Tsikhistavi, Berekashvili, *Domestic Violence against Women*, 21.

⁴⁹¹ *Ibid.*, 49.

⁴⁹² *Ibid.*, 50.

⁴⁹³ *Ibid.*, 53.

⁴⁹⁴ “Talk-show Mtavari Tema,” TV Company Rustavi 2, 2006; “Talk show Naniko’s Show,” TV Company Rustavis 2, 2007; “Radio Green Wave,” talk show by Lela Gaprindashvili, 2006; Presentation of the assessment of women’s *de facto* and *de jure* rights, study *Reality: Women’s Equal Rights and Equal Opportunities in Georgia*, April 2007.

⁴⁹⁵ The Country Consultation took place on May 8, 2007 (I was one of the organisers of and a participant in this event).

The United Nations Population Fund (UNFPA) along with United States Agency for International Development (USAID) and other international organisations conducted countrywide⁴⁹⁶ reproductive health surveys in Georgia in 1999⁴⁹⁷ and 2005.⁴⁹⁸ The findings of these surveys were widely disseminated throughout the country.⁴⁹⁹ Domestic violence was included as one component in both of the surveys, which primarily aimed at studying the prevalence of and attitudes towards physical and sexual abuse.⁵⁰⁰ “Less than 20 per cent of Georgian women in both the 1999 and the 2005 reproductive health surveys reported lifetime verbal abuse, and only 5 per cent and 2 per cent, respectively, reported lifetime physical and sexual violence from current or previous partners.”⁵⁰¹ Interestingly, the surveys revealed that women residing in the capital city were more likely to report that they were subjected to lifetime domestic violence than women residing in other urban or rural areas.⁵⁰² These findings possibly indicate that since the NGO sector was predominantly developed in Tbilisi, women residing in the capital received more information about the problem and were more likely to report violence than women from other urban and from rural settings. In this research, different trends were followed while comparing the answers of previously married women to currently married women; “previously married women experienced levels of [...] physical abuse [that were] 12 times as high, and sexual abuse 9 times as high, suggesting that greater exposure to domestic violence abuse may have contributed to their decision to separate from their partners.”⁵⁰³

⁴⁹⁶ Excluding the conflict zones of Abkhazia and South Ossetia.

⁴⁹⁷ The 1999 Reproductive Health Survey was the first population-based national survey of this type ever conducted in Georgia. A sample of 7,798 women aged 15-44 years were interviewed, including an over sample of 1,655 internally displaced women living in government facilities. Florina Serbanescu, Paata Imnadze, Nick Nutsubidze, Danielle B. Jackson, Leo Morris, eds., *Reproductive Health Survey, Georgia, 2005: Preliminary Report* (DRH/CDC, UNFPA, USAID, 2005), 2.

⁴⁹⁸ Similar to the previous survey the 2005 Survey was based on face-to-face interviews with 6,000 women between the ages of 15 and 44 years, regardless of their marital status. *Ibid.*, 5.

⁴⁹⁹ According to Lela Bakradze, UNFPA National Programme Officer, there were organised large, multi-stakeholder conferences for the dissemination of preliminary as well as final findings of the both 1999 and 2005 Reproductive Health Surveys: two Conferences in 2000-2001 and two in 2005-2006. The electronic versions of the Surveys have been displayed on the web pages of the National Centre for Disease Control (in Georgia) and the US Centre for Disease Control and Prevention. Lela Bakradze, (UNFPA national program officer), interview by author, Tbilisi, Georgia, July 24, 2007.

⁵⁰⁰ Serbanescu, et al., *Reproductive Health Survey, Georgia, 2005: Preliminary Report*, 343.

⁵⁰¹ *Ibid.*, 104.

⁵⁰² *Ibid.*

⁵⁰³ *Ibid.*, 346.

Another possible implication is that women who were still married were much more reluctant to speak about the problem than women who were no longer in abusive relationships.

The findings of 1999 and 2005 surveys were similar with regard to the prevalence of lifetime and current physical abuse. This is striking because the NGO sector working on domestic violence significantly developed during the period of 1999-2005,⁵⁰⁴ and one assumes that public awareness about the problem should have at least slightly increased by 2005. The great majority of physically abused women (from 50 per cent to 70 per cent) talked to a family member or a friend about their abuse, not more than 5 per cent appealed to the police, 4 per cent sought medical help, and only 3 per cent received legal counselling.⁵⁰⁵ The 2005 reproductive health survey revealed that women residing in rural areas, women aged 35 years or older, women with incomplete secondary education, and impoverished women were the least likely to seek legal and medical help.⁵⁰⁶ Thirty-eight per cent of physically abused women did not believe that law-enforcement agencies or health providers could be of help and 32 per cent of women refrained from seeking help because of the embarrassment associated with disclosing the abuse.⁵⁰⁷ The 2005 survey revealed that 28 per cent of women who were married or had been married thought that beating is justified if a wife had been unfaithful, and 13 per cent stated that beating was justified if a wife had neglected the children.⁵⁰⁸ In a companion *Male Reproductive Health Survey*, 6 per cent of interviewed men admitted having used physical violence against their spouses.⁵⁰⁹ The same survey found out that 89 per cent of men thought that there is no

⁵⁰⁴ Please see the details about the NGO sector forming ground for this claim in the following chapter.

⁵⁰⁵ Ibid., 346.

⁵⁰⁶ Ibid.

⁵⁰⁷ Other reasons for not seeking help from law-enforcement or healthcare sectors were concerns that reporting violence would bring the family a bad reputation (10 per cent), an assertion that the physical abuse was not severe (7 per cent), a fear of more beating (5 per cent), and a fear of marriage dissolution (3 per cent). Ibid., 347. The findings of the 1999 survey were similar -- all of the interviewed women who had ever been married who had been abused physically during the past 12 months, did not seek medical and legal support because they were embarrassed (32 per cent), they thought that such behaviour would not do any good (29 per cent), would bring bad name to the family (10 per cent), were afraid of divorce / loosing of children (2 per cent), thought that violence is normal (5 per cent), did not have an answer (5 per cent), and were afraid of more beating 2 per cent. Florina Serbanescu, Leo Morris, Nick Nutsubidze, Paata Imnadze, Marina Shakhazarova, *Women's Reproductive Health Survey, Georgia, 1999-2000*, 297.

⁵⁰⁸ Serbanescu, et al., *Reproductive Health Survey, Georgia, 2005*, 347.

⁵⁰⁹ Archil Khomasuridze, Jenaro Kristesashvili, Giorgi Tsuladze, *Male Reproductive Health Survey*, (Tbilisi: UNFPA, 2005), 40.

excuse for a woman to use force against her husband, while only 54 per cent thought that a man must not abuse his wife.⁵¹⁰ Additionally, 38 per cent of males said that using physical force against a wife was justified if she was unfaithful to her husband.⁵¹¹

Such reproductive health surveys were also conducted in other countries of Eastern Europe and former Soviet Union;⁵¹² because the methodology and indicators were similar, they allowed for regional comparison. The data about Georgia are interesting as the reported rates of violence were the lowest; both the 1999 and 2005 surveys showed that reported lifetime experience with spousal abuse was 5 per cent in Georgia.⁵¹³ “Current physical abuse was around 8 per cent for the majority of countries of Eastern Europe, excepting Georgia [2 per cent].”⁵¹⁴ According to the 1999 survey, Georgian women reported a lower level of spousal abuse than the other countries presumably because of “differences in reporting, cultural definitions and perceptions, or a particularly strong role of the extended family and friends in the life of Georgian women.”⁵¹⁵ In 2006, Amnesty International released a report on domestic violence in Georgia, stressing that “regardless of how Georgia compares to other countries, domestic violence affects tens of thousands of women across Georgia.”⁵¹⁶ Moreover, according to the Amnesty International report, NGOs working on domestic violence “pointed out that especially in extended families who share one household other members of the family often incite the husband to ‘punish’ his wife for her ‘inappropriate behaviour.’”⁵¹⁷ In this light, the suggestion of the 1999 *Reproductive Health Survey* that the “strong role of extended family” can play a role in the prevention of domestic violence is problematic.⁵¹⁸

⁵¹⁰ Ibid.

⁵¹¹ Ibid.

⁵¹² Namely in Azerbaijan, Moldova, Romania, Ukraine and three primary urban areas in Russia.

⁵¹³ Serbanescu, et al., *Reproductive Health Survey, Georgia, 2005: Preliminary Report*, 104. Florina Serbanescu, et al., *Women’s Reproductive Health Survey, Georgia, 1999-2000*, NCDC, CMSI, SDS, MOH&SA, UN Agencies, U.S Department of Health and Human Services, October 2001, 289.

⁵¹⁴ Serbanescu, et al., *Reproductive Health Survey, Georgia, 2005*, 344-345.

⁵¹⁵ Serbanescu, et al., *Women’s Reproductive Health Survey, Georgia, 1999-2000*, 289.

⁵¹⁶ Amnesty International, *Georgia: Thousands Suffering in Silence*, 5.

⁵¹⁷ Ibid., 5.

⁵¹⁸ Serbanescu, et al., *Women’s Reproductive Health Survey, Georgia, 1999-2000*, 289.

Amnesty International documented concrete cases of domestic violence, underlining that “violence is not confined to women from one particular section of society, region or age group. [And] many but not all cases of domestic violence that have been reported to Amnesty International were accompanied by alcoholism or drug use by abusers.”⁵¹⁹ The Amnesty report acknowledged the critical role played by the NGOs in the prevention of domestic violence through raising public awareness, protecting victims through the provision of shelters, and psychological and legal counselling.⁵²⁰ The report emphasised that the adoption of the *Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims* in 2006 was an important step towards solution of the problem, especially because this law addresses the widespread impunity of perpetrators of domestic violence.⁵²¹ Amnesty International also found that often police officers themselves thought that domestic violence was a “family matter” and should stay within familial boundaries; and that in many cases the police held women accountable, thinking of them as “provocateurs” of domestic violence and advising them to better “comply” with the demands of their partners and thus avoid violence.⁵²² The Amnesty International Report provided concrete recommendations that could improve the implementation of the law, the collection and analysis of data on domestic violence, and the creation of cross-agency coordination and referral mechanisms.⁵²³

The CEDAW Committee also complimented the Georgian government with the adoption of the above-mentioned anti-domestic violence. However, the Committee underscored its concern that implementation of some elements of the law, especially those related to provision of shelter and rehabilitation centres to the victims, had been postponed.⁵²⁴ The Committee was

⁵¹⁹ Amnesty International, *Georgia: Thousands suffering in Silence*, 5.

⁵²⁰ Ibid., 2, 6.

⁵²¹ Ibid., 1.

⁵²² Ibid., 7.

⁵²³ Ibid., 12-14.

⁵²⁴ United Nations, Committee on the Elimination of Discrimination against Women, Thirty-sixth session, 7-25 August 2006, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Georgia*, August 25, 2006, CEDAW/C/GEO/CO/3, 4.

further concerned that marital rape has not been given proper consideration in the new law,⁵²⁵ thus remaining one of the most hidden forms of domestic violence. In its recommendations, the Committee urged the Georgian government to address the lack of information and statistics on domestic violence, to strengthen measures for spreading awareness about the Domestic Violence Law among public officials and society.⁵²⁶

In the course of interviews and research for my dissertation, I have noticed an interesting trend: the majority of respondents and some authors believed that domestic violence increased after the country gained independence.⁵²⁷ According to Nugzar Gabrichidze, “material hardships, [...] losing of prospects of life severely affected family [...]. Family members have become more aggressive towards each other.”⁵²⁸ NGO Sakhli in their 2003 study *Gender Aspects of Family Conflicts* also found that the majority of respondents believed that economic hardships were the main causes of domestic violence.⁵²⁹ MP Ketevan Makharashvili also believes that “in Georgia’s tradition and culture such violence was rare. However, harsh socio-economic conditions caused the increase in the number of domestic violence cases.”⁵³⁰ Along with Ketevan Makharashvili, the majority of my respondents also explain the alleged increase in the level of domestic violence with severe social and economic conditions brought about by the transitional period:

“Maybe this problem existed also in the past, but I have the impression that there occurred certain changes in societal relations in the last period that made violence

⁵²⁵ Ibid., 4-5.

⁵²⁶ Law-enforcement personnel, judiciary, health-care providers and social workers, *ibid.*, 4.

⁵²⁷ Amnesty International also found out that “[e]conomic hardship is seen by many NGOs as an aspect contributing to domestic violence in Georgia.” *Georgia: Thousands Suffering in Silence*, 6. According to the 2002 research of NGO Sakhli the majority of the 400 respondents thought that the primary causes provoking male violence are economic hardships, poverty (45 per cent), and unemployment (45.3 per cent). Pkhakadze, *dzaladoba ojaxshi – genderuli damokidebulebebis kvleva*, 11-12.

⁵²⁸ Gabrichidze, *saojaxo konfliktis shedegad chadenili dzadobit danashauleba*, 13.

⁵²⁹ Pkhakadze, *ojakhuri konfliktis genderuli aspeqtebi*, 12, 14.

⁵³⁰ Quote from the response of MP Ketevan Makharashvili at a plenary hearing of the draft the *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, February 17, 2006.

more widespread and made thinking towards regulation of domestic violence possible.”⁵³¹

“The societal values have changed, relationships have become colder and colder. This capitalism has altered us so much that if one falls down on the street no one will inquire what is wrong with him/her. We have become colder and maybe that is why domestic violence found ground to flourish.”⁵³²

Of course, harsh socio-economic conditions can be viewed as one aggravating factor for family conflicts. However, apart from the respondents’ assumptions, due to the unavailability of comparable data on domestic violence during the Soviet period, it is hard to find evidence proving that the scale of the problem significantly increased or decreased with independence.

The most recent and comprehensive study on domestic violence has been conducted by UNFPA - the National Research on Domestic Violence against Women in 2009, which was the first nationwide survey on the subject with a sample that provided information for the whole of Georgia.⁵³³ The team of researchers used a mixed quantitative and qualitative methodology, which included interviewing 2,385 women of the ages of 15-49 (within quantitative component) and 14 focus groups, 34 in-depth interviews and 2 participant observations.⁵³⁴ According to the findings of the survey, 7 per cent of women acknowledged experiencing physical violence, out of them 3 per cent experienced moderate and 4 per cent severe physical violence. Four per cent of women reported having experienced sexual violence,⁵³⁵ and 2 per cent of women said that

⁵³¹ Irakli Burduli (advisor to the Chairman of Supreme Court of Georgia), interview by author, Tbilisi, Georgia, January 31, 2006.

⁵³² Gocha Mamulashvili (deputy dean of Juridical Faculty at Tbilisi State University), interview by author, Tbilisi, Georgia, February 8, 2006.

⁵³³ UNFPA / CSS / ACT, Marine Chitashvili, Nino Javakhishvili, Luiza Arutiunov, Lia Tsuladze, Sophio Chachanidze, *National Research on Domestic Violence in Georgia* (Tbilisi, 2010), 9.

⁵³⁴ *Ibid.*, 10.

⁵³⁵ *Ibid.*, 11, 33.

they had experienced both sexual and physical forms of domestic violence.⁵³⁶ Among the interviewed women who had ever been married, every eleventh has faced physical violence and 35 per cent of them had been severely injured several times.⁵³⁷ Three per cent of the women who had ever been pregnant admitted experiencing physical violence during pregnancy.⁵³⁸ The survey also found that experiences of physical violence were not linked significantly with respondents' place of residence, education level, marital status, and income.⁵³⁹

According to the survey, 14 per cent of women reported having experienced emotional violence (threatening, insult, humiliation).⁵⁴⁰ With regard to "economic violence," 5 per cent of the interviewed women reported that their husbands/male partners had taken their earnings against their will.⁵⁴¹ The survey also showed that 34 per cent of women thought that husbands have the right to beat their wives in certain cases.⁵⁴² Another finding was that 78 per cent of women thought that family problems should only be discussed within the family.⁵⁴³ In its 2006 Concluding Comments to the Government of Georgia, CEDAW Committee expressed its concern regarding the prevalence of domestic violence cases and the fact that "such violence may still be considered a private matter."⁵⁴⁴

The reviewed studies had limitations or biases related to methodologies used and analytical tools applied. As a general trend they did not engage either with similar studies conducted elsewhere or with existing scholarship about the issues explored. As indicated above, in some studies there were also shortfalls in the analytical parts in terms of interpretation of data.

⁵³⁶ Ibid., 35.

⁵³⁷ Ibid., 12, 33. The largest number among these women belonged to the 45-49 age group. The most frequently named forms of injuries were scratches, abrasion, bruises (84 per cent) and injuries internal organs (29 per cent). 19 per cent of women reported brain concussions, 15 per cent needed medical assistance at least once due to violence suffered from their husbands/male partners and among them 18 per cent received medical assistance, while others did not for various reasons. Ibid., 33.

⁵³⁸ Ibid., 48.

⁵³⁹ Ibid., 11, 33.

⁵⁴⁰ Ibid., 35.

⁵⁴¹ Ibid., 36.

⁵⁴² Ibid., 38.

⁵⁴³ Ibid., 12, 15, 37. Out of the 78 per cent of women who think that family problems should only be discussed within a family, 48 per cent are rural, 30 per cent are urban and 22 per cent are from the capital Tbilisi. Ibid., 37.

⁵⁴⁴ *Concluding Comments of the Committee on the Elimination of Discrimination against Women: Georgia*, CEDAW/C/GEO/CO/3, 4.

Despite these challenges, these studies have greatly contributed to creating knowledge and an evidence base about the scope, scale, and public attitudes towards domestic violence. It should be also underlined that these studies served multiple purposes. On the one hand they provided evidence that domestic violence existed in Georgia, contributing to the problem's increased visibility and broader-scale awareness-raising. On the other hand, the findings of the studies' were presented to selected representatives of civil society, government, and international organisations, including donor organisation for awareness raising, advocacy, and fundraising purposes. Thus, beyond mere research of existing domestic violence situation, local NGOs and international organisations behind these studies had a clear political agenda of mobilising political and material support for their struggle against domestic violence.

Generally speaking, international and national contexts were much more favourable for such studies to take place since Georgia gained independence than during the Soviet period. On the local level, a number of factors that restricted the visibility of domestic violence during the Soviet period have been diminished or overcome with independence. In particular, the need to deny and hide one's problems due to the process of defining oneself in relation to Russia, the country that many Georgians viewed as political and cultural occupant, has decreased.⁵⁴⁵ Although the myth regarding the achievement of gender equality and liberation of women outlived the Soviet Union, the nationalistic governments of independent Georgia made no claims to this story of liberation. Therefore, not much was done to uphold the flawless image of women's liberation propagated during the Soviet period. The fierce battle for survival brought on by the transition period has made the hiding of problems in general a luxury that one could no

⁵⁴⁵ "Russia was the first to install the communist system; the spread of communism in other republics of the former Soviet Union, and later in Eastern and Southern Europe, came as a result of the Russian-Soviet conquest. Communism was regarded as not only a politically, but also (if not in a predominant way) a nationally hostile force, as a part of foreign occupation. Accordingly, overcoming it meant overcoming the occupation." Ghia Nodia, "Rethinking Nationalism and Democracy in the Light of Post-Communist Experience," in *National Identity as an Issue of Knowledge and morality, Cultural Heritage and Contemporary Change*, eds. N.V. Chavchavadze, G. Nodia, P. Peachey, series IVA, Eastern and Central Europe, vol. 7, accessed March 5, 2011, <http://www.crvp.org/book/Series04/IVA-7/contents.htm>.

longer afford. In addition, Georgia's joining of CEDAW in 1994, the development of the civil sector encouraged women, to become more outspoken about instances of domestic violence.

Gender Equality de Facto and de Jure in Georgia (1991-2010)

“Violence against women is both a means by which women's subordination is perpetuated and a consequence of their subordination.”⁵⁴⁶ Domestic violence is one of the most severe crimes that results from and at the same time reinforces gender inequality. Therefore, any discussion of domestic violence and the policy responses to it cannot be comprehensive without looking at the broader gender equality situation in the country, as the gender equality situation and the scale of domestic violence are inter-linked. Here I will examine the situation with regard to *de jure* as well as *de facto* gender equality, inquiring how Georgia's transformation process to democracy has affected the position and conditions of women in Georgia.

Gender equality (*genderuli tanastoroba*) has been first defined by the *Georgian State Concept on Gender Equality* in Georgia in 2006 as “an integral part of human rights [referring] to an equal presentation, rights, responsibility and participation of women and men in all spheres of private and public life.”⁵⁴⁷ The 2010 *Law of Georgia on Gender Equality* defined it as “a part of human rights referring to equal rights and obligations, responsibilities and equal participation of men and women in all spheres of personal and public life.”⁵⁴⁸ This latter definition overrode the former one due to the legal superiority of the *Gender Equality Law* over the State Concept. Prior to 2006, there did not exist one agreed-on definition of what constituted gender equality in the Georgian language, therefore, it is very hard to establish what has been the agreed understanding (if at all) of this term as it is used in policy papers and discussions. In addition, the

⁵⁴⁶ United Nations, *In-Depth Study on All Forms of Violence against Women*, 29.

⁵⁴⁷ Parliament of Georgia, *The State Concept on the Gender Equality*, 2006, 2. Definition of Terms, accessed March 5, 2011, <http://www.parliament.ge/files/gender/Conc.pdf>.

⁵⁴⁸ Giorgi Gogiberidze, *2010 ts'lis 26 martis saqartvelos kanoni genderuli tanasworobis shesakheb: gzamkvlevi* [March 26, 2010 Law of Georgia on Gender Equality: Guide] UNDP, UNIFEM, (Tbilisi, 2011), Article 3. Definitions, 48.

term *genderuli tanastoroba* has been used interchangeably with “gender equity” in Georgia as there exists no applied translation of the latter. According to the Institute for Development Studies of the University of Sussex, there are principle differences between the two terms: gender equality stands for women having the same opportunities as men, including the ability to be active in public life. While gender equity (sometimes called substantive gender equality) stands for equivalence in life outcomes for women and men, recognising their different needs and interests, and requiring a redistribution of power and resources.⁵⁴⁹ Although I am aware of the debates around the construction of gender as well as the complexities around what constitutes gender equality or inequality,⁵⁵⁰ in the text below, my usage of the term “gender equality” reflects the usage of the term by the absolute majority of NGO and government actors.

In order to understand the links between the gender equality situation in Georgia and the process of this country’s democratisation, I accept a broader definition of democracy -- one which sees its significance beyond the narrowly constructed institutional arrangements of a political system. I share the view of the US political scientist Georgina Waylen who argues: “a narrow focus on democratisation is insufficient for understanding its interaction with gender relations, as institutional democratisation does not necessarily entail any wider changes.”⁵⁵¹ This argument is true in Georgia’s case -- from an orthodox point of view of democratisation, progress is obvious and in Georgia’s political system “its most powerful collective decision-makers are selected through periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote.”⁵⁵² However, how has this democratisation process affected the position of women in Georgia, and has it brought about

⁵⁴⁹ Hazel Reeves, Sally Baden, *Gender and Development: Concepts and Definitions* (Institute for Development Studies, Bridge: Development-Gender, Report No55, February 2000), 10, accessed December 5, 2011, <http://www.bridge.ids.ac.uk/reports/re55.pdf>.

⁵⁵⁰ For a thorough analysis of feminist scholarship and politics in relation to gender as well as of intersections of gender with race, ethnicity, class, sexuality, and nation see Judith Lorber, *Gender Inequality: Feminist Theories and Politics*, Fourth Edition (Oxford: Oxford University Press, 2009).

⁵⁵¹ Georgina Waylen, “Women and Democratization: Conceptualizing Gender Relation in Transition Politics,” in *World Politics* 46, no.3 (April 1994):327.

⁵⁵² Samuel P. Huntington, “Will More Countries Become Democratic?” in *Political Science Quarterly* 99, no.2 (Summer 1984): 195.

either improved women's representation in positions of power or their increased access to economic resources?

In Georgia's case, the growth of a strong national opposition movement accompanied the breakup of the Soviet Union. This factor is considered by many scholars to be one of the most significant preconditions for the beginning of the transition towards democracy rather than towards authoritarian rule in the post-Soviet Georgia.⁵⁵³ Women actively participated in the national movement in Georgia. "Women demonstrated incredible political activism in this period. In the tragedy of 9 April 1989 more women died than men, [...] because there were a great number of women among the protesters - as many as men, if not more. Women [...] got an unprecedented chance to engage in political activism and they took advantage of it."⁵⁵⁴ Although the absolute majority of leaders of the national movement were men, women's participation in peaceful street demonstrations and protests demanding Georgia's independence from the Soviet Union in 1989-1991 is noteworthy, and women and men were united by the idea of freedom and demanded independence for the country. At no stage of the national movement was special attention placed on women-specific issues. This is not surprising. As Kristen Ghodsee observed, "communism taught women not to distinguish their needs from the needs of men but to struggle together in their class interests."⁵⁵⁵ However, in this case, nationalist sentiments, not class interests, united both men and women to struggle precisely against communism and the Soviet regime.⁵⁵⁶

Internal conflicts and the civil war of the early 1990s were followed by an economic crisis in Georgia, caused by the demolition of the previous system and accompanied by high

⁵⁵³ See Steven M. Eke and Taras Kuzio, "Sultanism in Eastern Europe: The Socio-Political Roots of Authoritarian Populism in Belarus," *Europe-Asia Studies*, 52/3, (2000): 523-47. See also Kathleen J. Mihailisko, "Belarus: Retreat to Authoritarianism," in *Democratic Changes and Authoritarian Reaction in Russia, Ukraine, Belarus and Moldova*, eds. Karen Dawisha and Bruce Parrott (Cambridge University Press: Cambridge, 1997), 223-281.

⁵⁵⁴ Nana Sumbadze (researcher, NGO Institute for Policy Studies), interview by author, Tbilisi, Georgia, January 15, 2007.

⁵⁵⁵ Ghodsee, "Feminism-by-Design," 733.

⁵⁵⁶ Despite the fact that gender equality priorities and concerns also have the potential to cut across class-related interests, they have not been taken up either at the national awakening stage or afterwards by men and women jointly.

rates of inflation and unemployment. Because of extremely low salaries, which were far below a minimum living wage and not sufficient even to cover transportation costs to the workplace, throughout the 1990s many workers, especially women, were forced to quit their jobs.⁵⁵⁷ According to Georgian economist Charita Jashi, women were dismissed en masse and gradually shifted from their professional occupations to the informal labour market, where they faced abysmal working conditions and remuneration rates.⁵⁵⁸ Employment in the informal labour market has on the one hand contributed to the degeneration of their qualifications and on the other hand exposed them to violence that is intrinsic to low-paid, labour intensive informal sector occupations.⁵⁵⁹ A 2000 study about internally displaced women revealed that:

“In larger cities such as Tbilisi, [women] have become the backbone for much of the unofficial or grey-market trade that has flourished in recent years. They sell products in crowded bazaars, on street corners, in subway stations, peddling everything from sunflower seeds to imported electronics. Some women have opened street kiosks selling basic foodstuffs, cigarettes, and alcohol, to name a few of the items offered. The vast majority of the trading remains unofficial.”⁵⁶⁰

In many impoverished families, women have taken on the role of breadwinners by not refusing low-paid jobs.⁵⁶¹ This has given them a certain degree of empowerment through economic independence, but has not altered the traditional gender division of labour. Women have remained primary caregivers, responsible for household work and feeding and caring for their children.⁵⁶² The majority of women who remained employed in the formal sector worked in

⁵⁵⁷ Charita Jashi, *Gender Economic Issue: the Georgian Case*, UNDP/SIDA (Tbilisi, 2005), 80.

⁵⁵⁸ Ibid., 82.

⁵⁵⁹ Ibid., 93-94.

⁵⁶⁰ Buck et al., *Aftermath: Effects Of Conflict on Internally Displaced Women in Georgia*, 7.

⁵⁶¹ Ibid., 7-9.

⁵⁶² Ibid., 9.

the low-paying fields of agriculture, education, healthcare, and light industry.⁵⁶³ The vertical and horizontal gender segregation of the labour market was obvious from the high concentration of women in lower positions in the less profitable sectors of economy. As a result, according to the State Department of Statistics, in 2005 the average nominal monthly salary of women in all sectors of the economy was 49 per cent of that of men.⁵⁶⁴ In addition, many fields predominantly employing women underwent privatisation, which led to many women being made redundant or having their pay cut.⁵⁶⁵ Unfortunately, no research exists on the impact of privatisation processes in the education and healthcare sectors on women, but as the respondents of the focus groups conducted by Georgian women's rights activists Lia Sanikidze revealed, the privatisation process of healthcare and educational institutions in many instances has not been transparent and has been damaging to the interests of employees.⁵⁶⁶ According to the State Department of Statistics data on employees⁵⁶⁷ by kind of economic activity, in 2005 women comprised 78 per cent of all employees in the education sector.⁵⁶⁸ Additionally, 5 per cent of employed women and only 1 per cent of employed men worked in the field of healthcare and social services (i.e., women accounted for 82 per cent of all employees in the fields of healthcare and social services).⁵⁶⁹

⁵⁶³ According to 1989 data, women comprised 50 per cent of those employed in agriculture, 77 per cent in healthcare and 70 per cent in light industry. Gender Development Association, *Status of Women in Georgia* (Tbilisi, 1999), 7. According to 2007 data, women comprised 51 per cent of all the employees in agriculture, 83 per cent in education, 85 per cent in healthcare and 48 per cent of all the employees of the trade sector. Ministry of Economic Development of Georgia, State Department of Statistics, *Women and Men in Georgia: Statistical Booklet* (Tbilisi: 2008), 41.

⁵⁶⁴ Ministry of Economic Development of Georgia, Department of Statistics, *Woman and Man in Georgia, Statistical Abstract* (Tbilisi, 2006), 54. According to the State Department of Statistics, in 2004 the average monthly nominal salary of women was 60 per cent of that of men. Ministry of Economic Development of Georgia, Department of Statistics, *Woman and Man in Georgia, Statistical Publication* (Tbilisi, 2005), 58.

⁵⁶⁵ Charita Jashi, *Gender Economic Issue: the Georgian Case*, 90-91.

⁵⁶⁶ Sanikidze, et al., *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, 13.

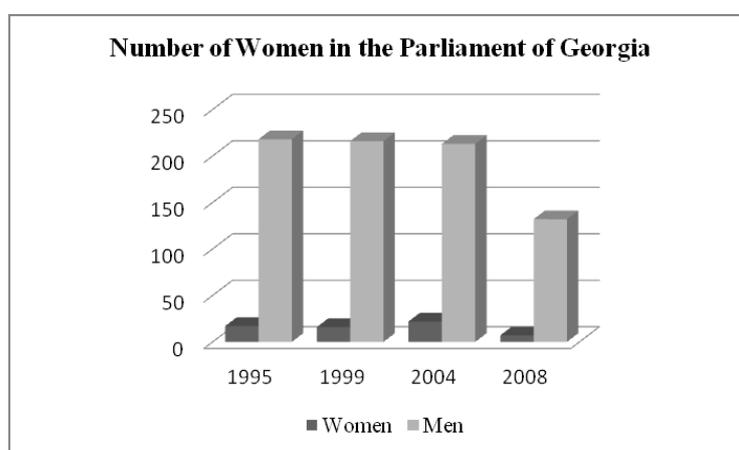
⁵⁶⁷ According to official statistics, in 2005 there were 1,699,000 women and 1,461,000 men aged 15+ in Georgia. Out of them, 56 per cent (951,440) of women and 74 per cent (1,081,140) of men were economically active. 49 per cent (466,206) of economically active women and 63 per cent (681,118) of economically active men were employed; respectively 7 per cent (66,601) of economically active women and 11 per cent (118,925) of men were unemployed. 44 per cent (747,560) of economically inactive women and 26 per cent (379,860) of economically inactive men were split into the following categories: students (women 9 per cent (67,280), men 10 per cent (37,986)), housewives (women 15 per cent (112,134), men 0 per cent), pensioners (women 13 per cent (97,183), men 7 per cent (26,590)), other (women 6 per cent (44,854), men 7 per cent (26,590)). Ministry of Economic Development of Georgia, Department of Statistics, *Woman and Man in Georgia*, 2005, 37.

⁵⁶⁸ Ibid., 49.

⁵⁶⁹ Ibid., 47.

The lack of employment opportunities in the public as well as private sectors led many women and men to seek self-employment.⁵⁷⁰ In 2004, the self-employed accounted for 67 per cent of all employed individuals and the percentage of self-employed men was twice that of women.⁵⁷¹ The majority of the self-employed performed heavy physical labour (85 per cent of self-employed women and 74 per cent of men worked in agriculture and 10 per cent of women and 12 per cent of men were involved in trade).⁵⁷² Self-employed women in the trade sector earned a monthly average of 68 per cent of men's equivalent earnings.⁵⁷³ Thus, it can be concluded that since 1991, the economic situation of the citizens of Georgia in general and that of women in particular has deteriorated.

What about political rights? Has independence brought increased political empowerment to citizens and especially to women? My analysis of the election law and election results suggests that it has been extremely hard for women to be elected to Parliament, the supreme legislative body of Georgia.⁵⁷⁴



Source: Ministry of Economic Development of Georgia, *Women and Men in Georgia: Statistical Booklet* Tbilisi: 2008, 55.

⁵⁷⁰ See Sanikidze, et al., *Reality: Women's Equal Rights and Equal Opportunities in Georgia*. Also see Charita Jashi, *Gender Economic Issue: the Georgian Case*.

⁵⁷¹ Among self-employed entrepreneurs, women made up 14 per cent and men made up 86 per cent. See Ministry of Economic Development of Georgia, State Department of Statistics, *Woman and Man in Georgia, Statistical Publication*, 2005, 54.

⁵⁷² Ibid., 54-55.

⁵⁷³ Ibid., 59-60.

⁵⁷⁴ The parliament elected in 1995 during Shevardnadze's presidency adopted a new constitution on August 24 of the same year. As long as the internal conflicts that took place in Georgia in the early 1990s remain unresolved, the bicameral Parliament, provided by the Constitution and consisting of the Supreme Council and the Senate, will not be fully formed. The elected membership of the Senate requires territorial integrity of the country, which is pending until the final resolution of Abkhazia and South Ossetia internal conflicts.

Starting from 1995 until the parliamentary elections of 2004, 150 MPs were elected through party lists on the basis of proportional representation, while 85 MPs were elected in 85 single-mandate electoral districts on the basis of two-round plurality-majority elections.⁵⁷⁵ Thus, the Georgian electoral system during this period fell into the category of intermediate systems using a mixed proportional representation-majority electoral formula.⁵⁷⁶ The dominating masculine political culture, along with single-mandate election districts, provided male majoritarian candidates with better chances of being elected in the 1995, 1999, and 2004 elections. Thus, being included in the party lists, especially closer to the top, among the first 10-20 candidates, was the only means by which women could have been elected to parliament. Accordingly, women's participation in politics depended on internal party regulations and decisions that rarely provided opportunities for women.⁵⁷⁷ The fact that at present women account for 6.5 per cent of MPs is indicative of these legislative and internal party barriers (in the parliaments elected in 1995, 1999, and 2003 women comprised respectively 7 per cent, 6 per cent, and 9 per cent of total MPs).⁵⁷⁸ Presidential Decree 511 of August 28, 1999 called the Parliament of Georgia "to consider temporary special measures for improving women's representation in decision-making processes including quotas in the area of political participation"⁵⁷⁹ Unfortunately, this call did not translate into actions; the Parliament of Georgia did not introduce any temporary special measures to improve women's political participation.

According to 2005 data, women chaired only two of 13 parliamentary committees; among the 26 deputy chairpersons of the committees there were only five women (i.e. women occupied roughly 18 per cent of high-ranking and middle-ranking positions in the parliament of

⁵⁷⁵ According to Article 49 of the Constitution of Georgia, which was amended on March 12, 2008, members of the Parliament are elected for four years and their total number is 150. Out of this 150, 75 MPs are elected through party lists on the basis of proportional representation, while 75 MPs are elected on the basis of plurality-majority elections. Government of Georgia, *saqartvelos konstitucia*, [Constitution of Georgia] (August 24, 1995), article 49, accessed March 14, 2011, <http://www.cec.gov.ge/files/1LEVANI/KONSTITUCIA/konstitucia.pdf>.

⁵⁷⁶ See Arend Lijphart, *Electoral Systems and Party Systems* (Oxford: Oxford University Press, 1994).

⁵⁷⁷ Tamar Sabedashvili, *Women in the Decade of Transition* (Tbilisi: Lega, 2002), 23.

⁵⁷⁸ Ministry of Economic Development of Georgia, *Women and Men in Georgia*, 2008, 55.

⁵⁷⁹ President Shevardnadze, decree 511, *About the Measures on Strengthening the Protection of Human Rights of Women in Georgia*, August 28, 1999, Sabedashvili, *Women in the Decade of Transition*, 76.

Georgia).⁵⁸⁰ This situation did not improve with the parliament elected in 2008 -- as of March 2011, out of 15 parliamentary committees women chaired only 1 and out of 38 deputy chairs there were only five women.⁵⁸¹ However, during the period of 2004-2008 a female MP, Nino Burjanadze, was the Speaker of the Parliament; she along with the UNDP Regional Programme “Gender and Politics in the South Caucasus,” encouraged the establishment of a Gender Equality Advisory Council under the Speaker of the Parliament of Georgia in 2004.⁵⁸² The adoption of a number of legal and policy instruments in favour of the achievement of greater gender equality and women’s rights protection, including the Domestic Violence Law, followed the establishment of the Council.⁵⁸³ The Council indeed mobilised a number of MPs in support of gender equality issues, as explored in further detail below.

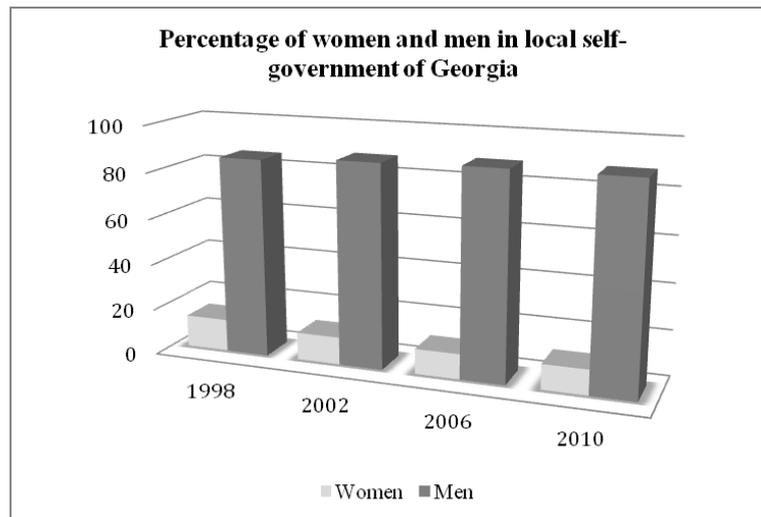
Despite some progress made through legislative initiatives, the number of women in local self-governance bodies has decreased from elections to elections. From 14 per cent after the local elections of 1998, the percentage of women dropped to 12 per cent in 2002. As a result of the October 5, 2006 elections, only 195 out of 1,750 elected individuals, i.e. 11 per cent, were women. These data did not improve either in the 2010 local elections, as a result of which only 11 per cent of women were elected to local government.

⁵⁸⁰ The Ministry of Economic Development, State Department of Statistics, *Woman and Man in Georgia*, 2005, 63.

⁵⁸¹ “Parliament of Georgia,” Parliament of Georgia Website, accessed March 12, 2011, http://www.parliament.ge/index.php?lang_id=ENG&sec_id=7.

⁵⁸² Natia Cherkezishvili (UNDP programme analyst), interview by author, Tbilisi, Georgia, October 26, 2007. Regional Programme “The Gender and Politics in South Caucasus” was part of Natia Cherkezishvili’s portfolio in UNDP. During the interview she explained that while looking for implementing partner of this Programme in the Government, UNDP advocated for the establishment of gender equality mechanisms with the executive and legislative branches and succeeded with the latter. The UNDP Programme provided technical expertise in drafting of the TOR of the Council in 2004 and has been serving as its secretariat. It is noteworthy, that after the adoption of the *Gender Equality Law of Georgia* in March 2010, the Council became a standing body of the Parliament.

⁵⁸³ These legal and policy documents are: *Law of Georgia on Elimination of Domestic Violence, Protection of Victims of Domestic Violence and their Assistance*, 2006; *Law of Georgia to Combat Trade in Human Beings (Trafficking)*, 2006; *State Concept on the Gender Equality*, 2006 and *Gender Equality Law of Georgia*, 2010.



Source: Data provided to the author by NGO Women's Information Center.

According to data from May 2006, no cities in Georgia had women as mayors, none of the 66 *gamgebeli* -- local administration heads -- were women, and only 6 per cent of the chairs of *sakrebulo* -- local councils -- were women (54 women out of total 989).⁵⁸⁴ According to Georgian researcher Tamar Bagratia, who has analysed local self-governance reform from the viewpoint of women's participation, the legal environment is not favourable for women's participation in the bodies of local self-governance, due to the size of the self-governing units, as well as the existence of single-mandate election districts.⁵⁸⁵

Overall, the scale and quality of women's involvement in the political life has remained low. Thus, activism during the national awakening stage of the country and active involvement in Georgia's labour force did not guarantee women's active involvement in the political life of the country. However, women are not the only group that has not been adequately represented in the political process. In an interview, Georgian political scientist Gia Zhorzholiani questioned the country's progress towards democratisation in terms of political representation:

“If we look at the democratisation process from the viewpoint of representation, the first elections of 1991 were democratic, as the idea of independence that had

⁵⁸⁴ Sanikidze, et al., *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, 17.

⁵⁸⁵ See Tamar Bagratia, *Elections of the Bodies of Local Self-Governance and Women's Participation*, Discussion Paper, Gender Development Association, September 2006.

massive support was effectively represented by Gamsakhurdia's government. Unfortunately, the replacement of this government with that of Shevardnadze, which was far more isolated from the population, did not happen through democratic means, i.e. through elections [but via a coup d'état]. [...] I think that for the time being not only women's groups but also many men are not represented, the society as a whole is not represented effectively in the political arena."⁵⁸⁶

The struggles for power that have dominated the Georgian political scene have discouraged many individuals, especially women, from engaging in politics.⁵⁸⁷ However, the Rose Revolution of November 2003 nurtured new hopes for the increased participation of women in the political life of the country. In fact, the first announcements and appointments made by newly elected President Mikheil Saakashvili did look promising in this regard.⁵⁸⁸ However, the number of female Ministers, although low (four out of 20),⁵⁸⁹ was highest in the first Cabinet, appointed right after the Rose Revolution.⁵⁹⁰ As of December 2011, out of 19 Ministers only three -- Minister of Corrections and Legal Assistance, State Minister for Reintegration and Minister of Economic and Sustainable Development -- were women.⁵⁹¹

⁵⁸⁶ Gia Zhorzholiani (political scientist), interview by author, Tbilisi, Georgia, January 22, 2007.

⁵⁸⁷ Women refrain from engaging in politics as many of them think that this is a "dirty business" dominated by men and their rules of the game. Vasil Guleuri, "arчевani me aradani shen" [I elect, you elect], in *qali da archevnebi* [Woman and elections], ed. Tsitsino Julukhidze (UNDP, 2004), 68. According to Nino Burjanadze, Speaker of the Parliament of Georgia, "many of the women who seem to have good prospects for a successful political career are reluctant to be involved in politics." Lali Nikolava, "Nino Burjanadze: There is a deficit of Women in Politics," in *qali da archevnebi*, 165.

⁵⁸⁸ Newly elected President Saakashvili announced the following: "We wish to see more women in our governance system and political establishment, and there will be more." cited by Charita Jashi, "The Woman and Elections in Georgia," in *qali da archevnebi*, 157.

⁵⁸⁹ On 17 February 2004 "the Georgian Parliament approved a new twenty-member Cabinet headed by Prime minister Zurab Zhvania and consisting of sixteen ministers (including the Prime Minister) and four state ministers with special responsibilities." Wheatley, *Georgia from National Awakening*, 194.

⁵⁹⁰ The first reshuffling of the Cabinet started already in December 2004 and women Ministers were the first to lose their posts (namely Tamar Beruchashvili, State Minister for European and Euro-Atlantic Integration was replaced by Mr. Giorgi Baramidze and was appointed as Deputy State Minister for European and Euro-Atlantic Integration). Civil Georgia, *New Cabinet Wins Confidence Vote*, 2004-12-28, accessed April 14, 2008, <http://www.civil.ge/eng/article.php?id=8678>.

⁵⁹¹ Government of Georgia, *Cabinet of Ministers*, accessed March 12, 2011, http://www.government.gov.ge/index.php?lang_id=ENG&sec_id=124. In the middle of 2006, out of 46 deputy ministers only nine (i.e. 20 per cent) were women. Sanikidze, et al., *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, 17.

Forty-seven per cent of the 1,100 individuals surveyed in 2006 stated that they saw men as better political leaders, 11 per cent said that they did not know how to answer this question, and 42 per cent did not think that men are better political leaders.⁵⁹² At the same time, respondents were convinced that women and men should have equal access to education and that women should have equal chances for realising their potential through employment. According to the findings of this research, respondents supported greater gender equality in all aspects of life (employment, access to education, etc.) except politics, which their majority thought should remain male-dominated.⁵⁹³

The state of gender balance in the judicial branch of the government seems to be more promising: in 2007, out of a total 284 judges, 140 (49 per cent) were women.⁵⁹⁴ Mikheil Saakashvili, in his article “Judicial Reform as a Mirror of the Georgian Revolution,” proudly stated: “It is noteworthy that in an environment of fair competition, women account for almost half of the new corps of judges. This is happening against the background of absolute patriarchal domination in the other branches of the government.”⁵⁹⁵ This quote clearly indicates the awareness of then-minister Saakashvili of gender equality issues, at least in terms of women’s participation in the government. However, this awareness has not been reflected in the composition of the executive branch of the government during his presidency.

To gain a better understanding of the *de facto* vs. *de jure* women’s rights situation in Georgia, I have compared governmental and NGO reports submitted to the CEDAW Committee. Despite equality of the sexes before the law, traditions and women’s lack of awareness of their rights still give men advantage and priority, as in any other country of the world. The initial report of the government submitted to CEDAW in 1998 admits: “[i]n spite of the non-discriminatory provisions that exist in Georgian legislation, the asymmetry of men’s and

⁵⁹² Levan Tarkhnishvili, “sakartvelo da tanamedrove ghirebulebebi” [Georgia and contemporary values], in *kartuli sazogadoebis ghirebulebebi* [Values of Georgian society], Open-Society Georgia Foundation, (Tbilisi, 2006), table 19, 74.

⁵⁹³ Ibid., 25.

⁵⁹⁴ Ministry of Economic Development of Georgia, *Women and Men in Georgia*, 2008, 56.

⁵⁹⁵ Mikheil Saakashvili, *gadamtqveti brdzola sakartvelostvis* [The decisive battle for Georgia], (Tbilisi, 2001), 21.

women's social roles, with the prevalence of the male principle, persists especially in daily life.”⁵⁹⁶ The NGO report with regard to inheritance rights stated that despite legal equality, “by tradition women are considered as secondary heirs. In practice, women have fewer rights than men in the division of inherited property.”⁵⁹⁷ The problem here is the ineffectiveness of advanced legislation in comparison with customary law. Although CEDAW encourages states to abolish discriminatory customs and traditions, the elimination of traditional forms of discrimination against women, as widely known, requires more than legislative efforts.

The Constitution is the supreme legislative document of the country. It was adopted in August 1995; one year after Georgia became a state party to CEDAW. According to Article 6, Paragraph 2 of the Constitution, “the legislation of Georgia is in compliance with universally recognised norms and principles of international law. International treaties or agreements concluded with and by Georgia, if they do not contradict the Constitution of Georgia, take precedence over domestic normative acts.”⁵⁹⁸ However, international law cannot be exercised directly in a country if it is not reflected in that country's legislation. Thus, for CEDAW to become an important instrument for the protection of women's rights, it is important that its principles and provisions are reflected in national legislation.

The embodiment of the principle of equality of men and women in national constitutions is the first requirement of CEDAW (Part I, Article 2, paragraph (a)). In the Constitution of Georgia, we find article 14, which states: “Everyone is born free and is equal before the law, regardless of race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social origin, property and title of nobility or place of residence.”⁵⁹⁹ Here “sex” is listed among the variables on the basis of which a person cannot be discriminated against before the law. There is no special mention of men and women having equal rights and fundamental

⁵⁹⁶ *Consideration of Initial Report Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Initial Report of States Parties, Georgia, Article 5, paragraph 33*, accessed March 11, 2011, <http://www.un.org/womenwatch/daw/cedaw/cedaw21/georgia.htm>.

⁵⁹⁷ *Report of Non-governmental Organizations on the Status of Women in the Republic of Georgia under CEDAW Articles*, 1998, 6.

⁵⁹⁸ Government of Georgia, *saqartvelos konstitucia*, article 6.

⁵⁹⁹ *Ibid.*, article 14.

freedoms; the Georgian Constitution uses “person,” “citizen,” or “individual” for both sexes⁶⁰⁰ with indicates that there is no need to differentiate citizens based on their sex. However, we know from the history of legal thought that in most cases only men have been considered as subjects of law and that sometimes it is more helpful to state explicitly “women and men” instead of inclusive names, such as “citizen,” “individual,” and “person.”⁶⁰¹

In the Georgian Constitution, women are mentioned only twice; in article 30, paragraph 4: “the working conditions of minors and women are determined by the law.” This mention of women together with minors indirectly reinforces a stereotype that men are ideal workers. This sentence puts adult female workers on an equal footing with minors instead of adult male workers and one cannot help but wonder what about the working conditions of men? The second mention of women comes in Article 36, which states that: “marriage is based upon the equality of rights and free will of spouses” and in Paragraph 3, states: “the rights of mothers and children are protected by law.” Here for the second time women are mentioned along with minors as needing state protection. Thus, according to the Constitution, the state becomes the guarantor for equality among men, women, and children. The content and style of these two references to women indicate that although no direct emphasis is put on the issue of the equality of the sexes, the problem of inequality exists.

Comparing the NGO shadow report with the initial report submitted by the government, one notices an inconsistency in the information presented concerning the protection of equality. The NGO report stated that despite the above-mentioned Article 14 of the Constitution, “there are no specific laws that will prohibit discrimination against women on the basis of sex and marital status.” By contrast, the initial government report stated that the Criminal Code foresaw “sanctions for acts that violate the equality of citizens; such sanctions take the form of a fine or imprisonment for a period of up to two years. If a crime of this nature involved the abuse of

⁶⁰⁰ For instance in Article 18, Paragraph 1: “The freedom of a person is inviolable.”

⁶⁰¹ For in-depth discussion of effective ways for engendering constitutions please see UNIFEM, *Engendering Constitutions: Gender Equality Provisions in Selected Constitutions*, November 2007, accessed December 1, 2011, <http://www.unifem.sk/uploads/doc/Constitutional%20publication%20Nov%2020071.pdf>

one's official position, or if it had serious consequences, it is punishable by imprisonment for a period of up to three years; in such cases, the person found guilty may be deprived of the right to hold a specific post for a period of up to five years."⁶⁰²

This inconsistency between the two reports is not accidental; it is one thing to have such a provision in the Criminal Code⁶⁰³ but another to implement it. This is partly due to the population's lack of awareness about their rights and partly due to the widespread culture of impunity and corruption flourishing during Shevardnadze's administration.⁶⁰⁴ Citizens felt they could get away with their wrongdoings through corruption; this feeling was stronger if the person enjoyed a high position on the official ladder of government or business, or simply if a person was "well-connected" with people in high government positions.⁶⁰⁵

Another requirement of CEDAW to the states parties is listed in Article 2, Paragraph (f): "[States should] take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women." One example of how the state can regulate such customs and practices was Article 134 of the Soviet era Criminal Code,⁶⁰⁶ which criminalised bride kidnapping. Although bride kidnapping was punishable under Soviet legislation, the majority of cases still ended in marriage registration bureaus rather than criminal courts. In some cases this was because the women wanted to marry the kidnapper; in others it was because a woman's reputation was considered tarnished because she had been kidnapped. This practice is an example of *de facto*

⁶⁰² *Consideration of Initial Report Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Initial Report of States Parties, Georgia*, Article 2, paragraph 23.

⁶⁰³ "Violation of Equality of Humans," Criminal Code of Georgia, CHAPTER XIII, Crime Against Human Rights and Freedoms, Article 142, accessed March 15, 2011, http://www.irisprojects.umd.edu/georgia/Laws/English/code_criminal_genpart.pdf.

⁶⁰⁴ King, *Potemkin Democracy*.

⁶⁰⁵ "Under President Eduard Shevardnadze, Georgians became powerless to hold corrupt politicians accountable. While cronies prospered from bribery and kickbacks, more than half the population slipped below the poverty line and almost a quarter lost their jobs." David L. Phillips, "Corruption Next in Georgian Cleanup," *The Christian Science Monitor*, accessed April 14, 2008, <http://www.csmonitor.com/2004/0205/p11s02-cogn.html>. See also King, *Potemkin Democracy*.

⁶⁰⁶ The Soviet times Criminal Code was changed in Georgia in June 1999. The US Department of State, Bureau of Democracy, Human Rights, and Labour, *Country Reports on Human Rights Practices* (February 23, 2000), accessed March 14, 2011, <http://www.state.gov/g/drl/rls/hrrpt/1999/330.htm>.

ineffectiveness of the *de jure* protection of women's rights. Georgia's current, post-Soviet, Criminal Code no longer criminalises bride kidnapping. Instead, it contains clauses on hostage taking and illegal detention that might be applied to bride kidnapping cases although they do not cover the specific nature of this crime accurately.⁶⁰⁷ This retreat of the legislators is an indication that such issues as bride kidnapping are not considered acute and worthy of special regulation by the post-Soviet legislators.

The adoption of the *Gender Equality Law of Georgia* in 2010 can be regarded as another attempt of the post-Rose Revolution government of Georgia to bring national legislation in compliance with CEDAW. The purpose of this law's article 2 is "to ensure inadmissibility of discrimination in all spheres of public life, creation of proper conditions for the enjoyment of equal rights, freedoms and opportunities by men and women, support eradication and mitigation of all forms of gender discrimination."⁶⁰⁸ The law introduces definitions of the terms "gender," "gender equality," "discrimination on the basis of sex," "equal treatment," "equal opportunities," etc.⁶⁰⁹ It also introduces provisions for the enhancement of gender equality in social⁶¹⁰ and political arenas.⁶¹¹ According to Georgian lawyer Giorgi Gogiberidze, "the main purpose of the Law is facilitation of genuine and factual establishment of gender equality, and creation of relevant legislative conditions as well as guarantees for its achievement."⁶¹² The law was adopted only recently; more time is needed to see the shortfalls as well as successes related to the implementation of this law. Only time will reveal its practical relevance with regards to bringing Georgia's legislation in compliance with CEDAW provisions.

Both women and men have experienced hardships caused by the transition period mainly due to abolition of the state socialist system with all the economic security it provided, and

⁶⁰⁷ Criminal Code of Georgia, *CHAPTER XIII, Crime against Human Rights and Freedoms*, Article 144: Kidnapping stands for hostage-taking which is aimed to coerce an organisation or a person to or not to carry out an action by setting conditions for the release of the hostage. Article 147, with regard to Malicious Illegal Arrest or Detention, states that malicious illegal detention shall be punishable by prison sentences ranging from five to twelve years in prison.

⁶⁰⁸ Gogiberidze, *2010 tslis 26 martis saqartvelos kanoni genderuli tanasworobis shesaxeb*, 48.

⁶⁰⁹ Ibid., article 3, 48-49.

⁶¹⁰ Ibid., article 9, article 10, 51.

⁶¹¹ Ibid., article 11, 52.

⁶¹² Ibid., 11.

because of the political and economic turbulences and armed conflicts. Women's participation in the legislative and executive branches of the government and the economy has been insignificant. Like many men who lacked access to information and social connections, the absolute majority of women have not gained access to any decisive channels that would allow them to contribute to the democratisation process of the country in significant ways. And vice versa, the democratisation process neither brought about improved representation of women in positions of power, nor their economic and social empowerment. It also could be concluded that many of the provisions guaranteeing equality of sexes before the law remain firmly only on paper and lack implementation.

Gender Equality – Institutional Mechanisms and Policy Orientations (1991-2010)

This sub-chapter provides a review of the dynamics surrounding the expansion and implementation of gender equality-related policies as well as a review of the approaches and status of gender equality institutional mechanisms that were responsible for the implementation of these policies in the period of 1991-2010. This review is an attempt to look at the status of gender equality and women's empowerment with an emphasis on its prioritisation by decision-makers within the political agenda of the country.

As mentioned above, Georgia joined CEDAW without reservations in 1994. In 1995, a Georgian delegation participated in the Fourth World Conference on Women and joined the *Beijing Platform for Action*, which provides detailed guidance for the establishment of effective institutional mechanisms for the advancement of women.⁶¹³ The *Beijing Platform for Action*, under its strategic objectives and actions, devotes a special section to recommendations on how to strengthen existing or establish new institutions for the advancement of gender equality and women's rights. According to the Platform for Action:

⁶¹³ United Nations, *Beijing Declaration and Platform for Action with the Beijing +5 Political Declaration and Outcome Document* (New York: UN Department of Public Information, 2001), 115-121.

“A national machinery for the advancement of women is the central policy- coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machineries include:

- a) Location at the highest possible level in the Government, falling under the responsibility of a Cabinet minister;
- b) Institutional mechanisms or processes that facilitate, as appropriate, decentralized planning, implementation and monitoring with a view to involving non-governmental organizations and community organizations from the grass-roots upwards;
- c) Sufficient resources in terms of budget and professional capacity;
- d) Opportunity to influence development of all government policies.”⁶¹⁴

The Platform for Action spells out these four conditions as critical for the effective functioning of a national institutional mechanism. Therefore, I have decided to evaluate the status of these critical conditions in institutional machineries that have been established in Georgia in the period of 1991-2010.

February 20, 1999, Order #48 of President Eduard Shevardnadze established the first of such institutional mechanisms – the State Commission for the Elaboration of a State Policy for the Advancement of Women. Even though it took the government of Georgia about four years to implement the provisions of the *Beijing Platform for Action* relating to institutional mechanisms for the advancement of women, it is still remarkable how significant was the influence of the Platform on Presidential Order #48. In the Order, it is clearly indicated that the establishment of the institutional mechanism results from an obligation undertaken by the government of Georgia in the international arena. Members of the Commission on Elaboration of State Policy of the

⁶¹⁴ Ibid., 116.

Advancement of Women were also listed in the document. These members were individuals occupying high government positions such as the Minister of Environment, the Deputy Ministers of Finance and Deputy Minister of Education, the Ombudsperson, representatives of local and international NGOs, and the media.⁶¹⁵ However, according to Mr. Alexander Nalbandov, the Secretary of the Commission, the division of work within the Commission was unequal because a few members had to do all the work, while others did not even attend its meetings.⁶¹⁶ Moreover, the Commission lacked human as well as financial resources to fulfill its mandate and to serve the function of national coordinating and monitoring body within the field of women's rights.⁶¹⁷ Nonetheless, the Commission did manage to create a draft of Presidential Decree #511 (signed by President Shevardnadze on 28 August 1999) on Measures for Strengthening the Protection of the Human Rights of Women⁶¹⁸ and other policy documents, which were also strongly influenced by CEDAW and the Beijing Platform for Action.

Decree #511 clearly stated that various state institutions should ensure the protection of women's human rights in Georgia "in order to implement the provisions of the Constitution of Georgia, international human rights documents, the Beijing Platform for Action and the recommendations of the Committee on the Elimination of all Forms of Discrimination against Women."⁶¹⁹ Decree #511 had sixteen provisions and charged thirteen governmental bodies with different tasks concerning the advancement of women's rights and improvement of women's position throughout the country. These tasks were highly influenced by the strategic objectives and actions addressing critical areas of concern from the Beijing Platform for Action. For instance, the Ministry of Justice was ordered to carry out a gender analysis of Georgian

⁶¹⁵ Rusudan Beridze, the Deputy Secretary of the National Security Council of Georgia at that time was the Chair. Among the twenty-seven members, twenty-one were women and six were men.

⁶¹⁶ Alexander Nalbandov (former Secretary of the Commission on Elaboration of State Policy of the Advancement of Women), interview by author, Tbilisi, Georgia, July 18, 2005. Similar observations were made by NGO Women's Advise Centre Sakhli - "The Commission on Elaboration of State Policy for the Advancement of Women [...] was functioning at the expense of just two persons overloaded with various responsibilities." Sakhli, MamaCash, *Monitoring of the Plan of Action for Combating Violence against Women*, (Tbilisi, 2004), 90.

⁶¹⁷ Alexander Nalbandov (former Secretary of the Commission on Elaboration of State Policy of the Advancement of Women), interview by author, Tbilisi, Georgia, July 18, 2005.

⁶¹⁸ Sabedashvili, *Women in the Decade of Transition*, 76-78.

⁶¹⁹ Ibid., 76

legislation and make relevant suggestions about how to improve the existing legislation to meet international legal norms. The Ministry of Agriculture was tasked to develop special programmes for women in rural areas as well as to pay special attention to the participation of women in agricultural programmes. The Ministry of Internal Affairs and the Prosecutor-General's Office was made responsible for collection and processing data on incidents of violence against women. Additionally, they were responsible for the registration of incidents of domestic violence cases and for carrying out "special measures for exposing and eliminating such violence."⁶²⁰ These few examples show the wide range of issues covered by this policy document.

Decree #511 assigned the Commission on Elaboration of State Policy for the Advancement of Women to monitor the implementation of the *National Action Plan (NAP) for Improving Women's Conditions for 1998-2000* (approved earlier in June 18, 1998 by Presidential Decree #309). Because this NAP was not implemented, it was extended by presidential order #1406 until 2004. The Action Plan set forth seven priorities followed by relevant objectives, implementation strategies, and timelines. The priorities were again based on the *Beijing Platform for Action* -- this gave it high conceptual relevance, but due to lack of prioritisation, the document resembled a wish list that was never implemented.⁶²¹

On February 25, 2000, President Shevardnadze approved Decree #64, the *Action Plan on Combating Violence against Women 2000-2002*, which was prepared by the Commission on Elaboration of State Policy for the Advancement of Women.⁶²² The plan ambitiously aimed to reveal and study the cases of violence against women, develop statistics in this field, elaborate special programmes for potential perpetrators, create new laws, fight trafficking, and combat discrimination on the basis of sex at the workplace -- 12 objectives altogether. In 2004, NGO Sakhli undertook the monitoring of the implementation of this plan, concluding that not only had

⁶²⁰ Ibid., 77.

⁶²¹ Sabedashvili, *Women in the Decade of Transition*, 81-83.

⁶²² Sakhli, MamaCash, *Monitoring of the Plan of Action for Combating Violence against Women*, 92-94.

the plan not been implemented, but also that it “was destined to fail from the start.”⁶²³ A lack of financial and human resources, of clarity in the division of tasks and responsibilities among the ministries, and of attention to the plan’s implementation all caused its failure.⁶²⁴

The objectives of this Action Plan, like the objectives of the Plan for Improving Women’s Conditions, were either completely unmet or only formally considered by the responsible ministries. A review of policy documents and their implementation during Shevardnadze’s administration indicates formal and non-substantive policy-making with regard to women’s rights and gender equality issues. In many ways the weakness of the State Commission when assessed by the standards put forward by the *Beijing Platform for Action* has caused the failure of these policymaking attempts. The Commission had neither the resources nor the goodwill to coordinate the implementation and carry out monitoring of the adopted policy documents. The review allows us to conclude that the political will of Shevardnadze’s administration to address women’s issues and mainstream gender⁶²⁵ in state policy-making was merely rhetorical.

After the Rose Revolution, the Commission for Elaboration of State Policy for the Advancement of Women ceased to exist. Instead, on June 28, 2005 by Decree #109 of the government of Georgia, the new Governmental Commission for Gender Equality (GCGE) was established with a one-year mandate in the executive branch of the government.⁶²⁶ In addition, Parliament Decree #105/3 of October 27, 2004 established the Gender Equality Advisory Council (hereafter the GE Council) under the Speaker of the Parliament in the legislative branch of the government. The GE Council became a standing body within the parliament after the adoption of the *Gender Equality Law of Georgia* in 2010. Scholars wrote already in 2006 that “financial support rendered by donor organisations [predominately UN agencies] plays an

⁶²³ Ibid., 90.

⁶²⁴ Ibid.

⁶²⁵ According to the definition of the Institute for Development Studies at the University of Sussex, the UK, Gender mainstreaming stands for “an organizational strategy to bring a gender perspective to all aspects of an institution’s policy and activities, through building gender capacity and accountability.” Reeves, Baden, *Gender and Development*, 12. While the *State Concept on Gender Equality of Georgia* of 2006, “Gender Mainstreaming is consideration of principles of the gender equality in all spheres and at all levels of policy-making and its implementation.” Parliament of Georgia, *The State Concept on the Gender Equality*, 2006, 2. Definition of Terms.

⁶²⁶ Tamar Sabedashvili, *Gender and Democratization: the Case of Georgia 1991-2006* (Tbilisi: Heinrich Böll Foundation, 2007), 29.

instrumental role in the sustainable functioning of both institutional structures,”⁶²⁷ thus, pointing out the lack of resources allocated from the state budget for the operation of these institutions.

Both the GCGE and the GE Council included representatives from women’s NGOs. The GCGE was established for a one-year period with the task of designing a national concept and plan of action for gender equality - a task that the GCGE accomplished in partnership with the GE Council. In February 2006, the GCGE and the Council established a joint working group that received financial and technical support from UN agencies (UNIFEM, UNDP, and UNFPA). After a series of working meetings and broader consultations with civil society, governmental and development organisations, the working group put together the Gender Equality Strategy of Georgia (GES), consisting of three interlinked documents: 1. *State Concept on Gender Equality* (adopted by the Parliament in July 2006), 2. *National Action Plan for Implementation of the Gender Equality Policy in Georgia (2007-2009)* (adopted with significant alterations in September 2007), and 3. A package of recommendations to the legislative and executive branches of government for the establishment of permanent gender equality mechanisms to monitor and coordinate gender equality issues.⁶²⁸

In July 2006, the Parliament of Georgia adopted the *State Concept on the Gender Equality*, a political statement of will that introduced definitions in Georgian for "gender," "gender equality," "direct and indirect discrimination," "gender mainstreaming," and other important terms based on CEDAW and Council of Europe definitions. “The Concept recognises the principles of gender equality in all spheres of public and social life and provides for the relevant measures for prevention and elimination of all forms of discrimination on the ground of sex as well as for the advancing [of] gender equality.”⁶²⁹ The document outlines the major directions of work as well as identifies priorities for the state’s intervention in political,

⁶²⁷ United Nations Development Fund for Women (UNIFEM), United Nations Development Program (UNDP), and United Nations Population Fund (UNFPA) have been providing technical and financial support to the state structures. Sanikidze, et al., *Reality: Women’s Equal Rights and Equal Opportunities in Georgia*, 9.

⁶²⁸ More on the process of GES elaboration could be found in Irma Aladashvili, Ketevan Chkheidze, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality in Georgia* (Tbilisi, 2009).

⁶²⁹ Parliament of Georgia, *The State Concept on the Gender Equality*.

economic, and social fields. The Concept sets up a framework for the executive branch of government to further policymaking and action in the field of gender equality. “The Georgian Government will elaborate and implement the government strategy based on the main directions determined by this Concept.”⁶³⁰ Respectively, the parliament assigned the government of Georgia with adopting the Plan of Action for the implementation of the *State Concept on Gender Equality* by January 2007. Soon after the presentation of the first draft of the Action Plan to the Cabinet of Ministers, in the fall of 2006, the GCGE was dismantled. The GCGE was formally abolished on July 5, 2007 by Decree #138 of the government.⁶³¹

Responsibility for coordination of gender equality issues in the executive branch of the government was transferred to Mr. Kakha Bendukidze, the State Minister for Reforms Coordination upon his request. The government reviewed the draft Plan of Action and assigned the Office of the State Minister for Reforms Coordination to elaborate it further, again upon the request of Minister Bendukidze. Due to these dynamics, the Action Plan that was finally adopted in September 26, 2007 by government Decree #539⁶³² was much more modest than the initial draft created by the joint working group of the GCGE and GE Council. The latter included a focus on women’s political and economic empowerment; these two main directions of work were taken out of the final version of the Action Plan.

The final revisions of the draft Plan were also problematic for reaching the Millennium Development Goals (MDG).⁶³³ According to MDG 3 concerning gender equality, the Georgian government undertook responsibility to a) ensure gender equality in employment and b) ensure

⁶³⁰ Ibid., 2.

⁶³¹ Aladashvili, Chkheidze, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality in Georgia*, 19.

⁶³² Ibid.

⁶³³ At the September 2000 Millennium Summit in New York, Georgia was among 191 countries of the world that committed itself to reaching the Millennium Development Goals (MDG) by the year 2015. The eight identified MDG have been adjusted to fit the Georgian context and relevant targets have been elaborated for each goal. In spring 2004, the Government of Georgia, with the support of the UNDP, published the first national report *Millennium Development Goals in Georgia*, which according to then-Prime Minister Zurab Zhvania, clearly defined “the directions that the development policy of the country should take.”⁶³³ The report adjusted global Goals and Targets to local priorities and needs, providing indicators for measuring progress towards the achievement of each goal. The report suggested country-specific indicators in the fields of poverty elimination, education, gender equality, healthcare, and the environment. Representatives of women’s groups took part in the five working groups set up by the government for the preparation of the above-mentioned report.

equal access of women and men to the political domain and at all levels.⁶³⁴ These two targets are to be met by 2015. So far, no significant progress towards reaching them can be tracked.

The *2007-2009 Plan of Action for Implementation of the Gender Equality Policy in Georgia* focused on a) creating a relevant legal framework for gender equality, b) raising awareness with regard to gender equality, c) substituting gender related stereotypes with new gender equality oriented views in the education system and d) creating an inter-ministerial commission on gender equality issues in the executive branch of the government (as a substitute for the GCGE). The inter-ministerial commission foreseen by the Plan of Action was established in September 2007,⁶³⁵ bringing together 10 governmental officials. Mr. Kakha Bendukidze, was the Chairperson of this commission and Beruchashvili, the former Chair of the GCGE, was a member.⁶³⁶ Its members also included deputy ministers from the ministries for Internal Affairs, Economic Development, Education and Science, Foreign Affairs, and Labour, Health and Social Affairs as well as the deputy Prosecutor General of Georgia. However, after the January 5 Presidential elections, the State Ministry for Reforms Coordination was abolished making the fate of the Commission that was established under the auspices of this State Ministry uncertain. The commission did not manage to convene even once from the time of its establishment in September 2007 until March 2008 (the time of the abolition of the State Ministry),⁶³⁷ which in itself is indicative of the lack of commitment from the side of the Commission's leadership to its mandate and effective functioning.

The Parliamentary Council on Gender Equality proved to be a far more effective mechanism, especially for gender sensitive law-making; the Council has successfully created and lobbied for the adoption of anti-human trafficking legislation in 2006, the Domestic Violence

⁶³⁴ Government of Georgia, *Millennium Development Goals in Georgia*, 6.

⁶³⁵ Decree no.211 of the Government of Georgia, on the Establishment of the Inter-Ministerial Commission for the Elaboration of Gender Equality Policy, September 26, 2007. Irma Aladashvili, Ketevan Chkheidze, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality in Georgia*, 19.

⁶³⁶ It is noteworthy that I met Tamar Beruchashvili on October 24, 2007 and congratulated her for the establishment of a state mechanism for gender equality and also with her being a member of it. Unfortunately, Ms. Beruchashvili was not informed and learnt from me about this development.

⁶³⁷ Aladashvili, Chkheidze, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality 2007-2009 in Georgia*, 32-33.

Law in 2006, and the *Gender Equality Law of Georgia* in 2010. The *Gender Equality Law* granted the Parliamentary Council on Gender Equality the status of a standing body, tasking it with the overall national coordination and monitoring of gender equality policies and laws. Thus, as of March 2011, the only existing national mechanism for empowering women and enhancing gender equality is located within Parliament and is chaired by the Deputy Chairperson of the Parliament. As provided by the *Gender Equality Law*, the Council has the authority to involve representatives of the executive branch, civil society, and international organisations in its work as needed. However, since the GE Council is located in the legislative branch, its functions are limited to those of the legislature -- namely, initiation of respective laws, provision of gender expertise to draft laws, identification of national policy priorities in the field, etc.⁶³⁸ As responsibility for the actual implementation of these laws and policies lies within the executive branch of the Government, and the role of the Council is coordination and monitoring, it is doubtful that the Council will achieve tangible results without having a strong counterpart in the executive branch of the government.

The package of recommendation to the legislative and executive branches of government for the establishment of permanent gender equality mechanisms foresaw them as a system of structures existing in the legislative and executive branches, at central and local levels. Unfortunately, this package of recommendations was not taken into consideration by the government.⁶³⁹ *The Monitoring Report of the 2007-2009 Gender Equality Action Plan* by Irma Aladashvili and Ketevan Chkheidze revealed that “the diminished Action Plan approved by the government [...has been] only partially implemented.”⁶⁴⁰ Aladashvili and Chkheidze concluded that there is a lack of political will to meet the undertaken international commitments and achieve substantive gender equality. Instead, most of the work in the frameworks of the National Action Plan was implemented on the expenses of enthusiasm and activism of civil society with

⁶³⁸ Gogiberidze, *2010 tslis 26 martis saqartvelos kanoni genderuli tanasworobis shesaxeb*, 52.

⁶³⁹ Ibid., 28.

⁶⁴⁰ Ibid.,39.

the support of the donor community, which is certainly not sufficient without full-fledged support and participation of the executive branch of the government.⁶⁴¹

Thus, if reviewed against the necessary conditions for the functioning of a national mechanism for the advancement of women spelled out by the *Beijing Platform for Action*, significant improvements are needed in post-Rose Revolution Georgia. The establishment of the Parliamentary Council for Gender Equality with a permanent mandate is clearly a positive step with regard to gender-sensitive lawmaking. However, the Council is still not provided with sufficient resources in terms of government funding and human capacity and the main support for its functioning comes from UN agencies and not from the state budget as requested by the *Beijing Platform for Action*.⁶⁴² In addition, the lack of a counterpart mechanism in the executive branch of the government results in the absence of such an institutional mechanism's participation in decentralised planning and budgeting processes and a lack of gender mainstreaming in relevant government policies.

Conclusion

This chapter has reviewed multiple processes that occurred in Georgia after it gained independence from the Soviet Union. I have particularly focused on those developments that in my opinion affected the conditions and positions of women the most: the complex effects of ethnic conflicts, economic, social, and political hardships caused by the demolition of the previous system and transition to a new one, and policymaking in the field of gender equality.

From 1991 to 1994, Georgia underwent two internal conflicts and a civil war. The severe economic, political and social problems of this period caused individual trauma and pain to hundreds of thousands of Georgian citizens, thus demystifying the concept of independence as a

⁶⁴¹ Ibid., 40.

⁶⁴² The Parliamentary Council has been supported by the UNDP programme "Gender and Politics in the South Caucasus" in 2004-2009 and a joint project of UNDP, UNIFEM, UNICEF, UNFPA and the UN Resident Coordinator's Office "UN initiative to support greater gender equality in Georgia" in 2008-2010. Zurab Mchedlishvili (coordinator of the Parliamentary Council for Gender Equality), interview by author, Tbilisi, Georgia, March 4, 2011.

self-sustaining state of arts. On the contrary, many Georgians became particularly aware of the fact that the future, like many other things in their present lives, was uncertain. The experience of these early years stands out as one critical factor that made violence perceptible to Georgian society. I would like to argue that violent acts committed and suffered during the early years of Georgia's independence have contributed to the demystification of violence in general, which in turn may have reduced the public's denial of the existence of domestic violence.

The knowledge produced about women's rights and particularly about domestic violence by NGOs, international organisations, and individual scholars can be identified as an important factor contributing to the gradual identification and conceptualisation of domestic violence as a social rather than a private problem. In this chapter, I have reviewed some of the most comprehensive studies with regard to domestic violence, both in order to create a picture about the scope of domestic violence and to argue that sharing the findings of this research did not lift the taboo but contributed to the increased visibility of the problem in contemporary Georgia.

A comparative review of women's *de facto* and *de jure* situation as well as of institutional and policy measures put in place in the name of enhanced gender equality has shown the government's formal rather than substantive commitment to women's empowerment. As a result, the inclusion and influence of women in the democratisation process of the country has remained insignificant.⁶⁴³ Whenever at all interested in these issues, Georgian governments have tended to consider them in the context of compliance with internationally acknowledged standards and principles.

In this chapter I have attempted to explain the context of independent Georgia, paying particular attention to those developments that in my opinion created a favourable environment for the identification of domestic violence as a violation of women's human rights. One other factor that in my opinion has greatly contributed to the regulation of domestic violence in Georgia is the development of civil society, more specifically the women's NGO sector. Thus,

⁶⁴³ The Women in Development IQC, *Gender Assessment for USAID / Caucasus*, USAID, June 2003, 28.

the following chapter is fully devoted to exploring the development of the NGO sector and its contribution to the identification and regulation of domestic violence in the period of Georgia's independence.

Chapter 4: NGO Activism – Making Domestic Violence Visible

The goal of this chapter is to explore how the emergence of the NGO sector in Georgia in general, and the development of NGOs working on women's issues in particular, contributed to the identification of domestic violence as a social problem in need of legal regulation, as opposed to a private problem outside of the realm of possible state intervention. I try to answer this question comprehensively by looking at the transformation process of civil society that started in Georgia after the breakup of the Soviet Union in 1991. On a basic level, in this chapter I would like to understand how this transformation of civil society contributed to the development of the NGO sector, within which there emerged women's NGOs, including those that prioritised work on domestic violence. More importantly, I would like to understand how the renegotiation of the boundaries of public and private domains and new opportunities for social mobilisation and activism contributed to the identification of domestic violence as a social rather than a private problem. In the concluding part of the chapter, I will come back to Kristen Ghodsee's theoretical arguments, based on her observation of Bulgarian women's NGOs and I will engage with them on the basis of my findings.

I would like to explain my use of the term "women's NGOs." I use this term to describe those non-governmental, non-commercial organisations that work for gender equality and women's empowerment. In Georgia, there are many NGOs that are headed by women and employ predominantly women, but gender equality is not their main priority and women are not their primary beneficiaries. In the context of this chapter, "women's NGOs," are those organisations that managed by women, employ predominantly women, and work for women's empowerment and the achievement of greater gender equality. These have been the main criteria for the selection of the women's NGOs discussed in this chapter.⁶⁴⁴ By making this distinction, I

⁶⁴⁴ By using these criteria, I have included in this chapter those women's NGOs whose names alone may not give an impression that the main focus of their work is the enhancement of gender equality and women's empowerment (such as NGO *Tankmoba* [Consent] or NGO *daghupul da invalid meomarta meghleta kavshiri* [Union of Wives of War Invalids and of Lost Warriors of Georgia]).

try to isolate the focus of my inquiry within the broader spectrum of NGO actors, but my focus should not be construed as an attempt to homogenise women's NGOs. Questions concerning women's NGOs' homogeneity and heterogeneity are addressed below.

Emergence of the NGO Sector

After the breakup of the Soviet Union in 1991, the citizens of independent Georgia were given new opportunities to participate in civic activism independent of state control. They received new chances to articulate their concerns and mobilise public support around concrete socio-economic and political issues. However, the lack of opportunities and space for the development of civil society characteristic of the Soviet period preconditioned many of the specificities of civil society in the post-Soviet period. The Soviet era fears associated with freedom of speech and expression, strong state control over public and private lives, and the general shortage of opportunities for dialogue between those governing and those governed, deprived the citizens of newly independent Georgia of a tradition of civic activism. American political scientist Stephen Jones named factors that, in his opinion, have hindered the development of strong civil society interest groups in Georgia in the 1990s, such as “the absence of clear social cleavages, a limited consciousness of common interests, organisational inexperience, the existence of more traditional loyalties to kin and patrons, and ignorance of new laws.”⁶⁴⁵ These shortcomings accurately describe the negative ways the communist legacy shaped the formation of civil society in Georgia, which still came into being despite its multiple

⁶⁴⁵ Stephen F. Jones, “Democracy from Below? Interest Groups in Georgian Society,” *Slavic Review* 59, no. 1, (Spring 2000): 45. Interestingly, Jones did not mention women's rights advocates when he discussed the different types of interest groups emerging in civil society during the late 1990s (industrialists, journalists, blue-collar workers, ethnic groups, etc.). Either the author did not recognise women's interest groups as such or he decided to omit them due to their limited influence on social changes at that time.

weaknesses and more importantly, as we will see below, it managed in certain ways to address problems that were invisible or taboo during the Soviet period, including domestic violence.⁶⁴⁶

In Georgia there took place NGO-isation of civil society, with non-governmental organisations (NGOs) emerging as the main stakeholders among the non-state actors (NSAs). In Georgian, the term NGO is literally translated as “*arasamtavrobo organizacia*” (non-governmental organisation). According to the Civil Code of Georgia, citizens can establish a non-commercial, non-entrepreneurial legal entity (legal person) only in the form of a union (association) or a foundation.⁶⁴⁷ Hence, the majority of the non-state actors referred to as NGOs are either unions (associations) or foundations according to their legal status. Thus, the term NGOs has become a common overarching term for a heterogeneous group of “associations” and “foundations” that are decisive players in Georgian civil society along with the media, and other non-state, non-profit, economic, educational, research, and healthcare institutions.⁶⁴⁸ Since the early 1990s, dozens of NGOs have been established in Georgia, some of the most influential ones by former dissidents that fought against the Communist regime during the Soviet period.⁶⁴⁹ Many of the citizens that initially became engaged in the NGO sector already were active in informal groups during Gorbachov’s *perestroika* period and after independence chose fields of activism with lower political stakes such as charity and environmental protection.⁶⁵⁰

In the first years of independence, the immediate survival needs of the citizens of Georgia were overwhelming due to the economic and political hardships. In this environment, employment in non-governmental organisations offered income and self-realisation to many women and men who had either lost their jobs or were receiving very low salaries. Research about the values and value orientations of Georgian society has revealed that, in 2006, the

⁶⁴⁶ Please see Chapter 2 of the dissertation for the discussion of the visibility and state response to the problem of domestic violence in Georgia during the Soviet Period.

⁶⁴⁷ *Civil Code of Georgia*, 1997, Book One, Title One, Chapter 2, Article 30.

⁶⁴⁸ For more information see Ludmila Mincheva, *A Mapping Study of Non-state Actors in Georgia*, European Union, IBF, March 2008.

⁶⁴⁹ Mindia Gachechiladze and Ketii Kharanauli, *Georgia’s Non-governmental Organizations in the process of Forming Civil Society* (Tbilisi: Horizonti Foundation, 2000), 55.

⁶⁵⁰ Laurence Broers, “After the ‘revolution’: civil society and the challenges of consolidation democracy in Georgia,” *Central Asian Survey* 24, no. 3, (September 2005): 338.

absolute majority of the surveyed 1,100 individuals valued physical and economic security more than democratic inclusion and other liberal values.⁶⁵¹ This prioritisation reflects the economic and political turbulences experienced by Georgian society since the 1990s. In this context, the NGO sector has become a widespread form of mobilisation within civil society because it has provided employment opportunities for many unemployed or underemployed individuals,⁶⁵² meeting some of society's immediate survival needs as well as providing citizens with opportunities to contribute to the democratisation process.⁶⁵³

The number of NGOs in Georgia rose from zero in 1992 to over 3,000 in 1997, but only a few hundred of them were active.⁶⁵⁴ Shevardnadze's administration did not create legal barriers for the establishment of NGOs, but it did not take the NGO sector and its work seriously either. According to a study by a local organisation the Horizonti Foundation, many NGOs faced obstacles from decision-makers while trying to fulfil their mandates and the government did not consider information provided by NGOs as true and reliable.⁶⁵⁵ The study also found that NGOs' advocacy work had more chances of being effective if their recommendations were communicated to the government of Georgia indirectly through international development and donor organisations.⁶⁵⁶ The main reason for this was that "demonstrating democratic credentials through the presence of a vibrant civil society became an important asset in the receipt of international aid by the Georgian state."⁶⁵⁷

The declared aspiration of Shevardnadze's administration of building a democratic country created fertile soil for the development of civil society while the "existence of a vibrant

⁶⁵¹ Giga Zedania, "ghirebulebebis sistemuri da shedarebiti kvleva," [Systemic and comparative research of values], in *kartuli sazogadoebis ghirebulebebi* (Tbilisi: Open-Society Georgia Foundation, 2006), 13.

⁶⁵² Nino Durglishvili and Eka Aghdgomelashvili, *Transformation of Network Women's Program into an Independent Fund for Women: Feasibility Study*, Working Paper for Open Society – Georgia Foundation, Network Women's Program, 2005, 5.

⁶⁵³ This viewpoint is shared also by Davit Darchiashvili in a publication by Caucasus Institute for Peace, Democracy and Development, *Financial and Institutional Sustainability of the Non-Governmental Sector: Development Trends*, 2004, 8.

⁶⁵⁴ Jones, "Democracy from Below?," 68.

⁶⁵⁵ Gachechiladze and Kharanauli, *Georgia's Non-governmental Organizations*, 55.

⁶⁵⁶ Ibid.,

⁶⁵⁷ Broers, "After the 'revolution'," 338.

civil society has long been regarded as evidence of Georgia's democratic credentials."⁶⁵⁸ Many local and international scholars have labelled this reality created by president Shevardnadze's administration as "democracy without democrats."⁶⁵⁹ With time, civil society grew stronger, becoming a serious venue for the accumulation of political capital and experience,⁶⁶⁰ while the state weakened due to high levels of administrative corruption, economic crises, and poverty.⁶⁶¹ Shevardnadze's administration "recognized civil society's importance and attempted to suppress it [...but] these efforts were ineffectual and probably convinced major civil society actors and the political opposition that the regime had to go."⁶⁶² Indeed, civil society played a critical role in the Rose Revolution of November 2003:

"[...I]n contrast to the coup in 1992 that ousted President Shevardnadze's predecessor, Zviad Gamsakhurida, it was civil society, rather than warlord armies, that emerged as the major force behind the [Rose] revolution. Drawing on a groundswell of popular discontent against the incumbent regime and the blatant falsification of the November [2003] parliamentary poll, civil society, made up of a coalition of political parties, NGOs and leading elements of the independent media, forced Shevardnadze to resign."⁶⁶³

Many representatives of the NGO sector who were especially influential during the days of the Rose Revolution have since joined either the government or the opposition, causing a "decapitation" of civil society.⁶⁶⁴ Thus, civil society has been severely undermined and has become unable to carry out many of its primary mediating and democracy building functions.⁶⁶⁵

⁶⁵⁸ Ibid., 337.

⁶⁵⁹ Ibid., 337, referring to Ghia Nodia, "Democracy without Democrats," *War Report*, no. 56, November 1997, 29-31.

⁶⁶⁰ Ibid., 338.

⁶⁶¹ Nicklaus Laverty, *The Problem of Lasting Change and the Coloured Revolutions in Georgia and Ukraine*, Spring 2008, accessed December 30, 2008,

http://findarticles.com/p/articles/mi_qa3996/is_200804/ai_n27899297/print?tag=artBody;coll.

⁶⁶² Ibid., 4.

⁶⁶³ Broers, "After the 'revolution'," 333.

⁶⁶⁴ Ibid., 345.

⁶⁶⁵ Laverty, *The Problem of Lasting Change*, 9.

To cover the gap, the new government, under the leadership of President Mikheil Saakashvili, has tried to put into place some formal mechanisms for consultation and dialogue with civil society. The governmental report *Georgia's Democratic Transformation: An Update since the Rose Revolution* argues that "Georgia's civil society is actively participating in the country's various reform and monitoring processes."⁶⁶⁶ The report states that the president granted twenty-one representatives of civil society access to Georgia's prisons and that consultative advisory boards consisting of civil society members have been created to monitor the work of public institutions.⁶⁶⁷ However, the majority of civil society actors has observed that these measures implemented by the government were formal and highly selective rather than substantive and open: "[The government] knows that they should cooperate with the NGO sector, but this staged cooperation makes a puppet out of the NGO sector and creates a fiction of democracy."⁶⁶⁸ Thus, contrary to the pre-revolutionary reality of "democracy without democrats," Laurence Broers argues that post-Rose Revolution processes in Georgia led to a context of "democrats without a democracy."⁶⁶⁹

The US government along with the European Union has been one of the big supporters and allies of the post-Rose Revolution government. The declared goodwill of the US government to support Georgia in building a democratic state can be explained by geopolitical reasons, and the same goes for the EU's interest in Georgia. These reasons mainly have to do with the expansion of their spheres of political and cultural domination on the one hand, and counterbalancing Russia's desire to regain control over the former Soviet republics on the other. The post-Rose Revolution government openly supports Georgia's integration into the North Atlantic Treaty Organization and joining of the European Union, making the compliance with the membership requirements of these structures a priority for its internal and foreign policy. On

⁶⁶⁶ Government of Georgia, *Georgia's Democratic Transformation: an Update since the Rose Revolution*, (January 2007), 58.

⁶⁶⁷ Ibid., 58.

⁶⁶⁸ Caucasus Institute for Peace, Democracy, and Development, *The Development Strategy of the NGO Sector in New Environment* (Bakuriani, 2004), 14. This comment was made by Mikhail Mirziashvili.

⁶⁶⁹ Broers, "After the 'revolution'," 347. Laurence Broers completed his doctoral studies at the University of London's School of Oriental and African Studies on ethnic conflict and violence in Georgia.

this background, it is not surprising that the US and the EU have been active players in addressing the needs of the civil society in Georgia.⁶⁷⁰

The USAID launched the “Citizens’ Advocate!” Program in 2002, which according to its authors was designed to contribute to the development of civil society and create an environment for NGOs to promote citizens’ interest and effectively advocate their own causes.⁶⁷¹ The “Citizens’ Advocate!” Program supported a series of meetings between representatives of leading NGOs, including a two-day seminar in Bakuriani in February 2004, to elaborate a development strategy for the NGO sector in the new post-Rose Revolution environment.⁶⁷² None of the invited eighteen NGOs were women’s organisations and only one of the four female participants (out of 22) had significant experience working on gender equality issues. The fact that women’s NGOs were excluded from such an important strategic forum was indicative of their marginalisation within the Georgian NGO sector. The seminar emphasised that the pre-Rose Revolution government clearly lacked knowledge about the NGO sector’s modes of operation and attempted to artificially counterbalance NGO influence through “governmental-

⁶⁷⁰ The Atlantic Council of the United States has created a task force on Georgia with Senator Lindsey O. Graham and Senator Jeanne Shaheen as co-chairs. The Task Force prepared a special report about Georgia, which provides rich material for analysis of Georgia’s interaction with US, NATO and European Union: “A democratic, stable, and prosperous Georgia will be a powerful and demonstrable success story for US and European engagement policy in Europe’s East. [...] For Georgia, membership in NATO and the EU is neither imminent nor guaranteed, notwithstanding NATO leaders’ agreement that Georgia will become an Alliance member. By laying out a road map that builds in conditionality, benchmarks, and intermediate benefits, the United States and Europe can provide clear incentives to Georgia that reward democratic reforms, and, in turn, shape Western attitudes toward Georgia’s place in the West.” Atlantic Council, *Georgia in the West: A Policy Road Map to Georgia’s Euro-Atlantic Future*, 2011, 1, 2, accessed December 2, 2011, http://www.acus.org/files/publication_pdfs/403/101311_ACUS_GeorgiaWest.PDF. There is also wealth of literature by Georgian and foreign political scientists about Georgia’s foreign policy orientations and its consequences, see articles by Alexander Rondeli, “Sakartvelo: a political prospect,” August 11, 2010, “The return of realpolitik: a view from Georgia,” November 18, 2010, “Georgia’s Search for Itself,” August 7, 2008, accessed December 2, 2011, <http://www.opendemocracy.net/author/alexander-rondeli>. Katinka Barysch, “Europe and the Georgia-Russia conflict,” September 30, 2008, accessed December 2, 2011, <http://www.opendemocracy.net/article/europe-and-the-georgia-russia-conflict>. Nicu Popescu, Mark Leonard and Andrew Wilson, *Can the EU Win the Peace in Georgia: Policy Brief*, European Council on Foreign Relations, August 2008, accessed December 2, 2011, <http://ecfr.eu/page/-/documents/ECFR-Georgia-Policy-Brief.pdf>.

⁶⁷¹ Jennifer Stuart and Elena Kordzaya, *Mid-Term Evaluation Citizens Advocate! Program* (USAID, April 2004), i.

⁶⁷² The meeting was organised by representatives of the NGO Coalition formed in the framework of the program that united six prominent civil society organisations operating throughout Georgia. These were: 1. Caucasian Institute for Peace, Democracy, and Development (CIPDD), 2. Centre for Change and Conflict Management Partners-Georgia, 3. Centre for Strategic Developments of Georgia, 4. Centre for Training and Consultancy, 5. Civil Society Institute, 6. United Nations Association of Georgia (UNAG). Caucasus Institute for Peace, Democracy, and Development, *The Development Strategy of the NGO Sector in New Environment*, 5.

non-governmental organisations” (GONGOs).⁶⁷³ However, in the new post-Rose Revolution environment, many former NGO activists joined the government, which enjoyed significant support from various big Western donors due to its emphasis on “reform.” As a result, not only did the government under the leadership of president Saakashvili know the ins and outs of the NGO sector, but it also knew how to behave with donors and simultaneously how to weaken the NGO sector, by engaging with NGOs in formal rather than substantive partnerships.⁶⁷⁴ According to the 2004 Bakuriani meeting participants, the only way civil society could advocate effectively and have influence over the government’s decision-making was if behind each NGO, coalition or network of NGOs there were well-formulated public interests.⁶⁷⁵

According to Zaal Anjapharidze, Coordinator of Civil Society Programs at the Eurasia Partnership Foundation, USAID that supported the “Citizens’ Advocate!” Program also carried out comprehensive surveys of the NGO sector in Georgia in 2002 (covering 189 NGOs) and then again in 2005 (covering 184 NGOs). These surveys revealed that NGOs have developed steadily from 2002 to 2005, namely, their institutional development has strengthened both in Tbilisi as well as in the regions of Georgia; funding levels have been stable and the level of communication between NGOs has significantly improved. Another important finding was that NGOs were losing staff to the public sector both in Tbilisi and in the regions of Georgia, which has negatively affected the human capacity within the NGO sector but at the same time was indicative of the high level of professionalism of individuals involved in the NGO sector as public institutions showed a great interest in attracting them.⁶⁷⁶

⁶⁷³ Ibid., 15. These comments were made by Irina Tsintsadze and David Usupashvili.

⁶⁷⁴ Ibid., 14-15.

⁶⁷⁵ Ibid., 19; Ibid., 46, these comments were made by David Melua. Ibid., 28, these comments were made by Eka Datuashvili.

⁶⁷⁶ Zaal Anjapharidze, *NGO Sector in Georgia – Challenges and Perspectives*, accessed March 23, 2011, http://www.bearr.org/en/information/June_2007/Georgia/NGOs.

A research supported by the European Union in 2008, *A Mapping Study of non-State Actors in Georgia*,⁶⁷⁷ found that there were about 9,000 registered NGOs in Georgia, which were not evenly spread across the country: “The majority of NGOs are based in the capital Tbilisi, while others are operating in urban centers.”⁶⁷⁸ The study also found that the high dependence of the NGOs on [foreign] donor funding largely determined the directions of their work as well as types of the activities they were involved in, resulting in multiple focuses of work (please see Annex 4 for a brief review of donor organisations working in Georgia). This trend was especially true for organisations working in the regions, due to a shortage of funding opportunities.⁶⁷⁹ According to this EU study, the majority of NGOs focused their work in the fields of education (60 per cent), democratic development (53 per cent) and human rights (52 per cent). Twenty-eight per cent of the surveyed organisations worked on gender equality issues.⁶⁸⁰ Given the fact that at the time of the survey the NGO sector was still in an early stage of its development, the number of NGOs that have identified themselves as prioritising work on gender equality issues is significant.

This EU survey also indicated that grants from international donor organisations represented the main source of funding for the NGOs, along with minor contributions from membership fees, their own economic activities, and contracts with state entities.⁶⁸¹ However, the fact that grants constituted the major source of funding for the NGOs was not reason enough to believe that individuals working in the NGO sector did not have a certain liberty to decide on the priorities and strategies that their organisation needed to accept. Michael Clayton, Program

⁶⁷⁷ This study was commissioned by the EU in March 2008. In the framework of the study 110 NGOs in Georgia were surveyed along with an analysis of existing materials and interviews with relevant actors. Mincheva, *A Mapping Study of Non-state Actors in Georgia*, 2008, 3-4.

⁶⁷⁸ Ibid., 8.

⁶⁷⁹ Ibid., 19. From the 110 NGOs surveyed, 24 per cent of regional respondents indicated they work in five different spheres, whereas in Tbilisi the most numerous, 20 per cent, indicated working in two spheres. Tbilisi-based NGOs not only outnumbered the regional organisations but their budgets were also incomparably higher than that of regional NGOs -- 70 per cent of the surveyed Tbilisi based NGOs indicated that their annual budget has exceeded USD 100, 000 in 2007, while only 13.2 per cent of NGOs from the regions could say the same. Ibid., 20.

⁶⁸⁰ Ibid., 19.

⁶⁸¹ Ibid., 20.

Manager for Institute for Soviet and American Relations in the Caucasus, wrote already in 1997 that:

“A sophisticated NGO community does exist in Georgia and international institutions should actively seek to learn from and cooperate with it. This would not only help ensure the long-term sustainability of the Third Sector, but also benefit international donors, reform-minded governmental leaders and, most importantly, the communities being served. [...] From 1994-1997, international donors rendered much-needed assistance to Georgia by providing relief and stimulating the growth of democratic institutions. However, much of the success of their programs can be attributed to Georgians who saw the need to help their communities.”⁶⁸²

In his article Clayton also described a few cases of the personal devotion and hard work of the staff of NGOs for the benefit of their communities.⁶⁸³

Michael Edwards, Director of Ford Foundation’s Governance and Civil Society Unit in New York, identified three approaches in Western scholarship to understanding the forms of contemporary civil society organisation and activism globally. The first approach includes analytical models of civil society -- the forms of associational life that are distinct from states and markets. However, it should not be assumed that all these diverse forms of associations and networks united under the common term “the third sector” share one political agenda. On the contrary, the second approach includes normative models of civil society, i.e. those that strive to generate a certain kind of society. “In this sense, civil society means a *type* of society that is motivated by a different way of being and living in the world, or different rationality, identified as civil.”⁶⁸⁴ The third approach views civil society as the “public sphere,”⁶⁸⁵ a space for entering

⁶⁸² Michael Clayton, *Georgia’s NGO Movement Flourishes, but Continued Support is Needed* (1997), accessed on March 23, 2011, <http://www.isar.org/pubs/ST/Gngomovement491.html>.

⁶⁸³ Ibid.

⁶⁸⁴ Michael Edwards, *Civil Society* (Polity Press: Cambridge, 2004), viii.

into dialogue with relevant decision-makers and thus exercising “‘active citizenship’ in pursuit of the common interest.”⁶⁸⁶ Edwards argues that civil societies usually represent an amalgam of these three categories and the division between them in reality is not as rigid as represented by the different schools of thought. He argues that civil society “‘is simultaneously a goal to aim for, a means to achieve it and a framework for engaging with each other about ends and means.”⁶⁸⁷ It is precisely because of these reasons that I think that, despite the limitations mentioned above, the emergence of the NGO sector has been one of the most important developments of the post-Soviet era. It has allowed citizens in Georgia to engage in active citizenship practices, in associational life, which is distinct from states and markets, providing them with opportunities to generate a more democratic society.

Georgian Women’s NGOs: a Crisis or a Step Forward?

In this part of the chapter I will discuss some of the major challenges and major achievements that accompanied the emergence and development of the various NGOs working on women’s issues from 1991 to 2007 in Georgia. How have Women’s NGOs emerged and developed? I will be looking at their agendas and, in the light of the EU report mentioned above, will ask to what extent the donors influence the work priorities of these NGOs? My discussion of the women’s NGO sector is necessary to help better understand the civil society environment in which those organisations that have prioritised working on domestic violence emerged.

The period of proliferation of women’s NGOs in Georgia started after Georgia joined CEDAW in 1994 and participated in the UN World Conference on Women in Beijing in 1995.⁶⁸⁸ In addition, from the second half of the 1990s, more and more donors began to enter the country,

⁶⁸⁵ Ibid., vii.

⁶⁸⁶ Ibid., viii.

⁶⁸⁷ Ibid., ix.

⁶⁸⁸ According to the findings of my survey, of the twenty-two most active women’s organisations, the majority (64 per cent) were established in the period 1994-1999 and only 36 per cent in the period 2000-2004. Armine Ishkanian similarly argued that the number of women’s NGOs significantly increased in Armenia after the Beijing Conference. Ishkanian, *Is the Personal Political?*, 10.

creating a suitable environment for the emergence of women's NGOs. Donors started providing grants to NGOs to support their work towards the achievement of greater gender equality and women's empowerment.⁶⁸⁹ The International Centre of Civic Culture in Georgia conducted research on the thirty-seven most influential and active women's NGOs in 1998. This study revealed that there were only six women's NGOs established in Georgia between 1991 and 1994, but about three dozen organisations were established between 1994 and 1998.⁶⁹⁰ By 2000, the number of women's NGOs already exceeded 70.⁶⁹¹ By 2008 there were over 180 registered women's NGOs, though not more than eighty of them were active and functioning.⁶⁹² The share of women's NGOs in the total number of actively working non-governmental organisations in Georgia in 1998 was around 10 per cent.⁶⁹³

From the twenty-two NGOs that I have surveyed in 2008, the majority were also established in the period 1994-1999 (fourteen organisations out of twenty-two). The heads and/or founders of these NGOs mentioned that they learnt about the opportunity to start an NGO from international organisations working in the country at that time. Some of them even received minor financial support to register their NGOs.⁶⁹⁴ Answers to the question of what inspired the heads/founders of the NGOs together with their colleagues to focus their work on women and gender equality issues varied. Still, their personal experience as women in Georgian society was commonly noted as their main motivation (by fifteen respondents out of twenty-two, i.e. 68 per cent). Some respondents mentioned that their NGOs began as NGOs focusing on children's issues or as NGOs with broader human rights mandates, but their subsequent work experience

⁶⁸⁹ Durglishvili and Aghdgomelashvili, *Transformation of Network Women's Program*, 5.

⁶⁹⁰ International Centre of Civic Culture, accessed January 4, 2009,

http://www.osgf.ge/iccc/pages/english/eng_main.htm.

⁶⁹¹ International Helsinki Federation for Human Rights, *Women 2000: An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States* (2000), 182.

⁶⁹² Data of NGO Women's Information Centre was provided to the author in January 2008. In the 2005-2006 annual Catalogue of women's organisations published by WIC about 150 women's NGOs were listed. Women's Information Centre, *Women's Rights and Gender Issues in the Southern Caucasus: Catalogue, 2005-2006* (2005, WPS: Tbilisi), 47-86.

⁶⁹³ Women's Information Centre, *Assessment of Needs of Women's Movement in Georgia: Briefing Paper for the International Development Agencies and Grant-making Institutions*, (Tbilisi, 2007), 10.

⁶⁹⁴ Many of the founders and heads of organisations registered in the period 2000-2004 (eight out of the twenty-two) stated that by the time of starting their own organisation they have already had personal experience of cooperating with different NGOs.

motivated them to focus on women and gender equality. Only the heads/founders of two organisations mentioned their awareness and links with feminist movements in the West as a driving factor for the establishment of their women's NGO. The heads of another two NGOs had some previous experience working on gender equality issues with international development and donor organisations, and decided to set up their own NGOs to stay in the same field.⁶⁹⁵

The initial state report, submitted to the CEDAW Committee in 1998, mentioned that the majority of women's NGOs were involved in "charity, job placement, cultural and educational work, [and there were] no exclusively feminist organisations in Georgia."⁶⁹⁶ The initial shadow report to CEDAW in 1998 distinguished between NGOs comprised of women but not working on women's empowerment and gender equality issues, and NGOs comprised of women and working on feminist issues. Similar to women's groups in Azerbaijan, Armenia, and other post-Soviet as well as many post-socialist countries, in Georgia, the resistance to being called "feminist" was strong among the women's NGOs, even when some of them clearly had feminist agendas.⁶⁹⁷

According to the study of the International Centre of Civic Culture, women's membership in the thirty-seven NGOs that they researched totalled 27,000, with the majority of the members concentrated in eight big NGOs: the Women's Council of Georgia (about 10,000 members), Women for Peace and Life (5,000 members), the Soldiers' Memory Foundation (4,500 members), White Scarf (4,000 members), Georgian Women for Elections (2,500 members), the Tbilisi Women's Council (2,000 members), the Association of Women with Large Families (1,500 members) and the International Association of Georgian Widows (1,500 members). The membership of the remaining twenty-nine NGOs averaged sixty-five

⁶⁹⁵ The findings are from my survey of twenty-two women's NGOs carried out through February-May 2008. The respondents from the twenty-two women's NGOs were women in the age group 30-65. The majority of respondents were the heads of the NGOs with such titles as chairperson, director, executive director, president, or coordinator (91 per cent). The number of interviewed founders and board members of the NGOs was two (9 per cent).

⁶⁹⁶ *Consideration of Initial Report Submitted by States Parties under Article 18 of the Convention on the Elimination of All forms of Discrimination against Women*, paragraph 15.

⁶⁹⁷ See Ishkanian, *Is the Personal Political?*, 10-11. Ghodsee, "Feminism-by-Design," 728.

members.⁶⁹⁸ This study also revealed that there was a significant difference between the number of active members and total membership; the number of active members in the thirty-seven NGOs altogether totalled 711 out of 27,000 or about 3 per cent.

The survey of twenty-two NGOs that I carried out revealed that when these NGOs were established, women constituted the absolute majority of their membership. However, by the time I conducted the survey, in February-May 2008, there was a slight increase in male membership.⁶⁹⁹ As a general trend, I observed that the number of members tended to increase with time.⁷⁰⁰ The number of paid staff (both full-time and part-time) of the NGOs also tended to increase with time, varying between three to fourteen members by the time of the NGOs' establishment and between three to forty-eight members in 2008. Three-fourths of all the permanent staff of the NGOs had a higher education and previous work experience prior to starting work at the NGO. And the absolute majority of women's NGOs united women from a broad age group of 17-70. Still, within this large group the dominant age group was that of 25-55.⁷⁰¹

The majority of women who found their occupation in the NGO sector in Georgia since the mid 1990s were upper-middle-class, urban (predominantly from the capital Tbilisi) women with graduate and even post-graduate degrees.⁷⁰² Their shared middle-class identity, although lived heterogeneously in different parts of the world, unites the women working in NGOs in Georgia with those in post-Soviet or post-socialist countries as well as with those in the Middle East and Latin America.⁷⁰³ Nino Javakhishvili, an NGO activist and a scholar from Georgia

⁶⁹⁸ International Centre of Civic Culture.

⁶⁹⁹ By NGO members I mean permanent paid staff (both full-time and part-time) as well as volunteers and other regular members.

⁷⁰⁰ Only in one case the number of members decreased from five by the time of the NGO's establishment in 1995 to three by the time of the filling out of the survey questionnaire in 2008.

⁷⁰¹ Similar observation could be made regarding the NGOs' male members -- again they encompassed a broad age spectrum, with dominant age group being 25-65.

⁷⁰² Five heads out of the surveyed 22 women's NGOs were unemployed by the time of the NGO establishment. The rest, 17, were employed predominantly at scientific institutions and in the education and health sectors or in various bodies of local self-governance. All of the heads had higher education with many of them having degrees in wide range of fields from medicine and psychology to chemistry and engineering technology.

⁷⁰³ Nadjé S. Al-Ali, "Gender and Civil Society in the Middle East," *International Feminist Journal of Politics* 5, no. 2 (July 2003): 216-232; Sonia E. Alvarez, "Advocating feminism: the Latin American Feminist NGO

whom I have interviewed, stressed that work in the NGO sector offered her and her colleagues an opportunity for self-realisation, allowing them to combine the struggle to earn a living with their fight for greater gender equality.⁷⁰⁴ Nineteen out of the twenty-two surveyed heads/founders of the women's NGOs emphasised self-realisation as one of the main benefits offered by employment in the NGO sector. In addition, ten out of these nineteen respondents also named earning higher incomes as an important benefit for those working in this field. The respondents also named international contacts, the opportunity to help others and to grow personally and professionally as other benefits of working in the NGO sector.⁷⁰⁵

In 1998, the Horizonti Foundation undertook an assessment of the needs of women's NGOs in Georgia, Armenia, and Azerbaijan through organising two-day workshops in the capitals of these countries. Among the factors hindering their activities, the representatives of Georgian women's NGOs particularly mentioned the frequent changes in national legislation, which required the re-registration of their organisations and cost them money.⁷⁰⁶ Apart from this, the NGOs did not experience significant problems with regard to registration in Georgia. Out of the twenty-two NGOs that I surveyed, fourteen had to reregister their NGOs due to various reasons, but none of them complained about the complexity of the registration procedures. Only five of them made changes in their charters during the process of re-registration, which were necessary because of changes in their management structures. Out of these five, only one altered the goals and objectives of the NGO, making them simpler. This finding indicates that the majority of the surveyed NGOs were satisfied with their goals and objectives as initially spelled out in their charters.

'Boom',” *International Feminist Journal of Politics* 1, no. 2 (September 1999): 181-209; Ishkanian, *Is the Personal Political?*; Ghodsee, “Feminism-by-Design,” 727-753.

⁷⁰⁴ Nino Javakhishvili (psychologist, director of NGO Dynamic Psychology for Development and Democracy), interview by author, Tbilisi, Georgia, October 24, 2007.

⁷⁰⁵ I carried out this survey in 2008. I was asked a multiple choice question with the possibility of individually specific answers. The question was formulated in a following way: “What did employment in NGO sector offer you?” and the suggested answers were: opportunity for self-realisation; better income, survival; improved social status, nothing special, other (please specify).

⁷⁰⁶ Horizonti Foundation, *Needs' Assessment of Caucasian Women's NGOs: June-September 1998*, 12.

I have studied the charters of these organisations, particularly focusing on the organisations' goals and objectives, which I found to be quite diverse and broad in scope; some organisations listed as many as fourteen or fifteen objectives in their charters, while others limited themselves to three or four points.⁷⁰⁷ The most widespread objectives were increasing of the awareness and the protection of women's rights, the achievement of gender equality, and the conducting of research on issues related to gender equality and the general situation of women. In some cases there were quite general provisions: "the union can implement any activity that directly or indirectly serves its goals and interests and is not prohibited by the law."⁷⁰⁸ These broad mandates increased the NGOs' flexibility to apply to diverse donors and to expand into different areas of work. The broad scope of many of the mandates can be linked to the environment of scarce funding opportunities in which donor organisations operated as the main source of funding for the women's NGOs,⁷⁰⁹ making competition for these scarce grants quite fierce.

One aim of my survey was to understand how these broad NGO mandates were reflected in their actual work. Thus, one of my questions was which issues the NGOs prioritised through their projects and day-to-day work. Some of the issues prioritised by the NGOs were: raising awareness among women about their rights, combating domestic violence, combating the trafficking in human beings, increasing the role of women in decision-making processes, protection of women's rights, increased participation of women in peace-building and conflict prevention processes. The NGOs managed to pick and choose within their broad mandates and narrow down their work priorities, moving in the direction of specialisation. According to Helen Rusetskaya, head of the NGO Women's Information Centre (WIC) located in Tbilisi, her NGO's

⁷⁰⁷ The average number of the work objectives of the twenty-two NGOs surveyed was six.

⁷⁰⁸ This is an abstract from the Charter of NGO Sakhli, point 14.

⁷⁰⁹ The twenty-two NGOs surveyed on average implemented three projects per year. International donor organisations were named as primary sources of funding for the projects by 100 per cent of the respondents. According to the assessment of women's NGOs carried out by the NGO Women's Information Centre, "the bulk of women's NGOs (approximately 75 per cent) consider their financial situation to be unstable, poor or very poor. Roughly half of women's NGOs in the regions operate on annual budgets of less than USD 1000, and about two-thirds operate on annual budgets of less than USD 5000. [...] Almost half of all women's NGOs believe that external support is of critical importance to the very existence of their organizations." Women's Information Centre, *Assessment of Needs of Women's Movement in Georgia*, 12.

choice of preferred field of activity was made based on the personal and professional experiences and preferences of the NGO staff and the availability of donor funding for working in a specific field.⁷¹⁰

Most women's NGOs were concentrated in the capital, Tbilisi, where access to general information (through the Internet, telephone) and specific information about fundraising opportunities was the best in the country. Only a few NGOs have been set up in the regions of Georgia and the level of cooperation between NGOs in Tbilisi and those in the regions has not been very high.

My interviews with gender equality expert revealed that they felt dissatisfied with the overall performance of women's NGOs as a group, even though these experts themselves were part of this group. Almost all the interviewees stressed that the voices of the representatives of women's NGOs were not heard. The finding of the survey is also telling in this regard -- thirteen of the twenty-two NGOs surveyed did not believe that a women's movement existed in Georgia, while nine believed it did. According to Manana Mebuke, the head of the women's NGO Union of Wives of War Invalids and of Lost Warriors of Georgia, "women's NGOs work separately and do not use each other's resources and experience enough. There will never be a strong women's movement unless we all realise that we need to join forces in our advocacy work."⁷¹¹ According to the respondents, the fact that many donors working in the field of gender equality prioritised short-term projects and did not support the infrastructural and administrative development of NGOs also hindered their work.⁷¹² As gender equality advocate Nino Tsikhistavi put it, "in each concrete case donor organisations did make positive impacts, but the role of the donor community in general in the field of gender equality has not been all that positive because of an

⁷¹⁰ Helen Rusetskaya (women's rights activist, head of NGO Women's Information Centre), interview by author, October 26, 2007.

⁷¹¹ This answer was provided by Manana Mebuke to the survey questionnaire, February-May 2008.

⁷¹² Mari Meskhi (lawyer and gender equality expert and head of the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking and Domestic Violence), interview by author, Tbilisi, Georgia, January 16, 2007; Charita Jashi (expert in gender and economics, head of NGO Gender for Socio-economic Development), interview by author, Tbilisi, Georgia, January 22, 2007; Nina Tsikhistavi (women's rights activist, head of NGO Caucasus Women's Network), interview by author, Tbilisi, Georgia, January 22, 2007.

unhealthy competition among donors for areas of work and scarce donor resources that create unhealthy competition among the NGOs, preventing our consolidation, which is crucial for the success of our struggles.”⁷¹³

There have been two top-to-bottom (i.e., from international donor/development organisations to local women’s NGOs) attempts to consolidate women’s NGOs in Georgia. The Coalition of Women’s NGOs in Georgia was founded in 2000 with the support of OSCE/ODIHR.⁷¹⁴ In 2007 the Coalition united eighty organisations within a horizontal organisational structure; members of the Coalition formed different subgroups that worked on increasing the role of women in political decision-making, economic and peace-building processes, while others worked on the healthcare, education, environment, and information technologies.⁷¹⁵ OSCE/ODIHR supported periodic meetings of the Coalition’s members, provided technical and financial support to the organisation during Coalition-wide conferences, and funded field-specific initiatives for members of the Coalition. With ending of OSCE/ODIHR funding in 2008, the coalition stopped meeting and became inactive.

The second attempt to consolidate women’s NGOs took place within the framework of UNIFEM’s regional project *Women for Conflict Prevention and Peace-Building in the South Caucasus*, which in 2002 supported the establishment of the women’s network Unity of Women for Peace. This network united over one hundred women’s organisations, women’s groups, and individual women and had a more significant representation in the regions of Georgia than the

⁷¹³ Nina Tsikhistavi (women’s rights activist, head of NGO Caucasus Women’s Network), interview by author, Tbilisi, Georgia, January 22, 2007.

⁷¹⁴ Members of the Coalition were united in nine working groups: 1. Women and Politics; 2. Women and Education; 3. Women and Healthcare; 4. Women and Economics; 5. Women in Conflict Resolution and Peace-building; 6. Women and Media; 7. Women and Environment; 8. Global Security; 9. Women’s Coalition Internal Group on Public Relations, and an ad hoc working group on Institutional Machinery. Nina Tsikhistavi, *Women’s Role in Civil Society: An Overview of the OSCE/ODIHR Initiatives*, Caucasus Women’s Network, Tbilisi, 2005, 11-12, accessed June 2, 2008, <http://www.cwn.ge/publications.php>. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) is active throughout the OSCE area in the fields of election observation, rule of law, tolerance and non-discrimination, human rights, and democratic development. For more information see Office for Democratic Institutions and Human Rights Website, accessed January 3, 2007, <http://www.osce.org/odihr/>.

⁷¹⁵ For more see *Gender Information Network of the South Caucasus*, accessed February 7, 2007, <http://www.ginsc.net>.

Coalition of Women's NGOs.⁷¹⁶ The Coordination Board of Unity of Women for Peace was comprised of nine members elected from six regions in Georgia (including Abkhazia's Gali district) where the network had members. The primary goal of the network was the enhancement of a sustainable peace through women's participation in confidence building initiatives and the achievement of greater gender equality. However, Unity of Women for Peace stopped active work with the phase-out of UNIFEM funding in 2006.

During the hey-days of the Coalition and the Network, its active members were chosen as civil society representatives to the Parliamentary Council for Gender Equality⁷¹⁷ (2004) as well as to the Governmental Commission for Gender Equality⁷¹⁸ (2005) and have actively participated in the creation and elaboration of Georgia's Gender Equality Strategy⁷¹⁹ in 2005-2006. This partnership of governmental and non-governmental sectors was particularly emphasised by the CEDAW Committee in its concluding comments to the second and third periodic reports of Georgia in 2006: "The committee welcomes the state party's continued collaboration with women's non-governmental organisations in the elaboration of plans and other activities aimed at eliminating discrimination against women and promoting gender equality."⁷²⁰ Unfortunately, the mobilisation and activism within both the Coalition and the Network has increased and decreased proportionally to the availability of donor funding. The majority of respondents stressed that neither consolidation nor any other effort to improve the efficiency of women's NGOs could be achieved merely through a top-to-bottom approach (i.e.,

⁷¹⁶ I have worked as national project coordinator of UNIFEM project *Women for Conflict Prevention and Peace-building in the Southern Caucasus* from 2004 to 2006, and thus, possess exhaustive information about the Network, its members, structure and work.

⁷¹⁷ In 2004-2008 the Council consisted of sixteen members, five of whom were representatives of women's NGOs.

⁷¹⁸ In 2005-2006 the GCGE consisted of fifteen members, four of whom were representatives of women's NGOs.

⁷¹⁹ As it was explained in detail in the previous chapter, the Gender Equality Strategy of Georgia (GES) united three interlinked documents: 1. *State Concept on Gender Equality* (adopted by the Parliament in July 2006); 2. A three-year Plan of Action for the implementation of the concept (adopted with significant alterations in September 2007); and 3. Recommendations to the legislative and executive branches of government for the establishment of permanent gender equality mechanisms to monitor and coordinate gender equality issues.

⁷²⁰ *Concluding Comments of the Committee on the Elimination of Discrimination against Women: Georgia*, CEDAW/C/GEO/CO/3, 2.

international donor / development organisations' importing priorities, conditions, and tools to local groups).⁷²¹

After having discussed the environment in which NGOs operate and the challenges NGOs, particularly women's NGOs, face, I will now turn to a more in-depth discussion of those NGOs that prioritise working on domestic violence, in order to understand how they have contributed to increasing the visibility of domestic violence as a social problem rather than a private problem in Georgia.

The Georgian NGO Path to Making Domestic Violence Visible

Armine Ishkanian study of the development of Armenia's NGO sector in the 1990s found that women's NGOs resisted working on domestic violence: "We don't air our dirty laundry in public. [...] That is not a problem we wish to discuss in public."⁷²² This comment of an NGO activist that I quoted above implies that domestic violence was seen as a private problem. According to Armine Ishkanian, the Armenian NGOs resisted putting the issue of domestic violence on their agendas for quite some time. It was only through the pressure of Western donor organisations that some NGOs finally gave in and showed interest in the issue.⁷²³ How has NGO work on domestic violence evolved in the case of Georgia? What has inspired women's NGOs to take up this issue? And what role have these NGOs played in making domestic violence visible as a social problem in need of legal regulation rather than a private family problem?

⁷²¹ Despite the fact that I worked for UNIFEM when it supported the functioning of the Network Unity of Women for Peace, and was highly determined to make the Network an effective union, I cannot agree more with respondents' criticism towards top-to-bottom approaches to women's NGOs consolidation attempts in Georgia.

⁷²² Ishkanian, *Is the Personal Political?*, 14.

⁷²³ *Ibid.*, 14-18.

Taking up the Issue

In June 2008, the NGO Women's Information Centre identified thirteen local NGOs were working on combating domestic violence;⁷²⁴ out of them, ten were women's NGOs, four of which were working primarily on the issue of domestic violence, providing services to the victims/survivors of domestic violence, while the other six had other priorities in addition to combating domestic violence. As for the remaining three NGOs, they had broader human rights mandates that included combating domestic violence.

In addition to the survey and subject-based interviews referred to above, I have carried out in-depth interviews with representatives of the four NGOs that had made domestic violence the main focus of their work from the time of their NGOs' establishment. I have paid visits to their offices and shelters, and have attended different events organised by them, such a lectures, presentations, trainings, movie screenings, conferences. I have also read their publications, web-pages and interviews with media, and have watched their audio and video materials. These NGOs were offering a number of services to the victims/survivors of domestic violence such as shelter, free of charge legal and psychological counselling, and social rehabilitation. These four NGOs have been running the first four shelters in Georgia for victims of domestic violence, their names are: 1. Women's Advice Centre Sakhli,⁷²⁵ 2. Sapari,⁷²⁶ 3. Anti Violence Network of Georgia (the AVNG) and 4. Organisation of Women Democrats of Samtskhe-Javakheti, the latter at the same time represents the Samtkhse-Javakheti branch of the AVNG. For the chapter, I have also interviewed representatives of women's NGOs that have chosen domestic violence issues as one but not the main focus of their work as well as representatives of NGOs with

⁷²⁴ NGO Women's Information Centre created and regularly up-dates database about women's NGOs in Georgia, Armenia, and Azerbaijan. Mapping of the NGOs working on domestic violence issues was part of their regular information collection work. These thirteen NGOs were: 1. Union Sapari, 2. Women's Advice Centre Sakhli; 3. Anti-Violence Network of Georgia (AVNG); 4. Organisation of Women Democrats; 5. Women's Information Centre; 6. Dynamic Psychology for Development and Democracy; 7. The International Centre for Education of Women (ICEW); 8. Avangardi; 9. Gaenati; 10. Women's Centre; 11. Georgian Young Lawyers' Association (GYLA); 12. Article 42; 13. Centre for Protection of Constitutional Rights. (1-4 are women's NGOs working primarily on domestic violence; 5-10 are women's NGOs working on domestic violence as one of their priorities; 11-13 are NGOs with broader human rights mandates).

⁷²⁵ "Sakhli" means home as well as house in Georgian.

⁷²⁶ "Sapari" means shelter in Georgian.

broader human rights mandates that also work on domestic violence, namely the Women's Information Centre, Dynamic Psychology for Development and Democracy and the Georgian Young Lawyers' Association.

The Advice Centre for Women Sakhli ("Sakhli" meaning home in Georgian) was established in 1997 and registered in 2000. The NGO has a central office in the capital and a branch office in the town of Gori. Both of these offices provide free of charge legal and psychological services to victims of domestic violence. Psychological services include individual counselling, group therapy, and art therapy, while legal services include legal advice and also support in legal action including court representation for domestic violence victims as needed. In the period of 1997-2009 Sakhli provided psychological and legal services to about 5,300 individuals, of whom 94 per cent were women and girls and six per cent men and boys.⁷²⁷ Starting from August 2007, Sakhli also began to operate a shelter for the victims of domestic violence and sexual violence during conflict;⁷²⁸ the shelter is located separately from the main office of Sakhli in a private house and can accommodate a maximum of eight adults along with their children at a time.⁷²⁹

Rusudan Pkhakadze, a psychologist and the Head of Sakhli, in the 1980s as a young professional worked in the Dimitri Uznadze Psychology Institute as well as with cancer patients in the Oncologic Hospital of Georgia, providing them with psychological counselling. In her words, "Cancer is a psychosomatic disease [...] and while working with women with cancer, in many cases I came to realise that they have suffered problems in their family relations that were hidden from first sight, but actually stood out as a chronic irritator with destructive effects on

⁷²⁷ According to data provided by Sakhli from their register, 52 per cent of the beneficiaries received psychological counselling, while 48 per cent received legal counselling and 18 per cent received both psychological and legal counselling. Nana Khoshtaria, Sakhli staff member, email to author, November, 2009.

⁷²⁸ From 2007 until November 2009, 24 individuals (14 women with their 10 children, the children varied from 2 up to 7 years of age) benefitted from the services of the shelter. Ibid.

⁷²⁹ During my last visit to the shelter in May 2009, four women with their six children were staying there. Sakhli staff mainly consists of psychologists and lawyers. The shelter employed four full-time and three part time staff – psychologists, social worker, doctor, driver and administrative personnel – all women with the exception of the driver.

their health and wellbeing.”⁷³⁰ In 1992-1993 Rusudan Pkhakadze worked on an anonymous helpline of the NGO “Ndoba,” providing psychological rehabilitation to the victims of armed conflicts, where again she came across what she at that time labelled as “family problems” among the broad spectrum of individuals calling the helpline.⁷³¹ In 1997 Rusudan started to work as a social worker with Oxfam Great Britain (GB) with the responsibility to raise Georgian women’s awareness about their rights:

“[...] after four months of work I realised very clearly that unequal relations in the families and violence were the actual problems that women faced. I convinced Oxfam GB to work not broadly on raising women’s awareness about their rights, but to focus more on women’s rights in the familial relations and combating domestic violence in particular.”⁷³²

As a result, after convincing Oxfam, Rusudan Pkhakadze and her psychologist colleagues established the NGO Sakhli in November 1997 and started providing free of charge psychological and legal counselling to victims of domestic violence.⁷³³ The services of the NGO have remained free of charge because Oxfam has provided Sakhli with sufficient annual financial support to run the organisation since 1997. Other than with Oxfam Great Britain, fundraising has been quite a difficult task for Sakhli. In the early 2000s, the US Embassy twice rejected a project proposal from Sakhli, stating that domestic violence is not within the Embassy’s priority areas of work.⁷³⁴

⁷³⁰ Rusudan Pkhakadze (psychologist, director of NGO Women’s Advise Centre Sakhli), interview by author, Tbilisi, Georgia, October 25, 2007.

⁷³¹ Ibid.

⁷³² Ibid.

⁷³³ At the time of the NGOs establishment in 1997 three full-time and two part-time individuals (four women and one men) worked for Sakhli. Written responses of Rusudan Pkhakadze to the questionnaire by the author in the framework of the survey of twenty-two women’s NGOs, February-May 2008.

⁷³⁴ Rusudan Pkhakadze (psychologist, director of NGO Women’s Advise Centre Sakhli), interview by author, Tbilisi, Georgia, October 25, 2007

Natalia Zazashvili, Head of the NGO “Sapari,” recalled that under the leadership of psychotherapist Nino Makhashvili, they started to work on domestic violence issues in 2001 and established a shelter that same year. Prior to the establishment of the shelter, Nino Makhashvili together with her colleagues had a private practice and worked for the psychological rehabilitation of Internally Displaced Persons. This work experience made Nino Makhashvili and her colleagues aware of the problem of domestic violence as many Internally Displaced women who benefitted from the psychological rehabilitation service faced domestic violence. Nino Makhashvili and her colleagues also realised that there was an acute need for a shelter for the victims.⁷³⁵ The NGO raised funds from the multinational tobacco company Philip Morris International and established a shelter for victims of domestic violence in Tbilisi. The shelter could accommodate up to six adults together with their children. However, the funding has not been uninterrupted, almost every year, the NGO faced two to three months of breaks in funding which have hindered the work of the shelter. Since its establishment in 2001 until January 2009, the shelter has hosted about 150 women, many of them with children.⁷³⁶

The NGO Sapari also offers free of charge medical, psychological, and legal counselling to victims of domestic violence. In 2006, the NGO set up two branches, one in Zugdidi in western Georgia (in cooperation with the NGO “Atinati”), and the other in the village of Napareuli in eastern Georgia. Through these branches, the NGO manages to work on domestic violence prevention in two different regions as well as provide psychological counselling on a local level and, when necessary, refer identified victims to the shelter in Tbilisi.⁷³⁷

The other women’s NGO that was created to work first and foremost on domestic violence was the Anti-Violence Network of Georgia (AVNG), established in 2003. The history of the AVNG’s establishment is especially telling in terms of how donors and women’s rights activists’ interests intersected with the issue of domestic violence. In 2004 Marina Tabukashvili,

⁷³⁵ Natalia Zazashvili (Psychologist, Head of NGO Sapari), interview by author, Tbilisi, Georgia, January 5, 2009.

⁷³⁶ Ibid.

⁷³⁷ Ibid.

at that time the Coordinator of Women's Program at Open Society Georgia Foundation (OSGF),⁷³⁸ wrote a brief history of the establishment of the AVNG.⁷³⁹ According to her, in 2000 she attended a training organised by three programs of the Open Society Institute (Budapest)⁷⁴⁰ about family violence and child abuse.⁷⁴¹ And as a result of this training, she decided to work on the issues of domestic violence prevention and response in Georgia.⁷⁴²

Marina Tabukashvili, together with her colleagues from the OSGF's Women's Program, carried out an intensive campaign to raise awareness and mobilised activists throughout Georgia for three years, until the time was ripe to establish the AVNG in 2003. I have interviewed Eliso Amirejibi, one of the Founders of the AVNG, who said that Marina Tabukashvili mobilised and inspired her and her colleagues to work on domestic violence issues, while they were already in the process of identifying domestic violence as an acute problem:

“I have been working with female prisoners since 1998. An interesting thing that I noticed while working in women's prisons was that every year the number of women who killed their abusive spouses or partners was increasing -- this was an alarming trend and we wanted to understand what its causes were. When Marina invited us to work on domestic violence we enthusiastically agreed as we were already seeing the problem through our work with female prisoners.”⁷⁴³

The founders of the AVNG emphasised in their interviews that the financial and technical support provided by the OSGF Women's Program played a decisive role in the establishment

⁷³⁸ Marina Tabukashvili became the Head of Taso Foundation, a spinoff organisation of the Open Society-Georgia Foundation Women's Program in 2007.

⁷³⁹ Marina Tabukashvili, *History of Anti-Violence Network of Georgia*, accessed January 5, 2009, <http://www.stopvaw.org/19Aug20049.html>.

⁷⁴⁰ OSI Network Women's Program, Network Child Abuse Treatment and Prevention Program and Network Media Program.

⁷⁴¹ A group of trainers from Duluth, Minnesota, USA; Child abuse and neglect module was carried out by trainers from the United Kingdom.

⁷⁴² Tabukashvili, *History of Anti-Violence Network of Georgia*.

⁷⁴³ Eliso Amirejibi (women's rights defender, deputy director of Anti Violence Network of Georgia), interview by author, Tbilisi, Georgia, May 24, 2009.

and strengthening of the NGO. “Now we are much stronger, but we would not have survived those years without the financial and moral support from OSGF; we would have otherwise not succeeded breaking the silence on such a tabooed issue, which was a topic for ridicule even among our own friends and acquaintances.”⁷⁴⁴

In 2003, the AVNG set up a crisis centre, a hotline, and a shelter for battered women with the financial support of the Women’s Program of Open Society Georgia Foundation and OSCE. “We were lucky to find donors who shared our vision of the problem. Still, fundraising has not been a bed of roses for us, but we have taken up a responsibility and have to do all in our powers to fulfil it”⁷⁴⁵ stressed Nato Shavlakadze, the Head of AVNG. The shelter, located in Tbilisi, can host eight to ten individuals with their children at a time,⁷⁴⁶ and has been working at full capacity from the start. The active women members of the AVGN has negotiated with the Tbilisi #1 Hospital to provide one extra room for free in case the shelter would not be able to host any more victims.⁷⁴⁷ Until November 2009, the shelter served about 180 victims of domestic violence, women from different walks of life together with their children.⁷⁴⁸ By the end of 2008, AVNG united eleven crisis/rehabilitation centres throughout the country (Tbilisi, Kutaisi, Gurjaani, Zugdidi, Ozurgeti, Mtskheta, Gori, Ambrolauri, Mestia, Akhaltsikhe and Batumi) and regional and district committees in all the regions of Georgia. The Network counts up to 400 members country-wide.⁷⁴⁹ Services provided by AVNG include legal consultation and representation in

⁷⁴⁴ Ibid.

⁷⁴⁵ Nato Shavlakadze (women’s rights activist, head of Anti-Violence Network of Georgia), interview by author, Tbilisi, Georgia, May 24, 2009.

⁷⁴⁶ The shelter is located in a four-bedroom apartment in one of the suburbs of Tbilisi. Tbilisi Crisis Centre is located in a separate office in the central part of the city. The Centre provides legal and psychological assistance and referral to the shelter and other available community resources to the residents of Tbilisi and regions of Georgia. However, its work is limited due to the limited number of staff and the scarce services available in the community. A Hot-line service operates from 10 am until 5 pm during the week at the phone number +995 32 261627. Despite the growing need for the service due to increasing public awareness, the organisation has no capacity to operate the line 24/7 due to the lack of funding and staff. UNDP, *Assessment Report on the Activities of the Anti-Violence Network of Georgia* (November, 2006), 9, accessed January 6, 2009, <http://www.avng.ge/aboutus.htm>.

⁷⁴⁷ Nato Shavlakadze (women’s rights activist, head of Anti-Violence Network of Georgia), interview by author, Tbilisi, Georgia, May 24, 2009.

⁷⁴⁸ UNDP, *Assessment Report on the Activities of the Anti-Violence Network of Georgia*, 8.

⁷⁴⁹ Official web-page of the Anti-Violence Network of Georgia, accessed January 6, 2009, <http://www.avng.ge/aboutus.htm> .

court, medical care, psychological assistance, and psycho-social rehabilitation. The AVNG has also established good working relations with the police.⁷⁵⁰

In 2006 AVNG received support from the Georgian Patriarchy in the form of 1,000 square meters of land in Tbilisi, food products, some equipment, and clothing for the victims.⁷⁵¹ According to Marina Tabukashvili, the Seminar of the Open Society Institute Budapest on domestic violence provided a great impulse for her and her colleagues to look deeper at this problem in Georgia.⁷⁵² And indeed, Marina Tabukashvili, through the Open Society Women's Program provided immense support for the establishment of the AVNG. Although the initiative for the establishment of AVNG came from OSGF, it would not have been as effective and sustainable in its work to combat domestic violence as it proved to be without the commitment and hard work of AVNG staff and their fruitful partnership with local authorities, media, other NGOs, and the police.

The fourth NGO, Women Democrats of Samtskhe-Javakheti, is the only one that was established outside the capital, in the town of Akhaltsikhe, in the Samtskhe-Javakheti region of Georgia, in 1998. Samtskhe-Javakheti is one of the most ethnically diverse regions of the country. According to Marina Modebadze, Head of the NGO, their decision to work on domestic violence issues derived from the findings of a 2002 project funded by the Swedish Women's NGO, Kvinna Till Kvinna.⁷⁵³ Within the framework of this 2002 project, they set up a health clinic that mainly provided gynaecological health services to women. The project's focus provided a good entry point to engage in dialogue with women about their needs and concerns. "We had group meetings with women while they were in the waiting room for a gynaecologist, we also invited them for tea and informal chats, and gradually realised that domestic violence

⁷⁵⁰ Marina Tabukashvili, *History of Anti-Violence Network of Georgia*, 5, 8.

⁷⁵¹ UNDP, *Assessment Report on the Activities of the Anti-Violence Network of Georgia*, 7.

⁷⁵² Marina Tabukashvili (expert in the field of gender equality, head of NGO Taso Foundation), interview by author, Tbilisi, Georgia, January 8, 2009.

⁷⁵³ Marina Modebadze (women's rights activist, head of NGO of Women Democrats of Samtskhe-Javakheti), interview by author, Tbilisi, Georgia, January 5, 2009.

was one of the gravest problems that women were facing; in many cases it was the cause of their gynaecological and other health-related problems.”⁷⁵⁴

Thus, gradually, and with their own resources, NGO activists started to look deeper into the problem. They provided counselling to women who were facing domestic violence. At the same time activists started to offer their own homes to the victims and provided other services for social rehabilitation. In 2006, after four years of more ad hoc, response based work, the NGO set up a shelter in one of the villages of the Samtkhe-Javakheti region. The building of the shelter belonged to the family of the Head of the NGO, and Kvinna Till Kvinna provided financial support for the cost of food. For the rest, the NGO staff ran the shelter with their own resources. The shelter can accommodate six adults with their children, and according to Marina Modebadze, since its opening in 2006 until November 2009, it has hosted about 80 women and children.⁷⁵⁵ This shelter is different from the other three because it is located in a village, which is a more close knit community, making the protection of the victims a real challenge. To address this situation the NGO staff portrays the shelter to the villagers as a recreation house for women and children. The shelter employees a social-worker (herself a survivor of domestic violence), a psychologist, and a doctor. In addition, the NGO has established good working relations with a local priest, who visits the shelter regularly. In 2006, the NGO joined the Anti Violence Network of Georgia, starting to lead the AVNG’s work in the Samtskhe-Javakheti region.

The Georgian Young Lawyers’ Association (GYLA), a non-governmental organisation with a broader mandate dedicated to promoting human rights and the rule of law, has also been an active player in the field of domestic violence.⁷⁵⁶ Within the GYLA, a Women’s Rights Research Group (WRRG) was established at the initiative of women lawyers in 1996.⁷⁵⁷ The WRRG consisted of women lawyers who provided free legal counselling to women, conducted

⁷⁵⁴ Ibid.

⁷⁵⁵ Ibid.

⁷⁵⁶ For more about GYLA mission see: <http://www.gyla.ge/?id=43&lang=eng>, accessed January 8, 2008.

⁷⁵⁷ Mari Meskhi (lawyer, head of Women’s Rights Research Group at NGO Georgian Young Lawyers’ Association), interview by author, Tbilisi, Georgia, November 18, 2009.

research, and tried to raise Georgian society's awareness with regard to women's rights. I have interviewed Mari Meskhi, the leader of the WRRG, once asked how did she come to realise that domestic violence was an issue for women in Georgia, she mentioned the hotline operated by GYLA offering free of charge legal counselling to citizens: "It was through the work on the hotline that we came to realise that domestic violence was one of the main problems for women in Georgia."⁷⁵⁸ The demand for legal advice was high. As Mari Meskhi recalled in her interview, one counsellor provided about thirty consultations per day to women interested mostly in issues related to their property rights, labour rights and, of course, divorce. And oftentimes, domestic violence was the reason behind the decision to divorce.⁷⁵⁹

A number of women's organisations that were less active in the field of domestic violence were motivated to engage with the issue after UNIFEM announced a global Call for Proposals for the UN Trust Fund in Support of Actions to Eliminate Violence against Women for 2007.⁷⁶⁰ In Georgia, a group of five women's NGOs⁷⁶¹ received a Trust Fund grant (USD 150,000) to promote the implementation of the newly adopted *Domestic Violence Law*. I have observed tensions between those NGOs that have been working solely on combating domestic violence described above and those newcomers that did not prioritise domestic violence until recently. Helen Rusetskaya, the Head of Women's Information Centre, an NGO that was one of the recipients of the UN Trust Fund Grant, stressed that "the fact that more and more women's NGOs show an interest to work on domestic violence issues should not irritate already

⁷⁵⁸ Ibid.

⁷⁵⁹ Ibid.

⁷⁶⁰ The Trust Fund was established by General Assembly resolution 50/166 (1996) and is managed by UN Women (previously UNIFEM), providing grants annually worldwide in support of local, national, and regional efforts to combat violence against women. Since 2005, the Trust Fund has sought to involve regional bureaus of UN agencies, as well as other regional bodies active in combating violence against women. For 2007 the Trust Fund aimed to support projects enhancing the effective implementation of national laws and policies on ending violence against women. In addition, its goal was to respond to particular women's experiences of violence that were shaped in part by the intersection of gender with HIV status and other vulnerabilities. The maximum period of submitted projects was two years with budgets between US\$ 100,000 - US\$ 300,000 in Central and Eastern Europe and the Commonwealth of the Independent States.

⁷⁶¹ These five NGOs were: 1. The International Centre for Education of Women; 2. Women's Information Centre; 3. Dynamic Psychology for Development and Democracy; 4. Organisation of Women-Democrats; 5. Women's Hope. Project title: "Intersectoral and community-based measures for the elimination of the domestic violence in Georgia: joint efforts on the implementation of the anti-violence legislation."

experienced NGOs in the field because the newcomers bring their expertise and added value; WIC specialises in collection, organisation, and sharing of information as well as making information technologies accessible to women. In this regard, we have found our particular niche to work on domestic violence issues from the information management viewpoint.”⁷⁶²

The majority of the interviewees emphasised that, regardless of their desire to work on domestic violence issues, they would not have managed to start and sustain work on the issue without the support of international donor organisations. However, in addition to the donor support, the staff of these NGOs have contributed their own resources to the work of their organisations, especially to the functioning of the shelters (be it household items, small amounts of money to meet the immediate needs of beneficiaries, etc.) and have used personal contacts to solve problems faced by the women who have appealed to them for help. My research showed that in some instances the primary motivation for the NGOs starting to work on domestic violence issues was their awareness of the acuteness of the problem and the desire to help women suffering from domestic violence. In other instances, like in the case of the call for proposals of the UN Trust Fund to End Violence against Women, donor organisations’ support played a larger role in motivating women’s rights activists to start working on domestic violence related issues.

My research has also shown that while international donors -- Oxfam Great Britain, Network Women’s Programme at Open Society – Georgia Foundation, UNIFEM -- met the demand of Georgian women’s NGOs to work on the issues of domestic violence, at the same time they have also created a demand among those NGOs that otherwise would not have prioritised work on domestic violence. Thus, the decision of women’s NGOs in Georgia to engage in anti-domestic violence work was the result of a multifaceted process, in which there were two key factors: 1. the existence of motivated women, many of whom chose to work on

⁷⁶² Indeed, WIC successfully managed to organise two internet conferences on domestic violence issues, which provided opportunities for individual women, NGOs, and journalists to pose questions and receive answers from government representatives, donor organisations, and international organisations on-line. The Internet Conference organised by the Women’s Information Centre “Say No to Violence against Women” of 2008, accessed January 8, 2009, http://www.conference.ginisc.net/home.php?conf_id=5&lang=en.

these issues based on their personal knowledge and experience and 2. the interest of some donor organisations to provide funding for such initiatives. My research has also shown that among women's NGOs, initially, only a few have prioritised working on domestic violence, and personal experiences and observations were strong motivating factors in their decision to choose this area of work. It could also be argued that although the influence of international/Western donor organisations was present, the leading group of women's NGOs working in this area did not choose domestic violence because funding was available.

Raising of Public Awareness about Domestic Violence

The services of NGOs working on domestic violence were publicised through TV, radio, and newspaper announcements at both national and local levels as well as through numerous posters, leaflets, and brochures published by the organisations. Victims of domestic violence could call the help-lines operated by the NGOs and/or visit the organisations for face-to-face consultations with psychologists and lawyers. They also could participate in group therapy.

It was by no means easy to break the silence around domestic violence. The reactions of Sakhli's staff's family members and friends to their choice to work on domestic violence issues are quite telling in this regard. Rusudan Pkhakadze shared her experience:

“I was lucky as my husband is also a psychologist and he fully understood and supported me. However, the reactions from the society were quite negative, every time I appeared in media, especially on TV and spoke about domestic violence, my husband got jokes and inquiries from his friends and acquaintances -- ‘why is your wife speaking about wife battering, is everything all right in your family?’ -- but he knows the problem and also how to handle such inquiries. Unfortunately, not all my staff members were as lucky, our work increased our own human rights awareness and emancipation that did not go

unnoticed by our family members, and did not meet with much understanding and support especially from husbands. Some staff members got divorced, some try to somehow balance work and private life...”⁷⁶³

The fact that some staff members did not get full support for their work from their own family members indicates that attitudes with regard to domestic violence among their immediate circle of family and friends had not changed. The transformation of public attitudes and public opinion is a complex and lengthy process, and the women’s NGOs did not spare efforts and resources to increase awareness about domestic violence as a social problem in Georgia. A good example was a group press conference that some NGOs working on domestic violence organised in support of a victim of domestic violence, who, in 2005, had been detained on an accusation of the attempted murder of her husband, who was a Member of the Parliament of Georgia. The NGOs provided legal services to the accused woman and claimed that due to the non-existence of a special law on domestic violence, a victim of domestic violence had been imprisoned on false accusations, instead of the perpetrator. This press conference and other interviews and articles that the NGOs prepared for this case indeed mobilised the public’s interest in the issue and triggered discussions at different levels of Georgian society. In the end, the court released this woman as the prosecution failed to present sufficient evidence of her crime (I will discuss this in more detail in the next chapter).

Rusudan Pkhakadze, on behalf of Sakhli, has given dozens of interviews to journalists on different aspects of domestic violence, in addition to writing numerous articles in local and international publications. “The main message in all my TV and radio appearances has been that domestic violence is a crime and should be regarded as a crime. However, I doubt that we have been successful in making the society at large share this postulate, as domestic violence is still a taboo. ... [However,] on a smaller scale - I have felt from our beneficiaries that for them it was

⁷⁶³ Rusudan Pkhakadze (psychologist, director of NGO Women’s Advise Center Sakhli), interview by author, Tbilisi, Georgia, May 25, 2009.

absolutely critical to see us on TV, hear us on radio -- these media appearances gave them signals that they are not alone and that there is a way out.”⁷⁶⁴

The staff of the NGO Sakhli has carried out a number of small-scale studies on the different aspects of domestic violence in Georgia. They have used the findings of these studies in their public appearances and also to push the government to put in place strong measures for the prevention of domestic violence and for providing assistance to victims of domestic violence.⁷⁶⁵ Out of their numerous awareness raising materials, Sakhli representatives regard the 17-minutes documentary “dzaladoba ojaxhshi danashaulia” (Domestic violence is a crime) they produced in 2006 with financial support of Oxfam GB as the most successful tool used to break the silence about domestic violence. In this documentary, the female protagonist shares her life-story of domestic violence. Throughout the movie, the viewer sees only her face and also featured/staged scenes from her life. Her story is full of pain, full of the violence she has suffered from her husband and also shows her struggle for survival. In the last frame she says: “I wish society could understand what suffering domestic violence is, and I wish someone could make my husband realise what kind of a crime he has committed.” The camera zooms out from her face and the viewer sees that she is in a wheelchair. Since its production, Sakhli as well as other women’s NGOs organised about 80 screenings of the documentary throughout the country with about 7,000 individuals watching it. I have attended three screenings and have seen how the film moved men and women in the audience.⁷⁶⁶

In 2006, Natalia Zazashvili, the Head of the NGO “Sapari,” together with her spouse Levan Glonti and with financial support from OSGF directed another documentary on domestic violence, called “shin da ukan” (Home and back). This documentary was shot in one of the villages of the Kakheti region in Eastern Georgia and tells the true story of a woman called Lia, who suffered domestic violence as a child. The biggest tragedy of her story is that her mother

⁷⁶⁴ Rusudan Pkhakadze (psychologist, director of NGO Women’s Advise Center Sakhli), interview by author, Tbilisi, Georgia, May 25, 2009.

⁷⁶⁵ Rusudan Pkhakadze, *dzaladoba ojaxhshi – genderuli damokidebulebebis kvleva* and *dzaladoba ojaxhshi da sazogadoebrivi azri*.

⁷⁶⁶ One in Gori in June 2009 and two in Tbilisi in July and December 2010.

passed away as a result of severe beatings by her father, who was also physically abusing Lia and her siblings. The film is a story of survival; it shows how Lia overcame her sufferings, fleeing her village, and seeking refuge from her father in the capital, where she managed to start a new life. The film does not “lecture or divide the world into ‘good’ and ‘bad’ ones. It just shows the toughness of the problem.”⁷⁶⁷ This film, financed by the Women’s Program of OSGF, has been widely screened by women’s NGOs for students, journalists, police, and social workers. The documentary has also been shown in 2008 and 2009 as part of the annual campaign “16 Days of Activism against Gender based Violence” (25 November – 10 December).

The “16 days of Activism against Gender based Violence” campaign has been actively celebrated in Georgia since the early 2000s; each year, women’s NGOs develop a calendar of events to be carried out over the course of the 16-day campaign that encompasses conferences, movie screenings, TV and radio programmes, trainings, photo exhibitions, and other events. Each year, women’s NGOs select one or two key themes from the broad spectrum of problems associated with violence against women and devote the majority of the campaign events to these few themes. Combating domestic violence has been the main focus for the campaign in 2009, 2010, and 2011.

OSGF / Women’s Program carried out awareness-raising work through meetings held at both national and local levels.⁷⁶⁸ These meetings resulted in the establishment of Regional Committees to protect women and children from violence in the ten regions of Georgia (all regions of the country except the breakaway regions of Abkhazia and South Ossetia), which were transformed afterward into the Anti-violence Network of Georgia. The main tasks of these Regional Committees were a) to document and record cases of violence against women and children and ensure appropriate responses; b) to coordinate activities of governmental and non-

⁷⁶⁷ The film was presented at International Human Rights Documentary Film Festival, Prague, 2006. Newsletter of Open Society Georgia Foundation (2006), 15- 16, accessed January 8, 2009, www.osgf.ge/data/file_db/QUARTERLYNEWSLETTER/1-2006_bANY.P8cNL.pdf.

⁷⁶⁸ “In addition to other activities, two cycles of educational/working meetings in 10 regions of the country and in Tbilisi were carried out.” Taso Foundation, *Historical Background Paper* (2007), 2, accessed January 8, 2009, <http://taso.org.ge/?l=1&i=498>.

governmental institutions as well as the media towards combating violence and aggression in the society; and c) to create country-wide network to work against domestic violence.⁷⁶⁹ The Regional Committees received support from the local governments which gave the Regional Committees free of charge workspaces. Along with OSGF/Women's Program, OSCE/ODIHR also provided the funding for the Regional Committees.

The NGOs have published and distributed a number of posters, leaflets, and fliers about domestic violence prevention and response; they also have sponsored and/or taken active part in numerous TV and radio shows devoted to domestic violence issues. They have produced films, organised press conferences, movie screenings, seminars, and workshops on domestic violence-related issues. These efforts of the women's NGOs are valuable, but they are only first steps towards changing society's attitudes towards domestic violence and are far from being sufficient or enough. Alarming, according to the findings of the most recent 2009 nation-wide survey on domestic violence, 34 per cent of women thought that husbands have a right to beat their wives in certain cases,⁷⁷⁰ while 78 per cent of women thought that family problems should only be discussed within the family.⁷⁷¹

NGOs Demanding Improved Policy and Law-making on Domestic Violence

In 2004, Sakhli managed to fundraise from the Dutch women's fund "Mama Cash" and undertook the monitoring of the implementation of the Plan of Action on Combating Violence against Women (2000-2002),⁷⁷² the first policy document of the Government of Georgia focusing on combating violence against women. This was also the first time a woman's NGO

⁷⁶⁹ Ibid.

⁷⁷⁰ UNFPA, et.al., *National Research on Domestic Violence in Georgia*, 38.

⁷⁷¹ Ibid., 12, 15, 37. Out of the 78 per cent of women who think that family problems should only be discussed within a family, 48 per cent are rural, 30 per cent are urban and 22 per cent are from the capital Tbilisi. Ibid., 37.

⁷⁷² Sakhli, MamaCash, *Monitoring of the Plan of Action for Combating Violence against Women*.

undertook the monitoring of any state policy document in Georgia.⁷⁷³ The monitoring report represented a review of the activities carried out by different government structures (Ministry of Justice, Ministry of Internal Affairs, Ministry of Education and Science, State Department of Statistics, Public Defender's Office), NGOs as well as the media coverage about combating domestic violence, and outlined the challenges and shortcomings in the implementation of the Action Plan. Sakhli staff sent formal letters to all the parties responsible for the implementation of the Action Plan asking for full accounts of the activities that they have carried out and then paid follow up visits to collect additional information.

The monitoring found that the government failed to implement the absolute majority of the recommendations spelled out in the Action Plan. Because the government did not set up a special institution responsible for the implementation of the Plan, the necessary human and financial resources for the Plan's implementation were not allocated and the necessary indicators and other tools and processes for the successful monitoring of the Action Plan were not developed.⁷⁷⁴ In the report as well as during a special meeting organised by Sakhli to present its findings to civil society and government representatives, the NGO called for increased attention to the issue of domestic violence and increased accountability from the side of the government through the establishment of a state structure / unit that would be in charge of the coordination of gender equality policy in the country, including those measures towards combating violence against women. This new entity "would determine the function of the state structures with strict accuracy and promote both – the competence and efficiency within the institutions, and cooperation between the institutions."⁷⁷⁵ It should be noted that it was not until December 2008 that the government reacted to this call from 2004 and established the Interagency Coordination Council on the Measures to Eliminate Domestic Violence, which has invited Sakhli and the Anti-

⁷⁷³ The Action Plan had twelve objectives encompassing not only anti-domestic violence measures but also actions against trafficking in human beings and support to women who have faced armed conflicts and internal displacement. Throughout the monitoring exercise, Sakhli particularly looked at what was done by the government with regard to combating domestic violence.

⁷⁷⁴ Sakhli, MamaCash, *Monitoring of the Plan of Action for Combating Violence against Women*, 90.

⁷⁷⁵ *Ibid.*, 91.

Violence Network of Georgia to join it as observers.⁷⁷⁶ The adoption of the Domestic Violence Law in 2006 was the main development that, although with delay, gave impulse to the establishment of coordinating structure in the government. Likewise, on the eve of 2009, the government assigned the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking to work also on domestic violence issues in terms of providing effective services to the victims of domestic violence through the establishment and the administration of shelters and a nation-wide hotline for the victims of domestic and sexual violence and along with a set of additional measures.⁷⁷⁷ Due to lack of financial resources, the State Fund was unable to set up domestic violence shelters in 2009 and has been forced to temporarily accommodate the victims of domestic violence in the human trafficking shelters. However, the State Fund with the support of UNIFEM office in Georgia and the Swedish International Development Agency (Sida) managed to set up two separate shelters for the victims / survivors of domestic violence in 2010 – one in Tbilisi and the other in the town of Gori.⁷⁷⁸ As UNIFEM Gender Adviser in Georgia, I have been closely involved in the drafting and implementation of the project called *SHiEld – Enhancing Prevention and Response to Domestic Violence in Georgia*, which included the establishment of the above-mentioned two state-supported shelters along with a nation-wide hotline (2 309-903) for the victims / survivors of domestic violence.⁷⁷⁹ Women’s NGOs have greatly supported the establishment of the shelters and the hotline. Under the leadership of

⁷⁷⁶ The Interagency Coordination Council was established by the Presidential Decree no.625, December 26, 2008. It unites eight full-fledged members of the government (1. Judge of the Constitutional Court of Georgia -- Chair of the Council; 2. Deputy Minister of Labour, Health and Social Protection; 3. Deputy Minister of Foreign Affairs; 4. Deputy Minister of Internal Affairs; 5. Deputy Minister of Justice; 6. Deputy Minister of Education and Science; 7. Advisor to the President of Georgia; 8. Independent member -- Council’s executive secretary) and 16 invited observers from civil society and international/donor organisations.

⁷⁷⁷ The State Fund is the legal person of public law, which was established in 2006 under the auspices of the Ministry of Labour, Health, and Social Affairs to work on the prevention of and response to trafficking in human beings. The Fund has also successfully managed to establish two shelters (one in Tbilisi and the other in Batumi) and a nation-wide hotline for the victims of trafficking.

⁷⁷⁸ Mari Meskhi (lawyer, head of Women’s Rights Research Group at NGO Georgian Young Lawyers’ Association), interview by author, Tbilisi, Georgia, November 18, 2009.

⁷⁷⁹ UNIFEM project *SHiEld – Enhancing Prevention and Response to Domestic Violence in Georgia* was launched on March 8, 2010 and ended at the end of April 2011. The total budget of the Project was USD 700,148 and some USD 252,085 were spent on the construction and equipping of the two shelters and establishment of a nation-wide hotline. It is noteworthy that after the phase-out of the project, from May 2011, the government of Georgia has undertaken the responsibility for the funding of the shelters and the hotline from the state budget. Each shelter can accommodate 14 adults with their children at once; the hotline operates 24 hours a day, 7 days per week.

Sakhli, a working group of women's NGOs was established at the State Fund to create and elaborate special standards for the operation of the newly established shelters as well as a code of conduct for the shelter and hotline personnel. As of December 2011, the four NGO shelters discussed above continue to operate alongside the two newly established state-run shelters.

The idea to create a special law addressing domestic violence came also from the group of motivated women lawyers from the Georgian Young Lawyers' Association. The processes of the drafting and adoption of the law and the role that women's NGOs played in these processes are explored in detail in the next chapter. Here it is clear that the representatives of women's NGOs played a decisive role in advocating and elaborating the institutional and policy response to domestic violence issues in Georgia.

Conclusion

In this concluding part of the chapter, I would like to come back to the arguments developed by Kristen Ghodsee in her "feminism-by-design" paradigm. According to Ghodsee, women's NGOs in Bulgaria "are overly influenced by western funding, and 'experts' do more to help weaken grassroots opposition to unfettered free markets and the dismantling of the social welfare state than to actually help Bulgarian women."⁷⁸⁰ Ghodsee also underlined that NGOs co-opted educated middle-class women, engaging them in gender-based analysis, while they might otherwise organise a solid-class based opposition to neoliberalism.⁷⁸¹

The findings of my research of women's NGOs working on domestic violence in Georgia do not support these arguments; in addition I find them problematic because they have the potential to discredit women's NGO activism in general. Since NGOs are decisive players in civil society's monitoring of government policies, arguments like Ghodsee's through generalisation bear the risk of further weakening the NGOs' already weak position. I also think

⁷⁸⁰ Ghodsee, *The Red Riviera*, 166.

⁷⁸¹ *Ibid.*, 167.

that Ghodsee is a bit naïve to argue that women's NGOs, even if they wanted to, would have been successful in convincing their governments to change their orientation towards free-market neoliberalism.

While I agree with Ghodsee's argument that women's NGOs have to be aware and critical of macro-economic policies and neoliberalism, and of the broader geo-political implications of their choice to work with US funding, etc.⁷⁸² I disagree with her juxtaposing of issues stemming from class-based oppression with those derived from gender-based oppression. Knowing the scale of the problem of domestic violence, I do not think that women in the post-communist countries would have been better off if women's NGOs had joined forces with men against class-based oppression, while turning a blind eye on domestic violence.

It is also a fact that these NGOs have been serving acute needs of quite a few local women facing the problem of domestic violence. In this regard, I wonder why Ghodsee sees such issues as domestic violence that clearly stem from gender-related oppression as deflecting attention of the society and governments from "more important" or "bigger" issues that are derived from class-related oppression. In Georgia's case, it could be argued that without the work of the women's NGOs, meeting the needs of at least a small number of women facing domestic violence as well as preparing the grounds for a more comprehensive policy and legal response to the problem of domestic violence would have not been possible. Sakhli the Anti-Violence Network of Georgia, Sapari, and Women Democrats from Samtskhe-Javakheti, were providing various services to women victims/survivors of domestic violence because they understood the need for these services, a need all the greater because the state, exactly due to neoliberal approaches, was not even considering to offer such services at the time. The experience of running a shelter and offering psychological and legal counselling made the advocacy work of these NGOs evidence based and in a longer term successful.

⁷⁸² For a detailed discussion of such implications see Grewal, "On the New Global Feminism and the Family of Nations."

Chapter 5: Georgia's Domestic Violence Law: Drafting, Initiation, Adoption

Introduction

In the previous chapters, I have attempted to identify the factors and developments that have either hindered (during the Soviet period) or contributed (during the independence) to the identification of domestic violence as a problem in Georgia. In this chapter, I would like to understand which key international and local factors have contributed to the actual drafting and adoption of the *Law of Georgia on the Elimination of Domestic Violence, Protection of Victims of Domestic Violence and their Assistance*.⁷⁸³ In particular, I will be inquiring where the debates surrounding the adoption of the Georgian Domestic Violence Law fit if compared with similar policy discussions in other countries. And on a more general level, what could be learned from the Georgian experience of the Domestic Violence Law's elaboration and adoption? I will pay particular attention to the actual process of the law's drafting as well as to the arguments employed by the opponents and supporters of the law to explain the particular contents and character of the Georgian Domestic Violence Law.

International Factors – A Conducive Environment

Georgia joined CEDAW without reservations in 1994. The CEDAW Committee reviewed the first report of the Georgia State party at its 21st session (7-25 June, 1999). The initial government report did not contain any reference to domestic violence. This fact was given special consideration by the Committee members. Ms. Schöpp-Schilling, CEDAW Committee member from Germany and the Committee's Vice-Chair, expressed her concern that

⁷⁸³ For the purposes of this dissertation, law is defined as “unity of social norms that are set by the state and are regulating human behaviour in a society.” Giorgi Khubua, *samartlis teoria* [Theory of law], (Tbilisi: Meridiani, 2004), 33. This is a rather narrow definition of positive law (*lex lata*) that I have taken up on purpose to draw a clear distinction between this and wider understandings of law that encompass not only state-set but also all kinds of other norms regulating human behaviour including customs and traditions.

“[t]here had been a number of lacunae in the State party’s report, especially on the subject of domestic and custodial violence against women. She expressed the hope that the next report would give more details of such violence and that appropriate legislation would have been adopted by the time of its submission. She urged the State party to draw on the expertise of the European Union and the Council of Europe in framing such legislation.”⁷⁸⁴

Other Committee members also posed serious questions to the Georgian delegation and recommended that the state put in place measures, including legislation, to combat domestic violence.⁷⁸⁵ At the end of the discussion a representative of the government of Georgia “noted that the Government had recognised that greater efforts were required to address violence, including domestic violence, against women.”⁷⁸⁶ In addition, after this hearing of the Georgia State party’s initial report, the CEDAW Committee in its concluding comments articulated a very clear recommendation with regard to putting in place specific legal and policy measures to address violence against women:

“The Committee recommends that laws specifically addressing violence against women and criminalizing rape in marriage be put in place. [...] It also recommends the design and implementation of policies and programmes to address violence against women. In particular, it recommends the establishment of a network of crisis centres and the

⁷⁸⁴ Committee on the Elimination of Discrimination against Women, Twenty-first session, *Summary record of the 431st meeting Held at Headquarters, New York, on Friday, 11 June 1999, at 3 p.m.*, CEDAW/C/SR.431, February 11, 2002, 4.

⁷⁸⁵ Other CEDAW Committee members that posed questions in relation to violence against women and domestic violence were Silvia Cartwright of New Zealand and Rosalyn Hazelle of Saint Kitts and Nevis, for more see Committee on the Elimination of Discrimination against Women, Twenty-first session, *Summary record of the 427th meeting Held at Headquarters, New York, on Wednesday, 9 June 1999, at 10 a.m.*, CEDAW/C/SR.427, February 11, 2002, 7.

⁷⁸⁶ United Nations, Committee on the Elimination of Discrimination against Women, Twenty-first session, *Concluding Comments and Observations*, 2, accessed September 2, 2011, http://www2.ohchr.org/english/bodies/cedaw/docs/GeorgiaCO21st_en.pdf.

expansion of consultative services so as to render the necessary assistance to women victims, especially girls, both in urban and rural areas.”⁷⁸⁷

After reviewing Georgia’s second and third joint reports on its 36th session (7-25 August, 2006), the CEDAW Committee complemented the State party for the adoption of the Domestic Violence Law, while still expressing concern regarding the lack of information and statistics on domestic violence, and that such violence might still be considered a private matter. The CEDAW Committee further recommended that the government of Georgia put in place all the needed measures for the law’s effective implementation.⁷⁸⁸ The Committee was relying on the information provided in the Georgian Women’s NGOs shadow report, which explicitly stated:

“There are many instances of domestic violence in Georgia, but this is a tabooed issue. Women avoid speaking about this problem. The relevant institutions (police, healthcare, who should react to these facts) do not have enough knowledge about this problem.”⁷⁸⁹

The women’s NGOs that have prepared the joint second and third shadow reports to the CEDAW Committee united some of the most active women from the Domestic Violence Law drafting team such as Mari Meskhi, Lia Sanikidze, and Nato Shavlakadze.⁷⁹⁰ The Role of Mari Meskhi was especially important as she was responsible for the drafting of the joint second and third CEDAW shadow reports with inputs from other NGOs and also she was the one in charge of the Women’s Rights Research Group of the NGO Georgian Young Lawyers’ Association (GYLA) that has initiated the drafting of the Domestic Violence Law in Georgia. Therefore, it is

⁷⁸⁷ Ibid., 4.

⁷⁸⁸ *Concluding comments of the Committee on the Elimination of Discrimination against Women: Georgia*, CEDAW/C/GEO/CO/3, 4.

⁷⁸⁹ Ibid., 7.

⁷⁹⁰ *Periodic Report Submitted by Nongovernmental Organizations Under the Convention on the Elimination of All Forms of Discrimination against Women: Georgia, 2006*, 1, accessed November 23, 2011, http://www.iwraw-ap.org/resources/pdf/Georgia_SR.pdf.

not surprising that the above-mentioned shadow report contained detailed review of domestic violence-related problems and existing response mechanisms in Georgia.

The shadow report further stated that the Georgian Young Lawyers' Association with financial assistance of ABA/CEELI started to draft domestic violence legislation in May 2004.⁷⁹¹ However, my research has shown that although women's rights activists secured funding for the drafting of the Law from ABA/CEELI in May 2004, the GYLA Women's Rights Research Group initiated work on the draft Law voluntarily already in late 2002 beginning of 2003.⁷⁹² The dynamics around the drafting of the Law are explored in further details below in the chapter.

The role that ABA/CEELI played in the drafting of the Georgian Domestic Violence Law requires special consideration. In 2002 ABA/CEELI designed a special research methodology based on CEDAW, entitled "CEDAW Assessment Tool" to examine a country's compliance with CEDAW and used it in Armenia, Georgia, Russia, Serbia, and Moldova.⁷⁹³ Georgia was the first country where the Assessment Tool was tested and report published. Each section of the Georgian Assessment Report had a *de jure* analysis reviewing how Georgian laws comply with the treaty and a *de facto* evaluation assessing how day-to-day reality compares to the law and to the treaty. In some sections, there were identified also areas of concern referring to specific issues, which needed to be addressed with greater urgency in order to improve Georgia's compliance with its treaty obligations.⁷⁹⁴ The Assessment report stated:

"No domestic violence legislation explicitly protects women from abuse by family members, such as their husbands. According to the experts interviewed, marital rape is

⁷⁹¹ Ibid.

⁷⁹² Mari Meskhi (lawyer, head of Women's Rights Research Group at NGO Georgian Young Lawyers' Association), interview by author, Tbilisi, Georgia, January 3, 2006.

⁷⁹³ Siyanda: Mainstreaming Gender Equality, *The CEDAW Assessment Tool: An Assessment Tool Based on the Convention to Eliminate All Forms of Discrimination Against Women*, accessed November 23, 2011, <http://www.siyanda.org/search/summary.cfm?nn=3035&ST=SS&Keywords=gender&SUBJECT=0&Donor=&StartRow=1321&Ref=Sim>.

⁷⁹⁴ ABA/CEELI, *CEDAW Assessment Tool Report: Georgia*, October 2003, 2, accessed November 23, 2011, <http://apps.americanbar.org/rol/publications/georgia-cedaw-2003-eng.pdf>.

not recognised among the general public as a crime. Domestic violence remains a hidden phenomenon in Georgia, with the majority of Georgians denying its existence.”⁷⁹⁵

In the areas of concern identified by the report, it gave special consideration to the fact that there existed no specific legislation in Georgia to address instances of violence against women.⁷⁹⁶ It is somewhat problematic that an American organisation initiated the assessment of other countries’ compliance with CEDAW, when the United States still remains among the few countries that have not ratified the Convention.⁷⁹⁷ However, the American Bar Association is one of the leaders among the 190 US organisations that have endorsed CEDAW and continue to actively lobby the US government to ratify the Convention.⁷⁹⁸ In the Georgian context, this CEDAW-related assessment of women’s situation provided additional argumentation for the women’s rights advocates to work on the draft Domestic Violence Law. It is not by chance that in the acknowledgements section the ABA/CEELI report underlined the contribution of Mari Meskhi who apparently served as a leader of the team that looked at Georgia’s *de jure* compliance with CEDAW and has also contributed to the review and finalisation of the report.⁷⁹⁹ As mentioned above, Mari Meskhi together with a few other women has initiated the drafting of the Domestic Violence Law in Georgia.

Based on this review, it may be concluded that Georgia’s ratification of CEDAW has been an important factor shaping the women’s rights and gender equality-related agenda in

⁷⁹⁵ ABA/CEELI, *CEDAW Assessment Tool Report: Georgia*, 68.

⁷⁹⁶ Ibid., 75.

⁷⁹⁷ Out of the 193 UN Member States 187 have ratified CEDAW, the remaining six countries are: the United States, Sudan, Somalia, Iran, and two small Pacific Island nations (Palau and Tonga). CEDAW 2011, *Frequently Asked Questions*, accessed November 23, 2011, <http://ratifycedaw.org/index.php/about-cedaw/faq>.

⁷⁹⁸ Centre for Reproductive Rights, *CEDAW Advances Women’s Human Rights*, accessed November 23, 2011, <http://reproductiverights.org/en/document/cedaw-advances-womens-human-rights>. In fact on the International Day of Elimination for the Elimination of Violence against Women on 25 November 2010, Stephen N. Zack the President of ABA called the US Senate to ratify the Convention: “U.S. should join the 186 nations that have ratified the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Only six other nations have not accepted the treaty. By ratifying CEDAW, the U.S. Senate can signal that this country is firmly committed to human rights for all of the world’s population.” ABA- Division for Media Relations and Communications Services, *Statement of Stephen N. Zack, President, American Bar Association Re: International Day for the Elimination of Violence Against Women – November 25, 2010*, accessed November 23, 2011, <http://www.abanow.org/2010/11/statement-of-stephen-n-zack-president-american-bar-association-re-international-day-for-the-elimination-of-violence-against-women---november-25-2010/>.

⁷⁹⁹ ABA/CEELI, *CEDAW Assessment Tool Report: Georgia*, i.

Georgia from international to local levels and vice versa. The joining of CEDAW made the government accountable to translate norms and principles of the Convention on the national level, while providing local women's rights advocates with an opportunity to conceptualise problematic issues and human rights violations faced by women in Georgia and to advocate for their solution by voicing these concerns in the international arena. CEDAW Committee members have been very vocal about the lack of domestic violence legislation in Georgia, calling the government to take all the needed steps towards its adoption and implementation. The Convention has been used as a reference point by US-based international organisations such as ABA/CEELI to generate knowledge about women's *de facto* and *de jure* situation in Georgia, underlining the lack of domestic violence legislation as one of the key gaps to be addressed. More broadly speaking, the international recognition of the problem of domestic violence and Georgia's integration in the international community through its joining of CEDAW has created a conducive environment for the elaboration of laws and policies targeting domestic violence.⁸⁰⁰ Thus, Georgia's joining of CEDAW can be identified as an important international factor that has supported the regulation of domestic violence in Georgia.

⁸⁰⁰ Kazakhstan is a good example of how international acknowledgement of the problem of domestic violence and a governments' desire to present its country as more democratic affects domestic violence policymaking. In Kazakhstan President Nursultan Nazarbaev signed domestic violence law on 7 December 2009. This law was in preparation for about ten years, and was finalised and signed right before Kazakhstan assumed Chairmanship of the Organization of Security and Cooperation in Europe in the beginning of 2010. The adoption of the law was especially underlined by Kanat Saudabayev, the Foreign Minister of Kazakhstani Republic and OSCE new Chairman-in-office on 2 February Hearing on Kazakhstan's Leadership of OSCE. OSCE, *Hearing: Kazakhstan's Leadership of OSCE*, 2 February 2010, accessed February 16, 2010. http://www.osce.gov/index.cfm?FuseAction=ContentRecords.ViewTranscript&ContentRecord_id=467&ContentType=H,B&ContentRecordType=H&CFID=28253931&CFTOKEN=60154081.

The Elaboration of Georgia's Domestic Violence Law

“[...T]he development of legal and social consciousness around domestic violence is inextricably linked with the activism of the women's movement. As with all law reform, the nature of the pressures and initiatives for change depends on different national, socio-legal and cultural contexts.”⁸⁰¹

Until the adoption of the Domestic Violence Law in 2006, there did not exist a definition of domestic violence in Georgian legislation. In theory, articles of the Criminal Code of Georgia regulating assault and battery,⁸⁰² torture,⁸⁰³ intentional damage to health,⁸⁰⁴ etc. could have been applicable to instances of domestic violence. However, in the early 2000s NGOs and women's rights' activists in Georgia started to argue that without a special domestic violence law the relevant articles of the Criminal Code were ineffective as they were not easily applicable to the private domain in which domestic violence occurs.⁸⁰⁵ Legal scholar Nino Bakakuri analysed the crimes regulated by the Criminal Code of Georgia vis-à-vis the specificities of domestic violence in 2004, two years prior to the adoption of the Domestic Violence Law. Bakakuri concluded that although the majority of violations⁸⁰⁶ that were characteristic of domestic violence were

⁸⁰¹ Sharyn L. Reach Anleu, *Law and Social Change*, (London, Thousand Oaks, New Delhi: Sage Publications, 2000), 186.

⁸⁰² *Criminal Code of Georgia*, (Tbilisi, 1999), Chapter XX, Crime against Health, Article 125, Assault and Battery. (The Criminal Code was adopted on 22 July 1999).

⁸⁰³ *Ibid.*, Article 126, Torture.

⁸⁰⁴ *Ibid.*, Article 117, Intentional Damage to Health.

⁸⁰⁵ Interviews by author with Mari Meskhi (lawyer), January 3, 2006; Nato Shavlakadze (women's rights activist), November 4, 2007 and May 24, 2009; Eliso Amirejibi (Women's rights activist), May 24, 2009; Rusudan Pkhakadze (Psychologist), October 25, 2007 and May 25, 2009.

⁸⁰⁶ Criminal Code of Georgia regulates: Article 117. Intentional Damage to Health; Article 118. Less Serious Damage to Health on Purpose; Article 119. Damage to Health Resulting in Death; Article 120. Intentional Light Damage to Health; Article 121. Intentional Serious or Less Serious Damage to Health under Sudden Mental Anxiety; Article 125. Assault and Battery; Article 126. Torture; Article 108. Premeditated Murder; Article 150. Coercion; Article 151. Threatening; Article 115. Bringing to the Point of Suicide; Article 137. Rape; Article 138. Sexual Abuse under Violence; Article 139. Coercion into Sexual Intercourse or Other Action of Sexual Character; Article 143. Illegal Imprisonment; Article 157. Disclosure of Personal or Family Secrets; Article 158. Disclosure of Secret of Private Conversation; Article 159. Disclosure of Privacy of Personal Correspondence, Telephone Conversations or Other Message; Article 160. Encroachment upon Inviolability of House or Other Possession. *Criminal Code of Georgia*, (Tbilisi, 1999).

criminalised by the Criminal Code, due to procedural and policy-related shortcomings these clauses were inappropriate for regulating domestic violence cases:

“Analysis of the Georgian legislation shows that the majority of crimes related to domestic violence unless they have particularly grave results belong to minor category offences, the punishment for which does not exceed deprivation of liberty for five years. [...] Most of these crimes belong to the offences subject to private or private-public prosecution meaning that criminal action of these cases may be brought only if the victim complained. Furthermore, private prosecution cases may be terminated if the victim reconciliates with the accused.”⁸⁰⁷

The legal and procedural shortfalls identified by Bakakuri would indeed hinder the disclosure of the instances of domestic violence by victims. In an environment when there existed neither legal nor institutional mechanisms for victims’ protection, given their psychological situation, only a few victims would actually dare to bring charges against perpetrators. Also, the fact that the prosecution of such cases could have been terminated upon the complaints’ request complicated the victims’ situation, given their emotional, psychological, and oftentimes material dependence on the perpetrators. Bakakuri underlined that by the time of her analysis there existed neither legal nor institutional mechanisms for the adequate protection of victims of domestic violence, and thus, that the state was failing to effectively respond to the problem.

A study carried out by a Georgian thinktank NGO, the Institute for Policy Studies (IPS), together with the American organisation Advocates for Human Rights and published in December 2006 found that prior to the adoption of the 2006 Domestic Violence Law, criminal justice officials most of the time used Article 130, Beating, and Article 244, Hooliganism, in

⁸⁰⁷ Nino Bakakuri, *Domestic Violence and Human Trafficking How to Protect Our Rights*, (Tbilisi, 2004), 154-155.

cases of domestic violence.⁸⁰⁸ The general trend was that the police refrained from interfering in “family affairs” unless the injuries were repeated or “severe.”⁸⁰⁹ The IPS study like the research by Bakakuri argued that a Domestic Violence Law was needed precisely to bridge this gap between existing regulations in the Criminal Code and their applicability to cases of domestic violence. This law was needed as “a commitment to address domestic violence through a wide array of social and legal services.”⁸¹⁰

Mari Meskhi, a lawyer, women’s rights defender and one of the authors of the law, in an interview for this chapter recalled that the idea to develop special domestic violence legislation came to the Women’s Rights Research Group of the Georgian Young Lawyers’ Association back in 1999, based on the Group’s free of charge legal counselling work with women. According to Mari Meskhi, the Women’s Rights Research Group was established in 1996 within the Georgian Young Lawyers’ Association by the women lawyers members of the Association (not in the framework of any donor-supported project). Along with the provision of free of charge legal counselling to women, the group also carried out awareness-raising and research initiatives related to women’s rights. The demand for legal advice among women was high. As Mari Meskhi recalled, one councillor would provide about thirty telephone consultations per day to women interested mostly in their property rights, employment rights and, of course, divorce. Mari Meskhi also mentioned that many of the women were seeking legal advice to help themselves out of violent relationships noting that these women did not have adequate legal and policy protection mechanisms. “Among our customers, many women were victims of domestic violence. I would like to stress that they were not identifying themselves as such, they were

⁸⁰⁸ Institute for Policy Studies, Minnesota Advocates for Human Rights, *Domestic Violence and Child Abuse in Georgia*, 7-8.

⁸⁰⁹ Amnesty International, *Georgia: Thousands Suffering in Silence*, 7.

⁸¹⁰ Institute for Policy Studies, Minnesota Advocates for Human Rights, *Domestic Violence and Child Abuse in Georgia*, 8.

appealing to us to help them with divorce [...] and then in the conversation we would find out that very often the reason for seeking divorce was domestic violence.”⁸¹¹

According to Mari Meskhi, this legal counselling work encouraged her together with her colleagues from the GYLA Women’s Rights Research Group to start thinking about developing and having adopted a special domestic violence law in Georgia. This idea was first voiced in a seminar organised by ABA/CEELI in the town of Bakuriani in 2002, which was soon followed by the establishment of a working group of women lawyers and activists from different NGOs. The working group consisted of: Mari Meskhi, NGO Georgian Young Lawyers’ Association, Eka Iobadze, NGO Sakhli, Nato Shavlakadze, NGO Anti-violence Network of Georgia, and Lia Sanikidze, NGO Women for Future.⁸¹² This group worked voluntarily for over one year with the institutional support of the ABA/CEELI⁸¹³ and elaborated definitions of domestic violence, including different forms of domestic violence in Georgian. They also elaborated some of the victim protection mechanisms for inclusion in the law.

After this initial voluntary work, ABA/CEELI secured funding from USAID for a project that was devoted to the drafting of a Domestic Violence Law in Georgia in May 2004. The membership of the working group was broadened to include other representatives from Georgia civil society and state structures (Ministry of Justice, Prosecutor General’s Office, and judiciary).⁸¹⁴ The composition of the group was decided by the initial working group and the project’s implementing non-governmental organisation GYLA. According to Mari Meskhi, the group used the United Nations guidelines for the elaboration of domestic violence legislation as

⁸¹¹ Mari Meskhi (lawyer, head of Women’s Rights Research Group at NGO Georgian Young Lawyers’ Association), interview by author, Tbilisi, Georgia, January 3, 2006.

⁸¹² Ibid.

⁸¹³ According to the group members, ABA/CEELI provided a venue for the group’s meetings and refreshments during coffee breaks. This was a preferred venue by the group members as the working environment there was much better than in the NGO offices. Additionally, the ABA/CEELI was viewed as a neutral player that encouraged equal participation of lawyers from different women’s NGOs. Interviews by author with Mari Meskhi (lawyer), January 3, 2006, and Irina Lortqipanidze (senior lawyer at ABA/CEELI), January 12, 2006.

⁸¹⁴ The drafting team members were: Mari Meskhi, Nino Abaishvili, and Nino Bakakuri from the NGO Georgian Young Lawyers’ Association, Eka Iobadze from the NGO Sakhli, Nato Shavlakadze from the NGO Anti-violence Network of Georgia, Sanikidze from the NGO Women for Future, Koba Bochorishvili from the NGO Centre for the Protection of Constitutional Rights, Gia Gogiberidze, from the Ministry of Justice, Tamar Iashevili, from the Prosecutor General’s Office, and Rusudan Chanturidze, a Judge (in total eight women and two men).

well as some materials provided by ABA/CEELI. The first draft of the Domestic Violence Law was ready in December 2004.

From January 25 to February 5, 2005, ABA/CEELI in partnership with another American organisation, “World Learning,” organised a study tour for the drafting team (10 individuals) to Minnesota, to visit the American human rights organisation Advocates for Human Rights. There the draft law underwent legal expertise and the team members became acquainted with how domestic violence legislation was implemented in the State of Minnesota. Overall ABA/CEELI spent about USD 12,000 on the project devoted to the drafting of the Georgian law while “World Learning” financial contribution mainly through the sponsorship of the study tour did not exceed USD 20,000.⁸¹⁵

Irina Lortkipanidze, Senior Lawyer of the ABA/CEELI Women’s Rights’ and Legal Profession Reform Programme, coordinated the Georgian Domestic Violence Law drafting project from the ABA/CEELI side. In an interview for this chapter she mentioned that Georgian women’s rights activists were the first to identify the need for a special law on domestic violence. At the same time, there existed a readiness to work on this issue also in the ABA/CEELI headquarters that lobbied USAID to provide funding for this initiative. However, without the voluntary work of the group of Georgian women lawyers it would have been much more difficult for the ABA/CEELI to secure funding for the drafting of the law.⁸¹⁶ According to Mari Meskhi, the elaboration of definitions took the group one year because they were trying hard to come up with wordings that would be understandable in the Georgian context and at the same time would be in conformity with internationally accepted norms and standards.⁸¹⁷ As a result, domestic violence was defined as follows (this definition has remained unaltered in the final text of the law):

⁸¹⁵ Irina Lortkipanidze (senior lawyer at ABA/CEELI) interview by author, Tbilisi, Georgia, January 12, 2006

⁸¹⁶ Ibid.

⁸¹⁷ Mari Meskhi (lawyer, head of Women’s Rights Research Group at NGO Georgian Young Lawyers’ Association), interview by author, Tbilisi, Georgia, January 3, 2006.

“Domestic violence is a violation of constitutional rights and freedoms of one family member by the other,⁸¹⁸ in conjunction with physical, psychological, economic or sexual violence, coercion or threat to undertake such actions, as well as restrictions on free development of a minor in the family.”⁸¹⁹

This definition is in compliance with the recommendations of the United Nation’s Economic and Social Council’s Human Rights Commission as it provided “the broadest possible definitions of acts of domestic violence and relationships within which domestic violence occurs.”⁸²⁰ However, the drafting team did not remain fully faithful to the UN recommendations, because from the definition it excluded that “violence against women in the family and violence against women within interpersonal relationships constitute domestic violence.”⁸²¹ Women, therefore, were not explicitly mentioned as the main victims of domestic violence.⁸²²

⁸¹⁸ According to Article 4 of the law, a family member is defined as “mother, father, grandfather, grandmother, spouse, child (stepchild), adopted child, foster parents, grandchild, siblings, parents of spouse, children-in-law. For the purposes of this law, family member also includes former spouse, persons in non-registered cohabitation, guardians, as well as persons who live or lived together.” *The Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, Chapter I, General Provisions, Article 4.

⁸¹⁹ Ibid., Article 3, Domestic Violence.

⁸²⁰ Economic and Social Council, Commission for Human Rights, *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1995/85: A framework for model legislation on domestic violence*, E/CN.4/1996/53/Add.2, 2 February 1996, II Definitions, accessed February 18, 2010, <http://193.194.138.190/Huridocda/Huridoca.nsf/TestFrame/0a7aa1c3f8de6f9a802566d700530914?Opendocument>.

⁸²¹ Ibid., II Definitions, A. Domestic Violence.

⁸²² In this regard, Georgia is not an exception, many other former Soviet Union republics such as Azerbaijan, Kazakhstan, Moldova have developed domestic violence laws that have also omitted special reference to domestic violence perpetuated against women. While providing legal opinion to the draft domestic violence law of Azerbaijan, OSCE/ODIHR made a similar referral to international standards recommending that authors of the law include “explicit acknowledgment that domestic violence affects women in particular, and that it constituted a form of discrimination and violation of women’s human rights.” OSCE/ODIHR, *Opinion on the Draft Law of the Republic of Azerbaijan on Domestic Violence*, 12 September 2009, GEND-AZ/142/2009, 5, accessed February 18, 2010, <http://www.legislationline.org>. Some countries of the former Soviet Union went even further and adopted provisions in their domestic violence laws that refer to the behaviour of the victim as a “provoker” of violence: “In at least two countries, Ukraine and Armenia, laws have drafted or passed that reference ‘victim behaviour’ or behaviour that ‘provokes, results in or creates conditions’ for violence. Needless to say, this language does not promote victims safety and offender accountability, nor does it communicate zero tolerance for violence to the general public. Instead, this language implies that the victim may be blamed for the violence against her.” (United Nations, Cheryl A. Thomas, *Legal Reform on Domestic Violence in Central and Eastern Europe and the Former Soviet Union: Expert Paper*, EGM/GPLVAW/2008/EP.01, 12 May 2008, 7.) Cheryl Thomas, Director of Women’s Human Rights Program at the US NGO Advocates for Human Rights (Previously Minnesota Advocates for Human Rights) has assessed this language included in the law as “extremely dangerous” with a high potential to discriminate victims of domestic violence (Ibid., 7-8). These “provocative victim behaviour” clauses could not be accommodated by any of the domestic violence policy frames discussed above and may be regarded as a separate

My interviews with members of the drafting team confirmed that while working on the law they had in mind the most widespread form of domestic violence, in which a husband perpetuates violence against his wife, with children being the indirect and sometimes also direct victims of the violence.⁸²³ Therefore, in the draft version of the law special emphasis was put on the prevention of domestic violence and the protection of women and children from domestic violence: “Prevention mechanisms for domestic violence shall mean the following: [...] c. Abolishment of all forms of discrimination against women and children, establishment of legal mechanisms for protection of women and children from violence in the family and society.”⁸²⁴ However, the final version of the Georgian Domestic Violence Law does not mention women, due to an intervention by Ketevan Makharashvili, the Member of the Parliament who initiated the discussion process of the law in the Parliament. Ketevan Makharashvili took out all the mentioning of women from the text.⁸²⁵

“The mentioning of women created such a stir on the Committee hearing of the draft law that afterwards I went through the text and deleted the word “women” everywhere I saw it. [...] This problem does not have a name for the majority of our society members, including MPs yet; I knew the environment [the Parliament members] and knew from the first day that I should not put special emphasis on women. When you mention women men turn aggressive and defensive, they take the law extremely personally and chances for passing it become zero.”⁸²⁶

frame that is not only insensitive to the linkages between gender equality and domestic violence but could be threatening to the security of a victim.

⁸²³ Mari Meskhi (lawyer), interview by author, Tbilisi, Georgia, January 3, 2006, Nato Shavlakadze (women’s rights activist), interview by author, Tbilisi, Georgia, November 4, 2007 and on May 24, 2009, Lia Sanikidze (women’s rights activist), interview by author, Tbilisi, Georgia, January 16, 2007.

⁸²⁴ *The Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, Chapter V, Prevention, Article 20, Measures to Prevent and Combat Domestic Violence, c), 2004, draft submitted to the Georgian Parliament.

⁸²⁵ MP Ketevan Makharashvili was not the member of the drafting team although after the draft law was submitted to her for further lobbying she has edited and elaborated it further based on the recommendations and comments received through Parliamentary hearings.

⁸²⁶ Ketevan Makharashvili (Member of the Parliament), interview by author, Tbilisi, Georgia, January 5, 2006.

Ketevan Makharashvili chose to substitute the word “women” with “persons” in the text of the law and to refer to the violence perpetrated by sons and daughters towards their elderly parents while speaking about domestic violence rather than the violence perpetrated by husbands towards their wives.⁸²⁷ As a result, Georgia’s Domestic Violence Law ended up incompliant with an important recommendation articulated by Radhika Coomaraswamy, the UN Special Rapporteur on Violence against Women, in 1996 in a framework for model legislation on domestic violence:

“The language of the law must be clear and unambiguous in protecting women victims from gender-specific violence within the family and intimate relationships. Domestic violence must be distinguished from intra-family violence and legislated for accordingly.”⁸²⁸

Ketevan Makharashvili’s choice to take the word “women” out from the text of the law and to avoid any reference to women as the main victims of domestic violence was due to her conviction that putting special stress on women would make it very hard to pass the law in the Parliament. An analysis of the debates that took place during the hearing of the law, which is provided below in this chapter, shows that this self-censorship of Ketevan Makharashvili was justifiable. Thus, the male dominated environment in which the law was discussed dictated the law’s supporters not to put any emphasis on the gendered character of the problem.

The final elaborated Domestic Violence Law entitled *Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims*, consisted of 22 Articles organised in VII Chapters.⁸²⁹ In Article 4, the law provided a definition for physical, psychological or

⁸²⁷ Ibid.

⁸²⁸ Economic and Social Council, Commission for Human Rights, *Report of the Special Rapporteur on violence against women*, Definitions, A Domestic violence.

⁸²⁹ The seven Chapters of the *Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims* are as follows: I. General Provisions (Articles 1-5); II. Prevention of Domestic Violence (Articles 6-8); III. Mechanisms for Identification and Elimination of Domestic Violence (Articles 9-13); IV. Specific Measures for

sexual violence in relation to domestic violence.⁸³⁰ While commenting on the law, the US-based organisation Advocates for Human Rights criticised the drafting team for including psychological violence in the definition of domestic violence:

“While psychological violence is a devastating problem that can cause serious long-term damage to victims, government and court intervention in such cases can be problematic. Claims of psychological violence are difficult to prove. Also, such claims may be used to manipulate legal proceedings against a victim of physical violence whose safety may be at risk.”⁸³¹

Despite this criticism, the definition of psychological violence has not been removed from the law, as according to one of the authors, the work with the victims has shown that degrading treatment through insult and blackmailing is one of the most widespread forms of domestic violence in Georgia.⁸³² Moreover, the UN Secretary General in his *In-depth study on all forms of violence against women* especially complemented Spain for adopting a Protection from Violence Act in 2004 that contains a wide definition of violence including psychological

Protection of a Minor from Domestic Violence (Articles 14-15); V. Properties of Legal Proceedings with regard to Domestic Violence (Article 16); VI. Social and Labour Guarantees for Victims of Domestic Violence, Abuser’s Rehabilitation Measures (Articles 17-20); VII. Concluding and Transitional Provisions (Articles 21-22).

⁸³⁰ *The Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, Chapter I, General Provisions, Article 4, Use of Terms in the Law, defines: “a. Physical violence – battery, torture, injury, restriction of liberty or any other action that causes physical pain or suffering, as well as the isolation of a minor from his/her parents (custodian), or the failure to meet requirements concerning his/her state of health that may cause harm to the health of the minor, violate his/her personal dignity or lead to his/her death; b. Psychological violence – offence, blackmail, degrading treatment, threat or any other act that violates pride and dignity of the human being; c. Coercion – physical or psychological coercion of the person to perform or to abstain from performing an act, performance or non-performance of which represents the right of the person, or coercion to stand certain influence against his/her will; d. Sexual violence – an act that violates sexual liberty of the person, as well as sexual intercourse with or other act of sexual nature or immoral act against the minor; e. Economic violence – restriction of the right to property, right to engage in labour activities and right to enjoy property in joint possession.”

⁸³¹ Institute for Policy Studies, Minnesota Advocates for Human Rights, *Domestic Violence and Child Abuse in Georgia*, i.

⁸³² Nato Shavlakadze (women’s rights activist), interview by author, Tbilisi, Georgia, November 4, 2007. Definitions of psychological violence exist also in a draft domestic Violence Law of Azerbaijan and adopted laws of the Republic of Kazakhstan and Moldova. *The Law of the Republic of Azerbaijan on Prevention of Domestic Violence*, draft, Chapter II. General Provisions, Article 1, paragraph 1.1.3. *Law of the Republic of Kazakhstan On Prevention of Domestic Violence*, Chapter I. General Provisions, Article 1, paragraph 4, accessed February 18, 2010, www.legislationline.org.

forms of violence.⁸³³ The report also mentioned Costa Rica, Guatemala, Honduras and South Africa as countries that have included psychological violence in their domestic violence legal acts.⁸³⁴

Along with definitions of what constitutes domestic violence, the Georgia's Domestic Violence Law introduces the identification and prevention mechanisms for domestic violence; namely, in compliance with the UN Model Legislation,⁸³⁵ the law requires police to inform victims/survivors about their rights, transfer them to a hospital or a shelter upon request, help them to transport their personal belongings and ensure the safety of the person who reported the case of violence (which may or may not be the victim).⁸³⁶ Police has the authority to remove the victim from her home.⁸³⁷ In their comments on the law, the Advocates for Human Rights recommended amending the language of the law to explicitly grant the police the authority to remove an abuser from the home,⁸³⁸ but this recommendation was also not taken into consideration.⁸³⁹

The drafting team has borrowed the mechanisms of Restrictive and Protective Orders with minor modifications from the UN Model Legislation there referred to as “ex-parte restraining order” and “protection order.”⁸⁴⁰ The Georgian Domestic Violence Law requests the police to issue a Restrictive Order, which would define temporary protection measures, and to submit it to the court for approval within 24 hours.⁸⁴¹ The contents of the Restrictive Orders is not spelled out in the law; and the reason for this, according to a special guidebook for lawyers on domestic violence, is that in each concrete case a restriction should apply to a concrete set of

⁸³³ United Nations, *In-depth study on all forms of violence against women*, 83.

⁸³⁴ *Ibid.*, 86.

⁸³⁵ Economic and Social Council, Commission for Human Rights, *Report of the Special Rapporteur on violence against women*, III. Complaint mechanisms, C. Duties of Police Officers.

⁸³⁶ *Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims*, Article 16.

⁸³⁷ *Ibid.*, Article 16, 18.

⁸³⁸ Institute for Policy Studies, Minnesota Advocates for Human Rights, *Domestic Violence and Child Abuse in Georgia*, Appendix A, i.

⁸³⁹ The measure of removal of a perpetrator from home has been applied in many countries such as Austria, Germany, Switzerland, Liechtenstein, Luxembourg, Spain, and Poland. OSCE/ODIHR, *Opinion on the Draft Law of the Republic of Azerbaijan on Domestic Violence*, 12 September 2009, 11.

⁸⁴⁰ Mari Meskhi (lawyer, head of Women's Rights Research Group at NGO Georgian Young Lawyers' Association), interview by author, Tbilisi, Georgia, January 3, 2006.

⁸⁴¹ *Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims*, Article 10.

behaviours of a perpetrator to ensure adequate victim protection.⁸⁴² Such restrictions may include but are not limited to the prohibiting of all forms of further abuse against the victim, her dependents, anyone in her household or anyone from whom she requests assistance and refuge; they may protect the victim's property or jointly owned property from damage by the perpetrator; they may demand the perpetrator to leave the family home for a certain period of time.⁸⁴³ On 11 September 2006, Minister of Internal Affairs of Georgia issued order No. 1079 *Approving Forms for Filing Restrictive Orders and Identifying Officials Authorised to Issue Restrictive Order* that contained detailed guidance for police on issuing of domestic violence Restrictive Orders.⁸⁴⁴

According to the Georgia Domestic Violence Law, a victim of domestic violence may also apply directly to the administrative court to acquire a Protective Order.⁸⁴⁵ Also, a victim's family member or, with the consent of the victim, a person providing him/her with medical, legal or psychological aid, has the right to request a Protective Order.⁸⁴⁶ As with the Restrictive Orders, the contents of the Protective Orders is not spelled out in the law, again for flexibility purposes and for the adequate protection of the safety and security of the victim. Such measures may include but are not limited to ordering a perpetrator not to come within 500 meters of the victim or the children, their home, the victim's workplace, and the children's school. Also the court may order the perpetrator not to contact the victim or the children by phone or other means

⁸⁴² Koba Bochorishvili, Shalva Demetradze, Lela Tsanova, *praqtikuli sakhelmdzghvano iuristebisatvis ojakhshi dzaladobis sakitkhebze* [Practical guidebook for lawyers on domestic violence issues], ABA/CEELI, USAID, Centre for Protection of Constitutional Rights (Tbilisi, March 2008), 22.

⁸⁴³ Economic and Social Council, Commission for Human Rights, *Report of the Special Rapporteur on violence against women*, IV. Duties of Judicial Officers; A. Ex parte temporary restraining order.

⁸⁴⁴ Order no. 1079 of the Minister of Internal Affairs of Georgia, *Shemakavebeli orderis da shemakavebeli orderis oqmis forme bis damtkicebis, agretve mati shedgenis uflebamisili pirebis gansazghvirs shesakheb* [Approving forms for filing Restrictive Orders and identifying officials authorised to issue Restrictive Order], 11 September 2006. (The Order 1079 in Georgian as well as its in-depth discussion could be found in Koba Bochorishvili, et.al. *Practical Guidebook for Lawyers on Domestic Violence Issues*, 22-24 and 84-90.)

⁸⁴⁵ *Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims*, Article 11.

⁸⁴⁶ *Ibid.*, Article 11. In cases of violence against a child, institutions of custody and care shall also have this right (*Ibid.*, Article 11).

throughout the duration of the Order. The court may also demand that the perpetrator is banned from carrying a legally owned gun during the period of the Protective Order.⁸⁴⁷

The Georgian Domestic Violence Law spells out mechanisms for the prevention of domestic violence, that encompasses but is not limited to analysis of the causes of domestic violence, response to the concrete facts of domestic violence, the creation and maintenance of statistics about domestic violence, the implementation of a diverse set of preventive measures for risk groups of potential abusers, and the carrying out of an information-education campaign with regard to domestic violence, its causes and consequences.⁸⁴⁸ The law also assigns different government structures, namely, the Ministry of Labour, Healthcare and Social Protection of Georgia, Ministry of Internal Affairs of Georgia, Ministry of Education and Science of Georgia, Prosecutor General's Office and the Judiciary in cooperation with other relevant non-state actors, the responsibility of introducing preventive measures.⁸⁴⁹

The Ministry of Labour, Health and Social Affairs is responsible for providing social services to prevent violence and services to the victims (through the establishment of shelters and crisis centres) and perpetrators (through the establishment of rehabilitation centres for temporary placement, psychological assistance and treatment for abusers). According to the Law, the provisions regarding the establishment of state-supported shelters, crises and rehabilitation centres were to enter into force in January 2008.⁸⁵⁰ The Ministry was charged with the elaboration of standards and defining the mechanisms for the establishment of the above-mentioned services, including the training of social workers.⁸⁵¹ The Ministry also had to

⁸⁴⁷ For a review of court hearings resulting in issuance of protective orders please see Institute for Policy Studies, Minnesota Advocates for Human Rights, *Domestic Violence and Child Abuse in Georgia*, Appendix B, v-vii.

⁸⁴⁸ *Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims*, Article 6.

⁸⁴⁹ *Ibid*, Article 7.

⁸⁵⁰ According to Chapter VII, Article 22 of the law, Article 8 with regard to social service, Articles 17, 18, and 19 with regard to the establishment and functioning of shelters for domestic violence victims, and Article 20 about the establishment of rehabilitation centres for the perpetrators should have entered into force from 1 January 2008.

⁸⁵¹ *Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims*, Article 21.

participate in the issuance of protective orders and to lend its support to the development and implementation of special programs both for victims and perpetrators.⁸⁵²

Chapter VII of the law deals with the specific measures for the protection of a minor from domestic violence; Articles 14 and 15 of the law provided for the temporary or permanent separation of a child from violent parent(s) in the case of identifiable traces of physical abuse or other forms of violence. The violent parent was given the right to visit the child only if all safety measures for the child were taken.⁸⁵³ “In case of abduction of the child by the violent parent or in case of real threat of other damage, the court may decide to prohibit the violent parent to visit the child until the change of circumstances.”⁸⁵⁴ Inclusion of special provisions for the protection of minors is another specificity of the Georgian Domestic Violence Law. Advocates for Human Rights expressed concern about including a section on child abuse in the Domestic Violence Law: “Domestic violence laws are not well-suited to address child abuse. Domestic violence laws are intended to provide an immediate remedy of separation and protection. The sole focus of the law should be on the safety of the victim.”⁸⁵⁵ Recommendations about special provisions with regard to the protection of minors are nowhere to be found in the UN Model Legislation either. However, according to the members of the drafting team of the Georgian Domestic Violence Law, they decided to include these provisions based on their work experience, which showed that protection mechanisms for minors in cases of domestic violence were lacking.⁸⁵⁶

This account of the elaboration of the Domestic Violence Law allows me to draw two main conclusions. The first is that the drafting of the law was a result of a confluence of interests of women’s human rights activists from the Georgian NGO community and that of technical

⁸⁵² Ibid., Article 8.

⁸⁵³ Ibid., Article 14 and 15.

⁸⁵⁴ Ibid., Article 15.

⁸⁵⁵ Institute for Policy Studies, Minnesota Advocates for Human Rights, *Domestic Violence and Child Abuse in Georgia*, Appendix A, ii. According to the authors of this report, there are additional considerations needed for addressing children. “These considerations include: whether to remove the child from the home, where to place the child, for how long, what level of visitation is appropriate, when to reunify the family, and what services to provide to the child and to the parent. These considerations cannot be adequately addressed solely through an emergency hearing [as provided by the law], but require on-going review and involvement by social service agencies.” (Ibid., Appendix A, ii.)

⁸⁵⁶ Mari Meskhi (lawyer, head of Women’s Rights Research Group at NGO Georgian Young Lawyers’ Association), interview by author, Tbilisi, Georgia, January 3, 2006.

support and donor organisation ABA/CEELI; women's rights activists realised the need for the elaboration of such a law based on their work with women survivors of domestic violence, while the ABA/CEELI found resources to technically and financially support the process. I found that ABA/CEELI and World Learning played a critical role in supporting the group of women interested in the elaboration of the law providing them with resources and experience sharing opportunities, but they did not impose the actual idea of drafting a law on them. The existence of a group of motivated and knowledgeable women's rights advocates and of a donor organisation that had an interest and the resources to support their work were among the critical factors that have affected the development of the Georgian law.

The second conclusion is that, even though the authors of the Georgian Domestic Violence Law tried to follow internationally agreed upon guidelines and recommendations and wrong verb the experience of other countries, especially the US, their local knowledge and experience also informed the drafting process. The local context has greatly affected the final contents and character of the law, despite the internationally elaborated recommendations. Thus, if analysed from the viewpoint of domestic violence policy frames elaborated by Andrea Krizsán, Maria Bustelo, Andromachi Hadjiyanni and Fray Kamoutsi, the draft submitted to the Georgian Parliament contained some elements of Domestic Violence with an Accent on Women as Main Victims frame. However, soon after the initial hearings of the Law in the Parliamentary Committees all the references to women as the main group suffering from violence were substituted with such gender-neutral terms as "person," "victim," locating the law within the Degendered Domestic Violence frame. The final adopted version of the law neither explicitly mentions women as the main victims of domestic violence nor elaborates the structural causes of domestic violence linked to the unequal distribution of power among family members due to gender inequality.

Initiation and Adoption of the Law in 2006

Citizens of Georgia E. T. and G. C. got married in 1994. After eleven years of married life, the husband - G.C., who at that time was a Member of the Parliament of Georgia, accused his wife E.T. of adultery and made her leave their house. The couple had two sons and according to Irakli Artilakva, E.T.'s lawyer whom I have interviewed for this chapter, G.C. was not allowing E.T. to see her children freely.⁸⁵⁷ The couple appealed to the court for divorce. The court decided that the children should remain under guardianship of the father. On October 1, 2005, after permission from her husband, E.T. came to their former house to see the children. G.C. claimed that after E.T. was allowed in the yard she took a gun out of her handbag and started shooting in his direction. E.T. claimed that she did not have a gun. According to E.T., after entering the yard, G.C.'s driver approached her from behind, and grasped her neck with one of his hands. In the other hand he was holding a gun. He was trying to make E.T.'s hand touch the gun and at the same time he shot in G.C.'s direction. E.T. claimed that during the shooting she did not open her fist, but after shooting was over, the driver still managed to put her fingers on the gun.

After this incident G.C. sued E.T. for attempted murder and she was detained before the court hearing for three months as “a person who committed an especially severe crime.”⁸⁵⁸ In the court it was not possible to prove E.T.'s guilt - forensic expertise found no traces of gunpowder on E.T.'s palm suggesting that someone else had fired the gun. The court order issued on October 10, 2005 criticised the previous one stating that: “The judge founded his decision purely on the testimonies of the prosecutor and did not attempt to find evidence proving that [the defendant] attempted to murder her ex-husband.”⁸⁵⁹ Therefore, E.T. was released from the courtroom.

⁸⁵⁷ Irakli Artilakva (lawyer), interview by author, Tbilisi, Georgia, January 10, 2006. Irakli Artilakva has provided author with the details of the E.T. and G.C.'s case.

⁸⁵⁸ Ministry of Internal Affairs of Georgia, Main Division of Tbilisi, Criminal Investigation Division, *Mediation no.27/7/3*, October 3, 2005, 3.

⁸⁵⁹ T. Kapanadze, Judge, Tbilisi District Court, Order, 10 October 2005, 2.

Although E.T. was accused of “attempted murder” and there was no official mention of domestic violence, “rumours and media stories quickly circulated alleging that she had experienced years of violence from her husband. [...] The media coverage noted that her previous claims of battery were not taken into account when she was detained for ten days before the hearing of her case. The sight of a seemingly helpless woman, unfairly imprisoned, could not leave the public indifferent.”⁸⁶⁰ This case occupied the Georgian media and provoked public interest in and debate around domestic violence; the media was interested in uncovering the private life of the G.C. the Member of the Parliament. It was this case that encouraged Ketevan Makharashvili, another Member of the Parliament who was also the Coordinator of the Advisory Council on Gender Equality Issues to the Speaker of the Parliament, to submit the draft Domestic Violence Law for its adoption on October 3, 2005. This draft had been sitting on her desk gathering dust already for nearly one year (submitted by the drafting team on the eve of 2005).⁸⁶¹

Soon after the detention of E.T., women’s NGOs joined forces to provide free of charge legal support to E.T. and organised a joint press conference in her support. It was the first time in Georgia’s history that the leading women’s rights NGOs working against domestic violence came together to support a victim of domestic violence.⁸⁶² Nina Tsikhistavi, head of the NGO Caucasian Women’s Network stated that due to the absence of protection mechanisms, E.T., who was a victim of domestic violence, was imprisoned as a perpetrator of violence.⁸⁶³ She further stated that women’s NGOs had come together to support E.T. and they would use all national and international measures, including appealing to the CEDAW Committee if needed to rescue E.T. Rusudan Pkhakadze, Head of NGO Sakhli, at the same press conference underlined that the

⁸⁶⁰ Rusudan Pkhakadze, Thea Jamaspishvili, “Domestic Violence – a Burning Issue in Georgia,” *Gender and Development* 15, no. 1, (March, 2007): 69.

⁸⁶¹ Ibid., 68. Ketevan Makharashvili (Member of the Parliament), interview by author, Tbilisi, Georgia, January 5, 2006.

⁸⁶² Speakers at the press conference were Nina Tsikhistavi, head of the NGO Caucasian Women’s Network, Rusudan Pkhakadze, head of the NGO Women’s Advise Centre Sakhli, Nato Shavlakadze, head of the NGO Anti-Violence Network of Georgia and Irakli Artilakva, E.T.’s lawyer from the NGO Georgian Young Lawyers’ Association.

⁸⁶³ Nina Tsikhistavi, head of NGO “Caucasian Women’s Network” at the press-conference organised by women’s NGOs in support of E.T. in October 2005.

fact that this case involved a Member of the Parliament made society show an interest in it, but that E.T. was not the only victim of domestic violence in Georgia -- there were thousands of other women who suffered from violence and the state needed to put in place measures to support all of them.⁸⁶⁴ The arguments of the speakers at this press-conference if looked at from the viewpoint of domestic violence policy frames elaborated by Krizsán et al. could be located within the Domestic Violence with an Accent on Women as Main Victims frame as the speakers made no references to gender equality-related factors that cause or help reproduce domestic violence. Yet another frame that was also traceable was that of the Failing State, as the speakers criticised and protested against the existing legal and policy environment that was not sufficient to protect the victim.

Rusudan Pkhakadze, the Head of the NGO Woman's Advice Centre Sakhli and Thea Jamaspishvili, OXFAM Great Britain Policy and Programme Officer, researched linkages between E.T.'s case and the adoption of the domestic violence law in Georgia, concluding that this high-profile case "contributed to raising public awareness about domestic violence, and helped create an environment conducive to introducing the new legislation."⁸⁶⁵ According to Ketevan Makharashvili, since there was a huge outcry around this case, she realised that it would be easier for her to advocate for the law in Parliament because she no longer would have to convince her colleague MPs that the problem of domestic violence *existed* in Georgia.⁸⁶⁶

After the initiation of the law, conclusions to the draft were prepared by different state structures.⁸⁶⁷ The conclusions, in principle, were supportive of the law and many of the comments made were repeatedly recommended undertaking financial calculations to determine how much it would cost to implement this law fully, suggesting the implementation of the law may result in expenditures that the state was not prepared to bear. In the end, exactly due to the

⁸⁶⁴ Rusudan Pkhakadze, head of NGO Women's Advice Centre Sakhli, at the press-conference organised by women's NGOs in support of E.T. in October 2005.

⁸⁶⁵ Pkhakadze, Jamaspishvili, "Domestic Violence – a Burning Issue in Georgia," 68.

⁸⁶⁶ Ketevan Makharashvili (Member of the Parliament), interview by author, Tbilisi, Georgia, January 5, 2006.

⁸⁶⁷ These structures included the Legal Department of the Parliament of Georgia, the Parliamentary Committee for Legal Issues, the Parliamentary Committee for Healthcare and Social Welfare, the Parliamentary Committee for European Integration, the State Chancellery, the National Security Council and the Supreme Court of Georgia.

scarce resources of the state argument, it was decided that the funding for the victim support institutions (shelters and crises centres) as well as rehabilitation centre for the perpetrators would be granted not immediately but from 2008 onward.⁸⁶⁸

The Supreme Court in its conclusion to the draft raised the question of ambiguity in relation to which kind of regulatory category this law belonged, namely, was it to be considered under Civil, Criminal or Administrative Codes?⁸⁶⁹ “We have stressed in our comments that the mixture of material and procedural norms in this law was problematic.”⁸⁷⁰ The main cause of uncertainty for the Supreme Court was the Preventive and Restrictive Orders introduced by the law as the main mechanisms for domestic violence victims’ protection as such mechanism did not previously exist.⁸⁷¹ All the Parliamentary committees supported the law in principle and made suggestions for some minor changes. For example, prior to the establishment of the state-supported shelters that were foreseen by the law starting from January 2008, it was recommended to broaden the definition of a shelter to also include: “a temporary residence of domestic violence victims in the families of relatives or friends [...] that serve victim’s rehabilitation.”⁸⁷² Through this modification, the MP’s made the definition of shelters more compliant to the realities of life, while also underlining that the government did not plan to allocate any resources for the establishment of shelters until 2008.

The first plenary hearing of the draft *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims* took place on the February 17, 2006 and lasted for over

⁸⁶⁸ According to Chapter VII, Article 22 of the Domestic Violence Law, Articles 17, 18, and 19 with regard to the establishment and functioning of shelters for domestic violence victims, and article 20 about the establishment of rehabilitation centres for the perpetrators of domestic violence should have entered into force from 1 January 2008. However, the government established the first two shelters and the nation-wide hotline only in 2010 with the support of UN Women and Swedish International Development Agency, state funding for the functioning of these two shelters and the nation-wide hotline has been provided since May 2010.

⁸⁶⁹ Supreme Court of Georgia, *Conclusion Regarding the Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, 3.

⁸⁷⁰ Irakli Burduli (advisor to the Chairman of Supreme Court of Georgia), interview by author, Tbilisi, Georgia, January 31, 2006.

⁸⁷¹ Ibid.

⁸⁷² *The Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, Chapter I, General Provisions, Article 4, Use of Terms in the Law.

three hours. This was the most decisive hearing as during it the Members of the Parliament were to agree if the law was acceptable in principle. Along with the transcript of the plenary discussion of the draft Domestic Violence Law, I have also analysed a video recording that has allowed me to research not only the comments and interventions of the MPs but also their body language. It needs to be mentioned that none of the MPs were openly against the draft law, female MPs were vigorously in favour of it, some male MPs were also highly supportive, while others were more neutral and only few male MPs were openly against certain formulations in the law stating that they will vote for it only if these formulations are amended. Below, I would like to analyse the dynamics of this hearing in depth in order to understand which domestic violence policy frames' discourse prevailed.

At the beginning of the hearing, Ketevan Makharashvili presented the law; she was very tense, her voice was trembling, and she frequently sighed. In the plenary session room, it was extremely noisy; one gets the impression that only a few MPs were actually listening to Ketevan Makharashvili, a few male MPs (those who later spoke against certain formulations in the law) were laughing at something. In her presentation, Ketevan Makharashvili put stress on the gravity of the problem of domestic violence with an emphasis on violence perpetuated by different family members against elderly parents. Interestingly, she also noted that domestic violence was an acute problem especially in the regions of Georgia. Then Makharashvili went on to present the new mechanisms introduced by this law for the protection of victims and the prevention of domestic violence – such as Protective and Restrictive Orders. Ketevan Makharashvili made no reference to the gender equality dimensions of the problem of domestic violence and made no reference to women as the main group of victims of domestic violence. If categorised, using the domestic violence policy frames' analysis developed by Andrea Krizsán, Maria Bustelo, Andromachi Hadjiyanni, and Fray Kamoutsi, Ketevan Makharashvili's speech had elements of the Social Norms frame, relating the problem to certain families in the regions of Georgia. Makharashvili's speech had also elements of the Degendered Domestic Violence frame, as the

presenter did not specify the sex neither of a victim nor of a perpetrator. Ketevan Makharashvili also stressed that this law created grounds for complex coordinated action from different state actors. The presentation was followed by a session of questions and answers and speeches from other supporters of the law.

After Ketevan Makharashvili's presentation, 17 interventions were made by one female and 16 male MPs. Seven questions were articulated in an cynical and/or aggressive manner, all by male MPs and all concerning the definition of sexual violence in the law. Two other male MPs stressed that they did not see any need for such a law as they believed that the Criminal Code effectively regulated all the crimes that took place in a familial context. Four male MPs did not express their position towards the law but asked questions for clarification or made suggestions for the law's further elaboration. Four MPs one woman and three men spoke positively about the law and posed questions for clarification or made suggestions for the law's further elaboration.

The definition of sexual violence caused the most noise during the hearing, because for several male MPs the notions of a person's sexual freedom expressed in a wife's right to consent to sexual intercourse to her husband were incompatible with their understanding of the rights and obligations of women in marital relations. The version of the law submitted to the Parliament by the drafting team had an even more elaborated definition of sexual violence, but Ketevan Makharashvili simplified the definition, because she was afraid of a harsh reaction from the side of male MPs. The drafting team defined sexual violence as: "an act that violates the sexual freedom and inviolability of the person, as well as sexual intercourse with or another act of sexual nature or immoral act against a minor;"⁸⁷³ In the draft that was distributed among the MPs for the plenary session, the word 'inviolability' was taken out. However, the "violation of sexual freedom" still caused anxiety among several male Parliamentarians. The interventions of MPs Tamaz Khidasheli and Besarion Jugheli stood out by their cynicism and aggressiveness:

⁸⁷³ *The Draft Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, Chapter I, General Provisions, Article 4, Use of Terms in the Law, paragraph d).

“Ms. Ketikidze the issue raised by you caused a huge diversity of opinions, but I would like to know your point of view, when a man decides to have sex with his wife how much time in advance should he inform his wife should this happen via wire transfer, letter, should I invite Medea Mezvrishvili⁸⁷⁴ as a timekeeper, how many MPs should be there? How are we to do it? Governor or who else should be present, I wonder? [...] I want to tell you, I Tamaz Khidasheli will not support this law.”⁸⁷⁵

MP Besarion Jugheli stressed that he was against this law because in his reading of the draft it gave a wife the right to freely choose her partner, a situation that made a husband a “cucumber”:

“Your text means that a family member can choose a sexual partner, can anyone here explain to me what does this mean? So you give me the right to choose a partner? I cannot vote for this law, I will vote for it only if I know that this provision is taken out on the second hearing. How come? You give to a spouse, a woman, the right to freely choose a partner, who am I then -- a cucumber?”⁸⁷⁶

These comments caused laughter among many MPs. In general the atmosphere in the plenary room was far from being serious; Nino Burjanadze, the Speaker of the Parliament, asked her colleagues to take the law seriously, especially given the fact that instances of domestic

⁸⁷⁴ Medea Mezvrishvili was a female Member of the Parliament of the previous term from the same region as MP Tamaz Khidasheli, making this intervention.

⁸⁷⁵ Comment by MP Tamaz Khidasheli at a plenary hearing of the draft *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, February 17, 2006.

⁸⁷⁶ Comment by MP Besarion Jugheli at a plenary hearing of the draft *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, February 17, 2006.

violence happened also in the families of MPs.⁸⁷⁷ With this statement the Speaker hinted at the case of G.C. , whose friends (Jugheli and Khidasheli) were the most cynical of the law.⁸⁷⁸

It should be noted that there is a whole chapter in the Criminal Code of Georgia (XXII) that lists crimes against sexual freedom and inviolability, such as rape (Art.137), sexual abuse under violence (Art. 138), coercion into sexual intercourse or other action of sexual character (Art. 139), sexual intercourse or other action of sexual character with one under sixteen (Art. 140), perversion (Art. 141). Thus, the definition of what constitutes violation of sexual freedom and inviolability in theory should not have been new to the MPs. What, by all means, was new and caused anger and cynicism was the attempt to make these definitions applicable to the matrimonial context. The comments made by the MPs criticising the definition of sexual violence in the draft fall under the Privacy frame described by Krizsán, Bustelo, Hadjiyanni and Kamoutsi. According to this frame, domestic violence is a private matter and the state has no role to play in addressing it.

MP Gigi Tsereteli, asked his colleagues to treat this law more seriously:

“This law is not only about sexual relations and sexuality, this may be one general part, indication of general rights. However, in this law there are number of other issues, there is a qualification [of domestic violence], number of novelties such as Restrictive and Protective Orders. I would like to ask all of you not to see this law in such a grotesque light. Of course all of us have right to make jokes, I also like to make jokes, but there are

⁸⁷⁷ Comment by Nino Burjanadze, Speaker of the Parliament of Georgia, at a plenary hearing of the draft *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, February 17, 2006.

⁸⁷⁸ The jokey environment at the Domestic Violence Law's hearing is mentioned also in the Carrie O'Neil, Maya Paley, Lauren Pessa, Jelena Proseviski, Connie Tooker, Stephanie Woodard, *Addressing Trafficking in Persons and Domestic Violence and Trafficking in Georgia: An Assessment Study* (Columbia, SIPA, Women's Political Resource Center, May 2010), 21, accessed November 26, 2011, http://www.sipa.columbia.edu/academics/concentrations/epd/documents/WPRC_TIP_DV_REPORT.pdf.

very serious issues at stake here and attention should be paid to these serious issues and I apologise for having to remind you about this.”⁸⁷⁹

The arguments of the supporters of the law contained elements of the Degendered Domestic Violence frame and the Social Norms frame’s Deteriorating Society sub-frame. MP Petre Metreveli blamed increased instances of violence on the deteriorating socio-economic situation in the country, underlining the need for adoption of such a law. MP Nazi Aronia spoke about preventive aspects of this law: “existing legal norms apply to the results of domestic violence, while this law by introduction of Restrictive and Protective Orders has potential to prevent domestic violence.”⁸⁸⁰ Nazi Aronia was the only one who made a somewhat gender sensitive comment by stating that “today’s debates in the Parliament have clearly shown that in our society there prevail conservative views about equality between women and men.”⁸⁸¹

MP Guguli Maghradze in her speech put emphasis on street children, stating that many of them ended up in the streets because of domestic violence at home. She tried to appease the criticism of opponents of the law:

“I understand what caused this noise, but please do not forget that there are numerous problems in Georgia, we do not have statistics but many NGOs, many international organisations have recorded instances of domestic violence. I know you take it personally but domestic violence cases are not only instances of violence among wives and husbands, children, older parents can be also involved, this is a severe violation of human rights.”⁸⁸²

⁸⁷⁹ Comment by MP Gigi Tsereteli at a plenary hearing of the draft *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, February 17, 2006.

⁸⁸⁰ Comment by Nazi Aronia, Member of the Parliament, at the hearing of the draft *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, February 17, 2006.

⁸⁸¹ Ibid.

⁸⁸² Comment by Guguli Maghradze, Member of the Parliament, at the hearing of the draft *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, February 17, 2006.

As the previous quote shows, supporters of the law were trying their best to negate Domestic Violence with an Accent on Women as the Main Victim Group frame, expanding the group of the law's beneficiaries as much as possible. Even though there was no mentioning of women either in the draft law or in the speeches of lobbyists, still, domestic violence perpetuated against women was "in the air," as Ketevan Makharashvili's answer to the comments of her colleagues shows:

"I expected the plenary discussions around the adoption of this law to be difficult but I was not expecting such irony from the colleagues. [...] I would like to pay your attention to the fact that the law does not put special stress on either of the sexes. Why do you understand this law only in relation to your wives? There are numerous cases when elderly parents are forced out on streets, are not provided with medicines and proper nutrition, also there exist instances of domestic violence against children. Why do not take this issue seriously? Do you think only sexual relations are a problem in Georgia?"⁸⁸³

Cynical comments made by MPs outside the microphone provoked Ketevan Makharashvili's tears when providing this response. In the end, at this first hearing the majority of the Members of the Parliament decided that the law was acceptable in principle. For the second hearing, there were made amendments to the law, changing the definition of sexual violence that caused so much negative response: the definition with references to "violation of sexual freedom of a person" was substituted with a definition of rape from the Criminal Code:

⁸⁸³ Comment by Ketevan Makharashvili, Member of the Parliament, at a plenary hearing of the draft *Law of Georgia on Combating Domestic Violence, Protection of and Support to Its Victims*, February 17, 2006.

“Sexual Violence - sexual intercourse through violence, threat of violence or abusing the helplessness of the victim as well as sexual intercourse with or other act of sexual nature or immoral act against the minor.”

The Domestic Violence Law was finally adopted at the third hearing on May 25, 2006. The media coverage of this first plenary session demonstrated the lack of preparedness of media representatives to get to the bottom of the problem that the law attempted to regulate. The journalists covered the most antagonistic and ironic interventions from the side of the MPs. The scanning of the titles of the articles of such leading Georgian newspapers as the *Alia* and *The Akhali Taoba* is informative enough: “*MPs Found Time to Discuss Sex;*”⁸⁸⁴ “*Whose Permission is Required to Have Sex with a Spouse And How Many Witnesses Should Attend This Act;*”⁸⁸⁵ “*Debates in the Parliament about Sex.*”⁸⁸⁶ Content-wise the articles represented accounts of the Parliamentary debate with emphasis put on the sarcastic comments made by the MPs in relation to the definition of sexual violence. None of these articles contained any analysis of the phenomenon of domestic violence.

The heated debate surrounding the discussion of the draft law in the Parliament inspired the most popular TV Channel, “Rustavi 2,” to devote one of its most popular prime-time talk shows to a discussion of the law. In the talk show MPs who were supporters (Ketevan Makharashvili, Gigi Tsereteli) and opponents (Tamaz Khidasheli, Besarion Jugheli) of the law participated, along with representatives of women’s NGOs and members of the general public. Eka Khoperia, the journalist who hosted the talk show, in her introductory speech underlined that many citizens regarded the Domestic Violence Law as an intrusion into their private lives. Then the host posed a very direct question to the invited MPs: “Will this law regulate relationships

⁸⁸⁴ Marika Mchedlishvili, “deputatebma seqsistvis moitsales” [MPs found time to discuss sex], *akhali taoba* [The new generation], February 18, 2006, no.47 (3704).

⁸⁸⁵ *The Alia*, “visi nebartvaa satchiro meughlestan seqsistvis da ramdeni motsmea satchiro am aqtze dasastsrebad” [Whose permission is required to have sex with a spouse and how many witnesses should attend this act], February 18-20, no.18/1850.

⁸⁸⁶ *Rustavi2*, “debatebi parlamentshi seqsis temaze” [Debates in the parliament about sex], February 17, 2006, accessed February 19, 2006, http://www.rustavi2.com/news_textg.php?id_news=14415&pg=1&im=main&ct.

between a husband and a wife?” In her answer to this question, Ketevan Makharashvili stated that in the law there is no mentioning of either men or women, that this law concerned every family member regardless of their sex and age. This answer provides additional evidence that the arguments voiced by supporters of the law belonged to the Degendered Domestic Violence frame.

MP Besarion Jugheli again underlined that he would support the law only if the definition of sexual violence was altered. He further stated that this law contained “threats” for the legalising of homosexuality as the definition of family member also encompassed persons living together in unregistered cohabitation. Most of the members of the drafting team from the NGO community were present at this talk show and they explained that under unregistered cohabitation they meant heterosexual couples who have not registered their marriages, without commenting on the discriminatory statement made by the MP in relation to homosexuals.

Nina Tsikhistavi, Head of the Caucasian Women’s Network, reminded the MPs of their cynical comments made during the hearing of the draft in the Parliament: “We NGOs are highly critical of the sexist and discriminatory expressions made by certain MPs regarding women during the discussion of this law in the Parliament” - stated Nina Tsikhistavi. The guests of this talk-show included Marina Barnova, wife of MP Besarion Jugheli, who stated that she personally would support any law that advanced women’s rights, as such laws had the potential to establish some control over men’s behaviour, whose discriminatory mentality and ambitions became obvious also during the plenary hearing of the law. It was quite surprising that the wife of the MP who was vigorously opposing certain definitions of the law stated her strong support for it, using arguments that was much more sensitive to women’s rights than that of some of the law’s lobbyists.

The analysis of the Georgian Domestic Violence Law’s adoption allows me to draw two main conclusions. The first is that the initiation of the law in the Parliament was triggered by a high-profile case involving a Member of Parliament. The right momentum created by this case

could be considered as one of the key local level factors that contributed to the adoption of the law. As mentioned by Ketevan Makharashvili in the interview for this chapter, if not for this case, knowing the environment in the Parliament, she would not have dared to begin discussion of the draft law.

The second main conclusion is that the debates around the law (both in the Parliament and in the media) were highly insensitive to the gender equality aspects of domestic violence. Moreover, supporters of the law were emphasised that it was a completely gender-neutral policy document, while the opponents through sexist comments, criticised the draft for giving married women too much sexual freedom.

Locating Georgian Case in the International Context

In the literature review of this dissertation I have presented the work of Andrea Krizsán, Maria Bustelo, Andromachi Hadjiyanni and Fray Kamoutsi regarding the different representations and interpretations of domestic violence and respective policy discourses surrounding domestic violence.⁸⁸⁷ At this point, I would like to come back to their work and discuss which domestic violence policy frame/s have dominated in Georgia.

The research of Krizsán et al. has shown that the Gender Equality frame, which recognises gender inequality as a structural cause of domestic violence has been present mainly at the EU-level and in Spanish policy debates on domestic violence. It is traceable also in some texts from Austria and Greece and is almost absent in the materials from Hungary, Slovenia, and the Netherlands.⁸⁸⁸ I was also unable to find any strong voices in the debate around elaboration and adoption of the Georgian Domestic Violence Law that would bear traces of the Gender Equality frame. In Georgia the debates that followed the initiation of the law in the Parliament

⁸⁸⁷ Krizsán, et. al., “Domestic Violence: A Public Matter,” 141- 181.

⁸⁸⁸ Ibid., 155.

and in the media did not put emphasis on gender equality aspects as the structural causes of domestic violence against women.

Krizsán et al. identified the Domestic Violence with an Accent on Women as the Main Victim Group frame in the discourses of right-wing conservative politicians, and in media outlets in EU, Spain, Austria, Greece, Hungary and Slovenia.⁸⁸⁹ This frame offers a middle ground between a gender inequality explanation and a completely degendered explanation for domestic violence..⁸⁹⁰ In Georgia’s case, the initial draft contained some elements of the Domestic Violence with an Accent on Women as Main Victim Groups frame, but soon after the initial hearings of the law in the Parliamentary Committees, all the references to women as the main group suffering from violence were substituted with gender-neutral terms (such as “person,” “victim”) situating the law within the Degendered Domestic Violence frame.

According to Krizsán et al., the Degendered Domestic Violence frame has been prevalently present in the Netherlands and marginally present in all the other researched countries except for Greece.⁸⁹¹ In the Netherlands, policy documents concerning domestic violence describe the problem in gender-neutral terms, “using categories as ‘victims’, ‘perpetrators’, ‘cases, and ‘people concerned.’ At points, specific target groups are identified, such as children witnessing domestic violence and elderly people as victims.”⁸⁹² Women are mentioned in the domestic violence policy documents only once in a reference to migrant women.⁸⁹³ In Georgia, even the supporters of the law made a huge effort to claim that this law was a completely gender-neutral document, making the Degendered Domestic Violence frame dominate over other frames.

The Failing State frame is present in almost all the 130 analysed texts from all the studied countries and the EU. This is because policy makers seem to agree “that a complex,

⁸⁸⁹ Ibid., 156-157.

⁸⁹⁰ Ibid., 157.

⁸⁹¹ “In Greece this frame does not occur at all. The reason for this may be that the texts analysed were related to trafficking and, by extension, to sexual violence and the absence of any legal documents concerning the issue.” Ibid., 158.

⁸⁹² Ibid., 157-158.

⁸⁹³ Ibid., 158.

integrated, and well-coordinated strategy is needed to handle domestic violence, a strategy that includes sanctioning, treatment, and support for the victims and awareness raising.”⁸⁹⁴ This frame can be prevalently found in the domestic violence policy discourses of Slovenia, Spain, the Netherlands, Austria and marginally found in Greece, perhaps because the issue has not yet reached the national policy agenda there.⁸⁹⁵ The Georgian Domestic Violence Law also underlines the importance of a multi-sectorial response to the problem of domestic violence, assigning different tasks to different ministries. However, the Failing State frame has been utilised by women’s NGOs, especially once they mobilised resources to protect E.T., the victim of domestic violence who was detained with false accusations from her M.P. husband instead of being protected.

According to Krizsán et al., the set of sub-frames under the Social Norms frame are not present on a wide scale in the analysed texts. However, the most comprehensive variation of this frame, “which argues that it is the culture of violence and society’s tolerance towards violence in the family that generates domestic violence,”⁸⁹⁶ could be traced in a small number of quite significant texts, such as a governmental strategy text in Hungary, in a domestic violence law in Spain and in a party program in Austria. The Relativize sub-frame, of the Social Norms frame, which identifies groups of a population that are perceived as especially prone to domestic violence (such as poor, marginalised people, alcohol and drug addicts) is traceable in the Dutch domestic violence policy documents in relation to immigrants and is mainly expressed by representatives of the government and parliament.⁸⁹⁷ The authors found the Deteriorating Society Sub-frame only in the Greek debates that relate the deteriorating morals of the Greek Society to increased immigration to Greece.⁸⁹⁸ The elements of the Social Norms frame as well as its sub-frames could be identified in the parliamentary debate of the draft Georgian Domestic Violence Law. The increase in the scale of violence was blamed on the economic and political hardships

⁸⁹⁴ Ibid.

⁸⁹⁵ Ibid.

⁸⁹⁶ Ibid., 159.

⁸⁹⁷ Ibid.

⁸⁹⁸ Ibid.

experienced by Georgia in the past years and the problem of domestic violence was relativised to the regions of Georgia rather than the capital Tbilisi.

As for the five minor frames, Krizsán et al. detected the Privacy frame, which claims that domestic violence is a private problem and the state has no role in its regulation, in the early parliamentary debates in Hungary as well as in Austria and Slovenia.⁸⁹⁹ The Privacy frame has been used the most by the opponents of the law. As described above, the definition of sexual violence in the draft law caused main dissatisfaction among male MPs, one of them fearing to lose his virility and become, a “cucumber” if the law explicitly granted wives freedom of consent to sexual intercourse. This definition of sexual violence was understood by these male MPs as a direct threat and invasion into family privacy.

The International Obligations frame that uses “international norms and obligations as normative grounds for defining policy problems and justifying policy change appears only in the latecomers to the EU”⁹⁰⁰ (Hungary, Greece, Slovenia). Regarding the influence of the EU, the authors found that the EU does set benchmarks for defining domestic violence in relation to gender equality, but that due to the ‘softness’ of the EU guidelines and regulations, these are not influential enough to penetrate national-level policymaking.⁹⁰¹ In addition, EU-level debates tend to present domestic violence mostly as a Public Health problem and rarely as a Human Rights issue. Such profiling of the problem is less favourable for viewing domestic violence from a gender equality prism.⁹⁰² In Georgia the International Obligations frame was used both by proponents and opponents of the law. The former referred to these obligations positively, underlining that implementation of these obligations will support Georgia’s integration into European structures, while the latter referred to these obligations in a negative way as something imposed by international community on Georgia.

⁸⁹⁹ Ibid., 160.

⁹⁰⁰ Ibid.

⁹⁰¹ Ibid., 166.

⁹⁰² Ibid.

The Men as Victim frame has been found on a minor scale in all countries: “The ‘protection for poor men’ version appears in very few texts in total in the examined countries and is put forward either by conservative voices of MPs or the media.”⁹⁰³ Similarly, the authors found the Family frame to be present on a minor scale in most of the countries studied except for Slovenia and the EU-level texts. The conservative voices traced in the Family frame that relate to instances of domestic violence are mainly concerned with the protection of “the integrity of the family.”⁹⁰⁴ The Public Health frame was only noticed in EU texts, while the countries locate the issue of domestic violence mainly in the domain of human rights, criminal law, or family policy.⁹⁰⁵ In Georgia, I was not able to trace much evidence in favour of these three frames.

One of the main findings of Krizsán, Bustelo, Hadjiyanni, and Kamoutsi’s analysis of domestic violence policy discourses is that all of the researched countries and the EU “treat domestic violence as a human rights, criminal justice, or public health issue and rarely as a specific gender equality problem (with the exception of contemporary Spain [2004]).”⁹⁰⁶ Despite the fact that the issue was brought to the attention of policymakers by feminist NGOs, as soon as the problem became an agenda item for policymaking, gender inequality disappeared as a significant structural cause of violence against women.⁹⁰⁷ In Georgia’s case it was first and foremost the experiences of women victims of domestic violence that motivated lawyers and women’s NGO activists in Georgia to elaborate the law. Despite the fact that concrete cases of domestic violence against women were frequently referred to by the drafting team while thinking through the provisions of the law, all references to women were purposefully deleted from the final text of the law to ward off aggressive attacks from the side of male MPs who otherwise could have blocked its adoption.

⁹⁰³ Ibid., 160.

⁹⁰⁴ Ibid., 160.

⁹⁰⁵ Ibid.

⁹⁰⁶ Ibid., 164. At the end of 2004, Spain adopted the Law on Integrated Protection Measures against Gender Violence which marked an official shift in policymaking in this area towards the Gender Equality frame. Ibid., 165.

⁹⁰⁷ Ibid., 164, 166.

In order to understand which domestic violence policy frame has dominated in Georgia, I would like to introduce the notion of the “weight of the (analysed) texts.” Under “weight of the texts” I mean the potential of the studied texts to influence the lives of the citizens concerned. Krizsán, Bustelo, Hadjiyanni, and Kamoutsi have treated all the analysed 130 texts equally, without differentiating between their potential “weight.” In this regard, I would like to differentiate actual policy documents (laws, government plans of action, etc.) from public debates and media coverage in relation to domestic violence policy. In my analysis, I would like to grant policy documents more weight given their binding and regulating character and give other texts less weight when determining which discourses and policy frameworks have dominated in the case of Georgia. In this regard, since the Domestic Violence Law belongs to the Degendered Domestic Violence frame, I would like to argue that this is the dominant frame in Georgia’s case, and the other mentioned frames co-existed on a rather minor scale.

Conclusion

To conclude, which key international and local-level factors then have affected the elaboration and adoption processes of the Georgian Domestic Violence Law, and what could be learned from the Georgian case?

My research has shown that a confluence of a few significant international and local level factors led to the drafting and adoption of the Georgian Domestic Violence Law. On the international level, processes that followed Georgia’s joining of CEDAW and the numerous recommendations and comments of CEDAW Committee members to Georgia in relation to the need of legal regulation of domestic violence have certainly played a role in putting domestic violence on the policy radar of the Georgian government. The ratification of CEDAW provided women’s rights activist with significant opportunities to voice their concerns and legitimise their demands in a high-level international tribunal. The fact that Mari Meskhi, the woman leading the drafting process of the law, was also the leading force in preparation of the CEDAW alternative

report and the ABA/CEELI CEDAW Assessment Tool report for Georgia is indicative of the fact that the elaboration of the Domestic Violence Law was initiated by the most resourceful and active representatives of women's groups in Georgia. Thus, in Georgia's case it could be argued that CEDAW accession empowered women's rights activists to work on domestic violence issues and made regulation of domestic violence an acceptable prospect for the Georgian government.

Support received from CEDAW Committee members bears elements of the "feminist foreign intervention" identified by Johnson and Brunell as one of the key catalysts for domestic violence reform.⁹⁰⁸ However, apart from creating a conducive environment by encouraging and empowering local women's rights activists, I could not find any evidence of direct foreign feminist intervention in the actual origination or adoption processes of the Domestic Violence Law in Georgia. Even the intervention of the ABA/CEELI through CEDAW Assessment Tool and the funding of the drafting of the Georgian Domestic Violence Law only followed and did not precede the initiative and determination of a group of women lawyers from GYLA to elaborate a special law on domestic violence. By saying this, I do not want to underscore the important role that US funding played in the process of the law's creation. The initial group of authors found great supporters and sponsors in ABA/CEELI and World Learning, which provided them with the needed knowledge and resources to elaborate the law in compliance with international standards and experience.

Yet, even though the authors of the law tried to take into account experiences from different countries, especially the US, and to follow internationally agreed guidelines and recommendations, they were not fully faithful to these. For instance, the authors did not put emphasis in the text of the law on structural causes of domestic violence linked with gender inequality nor on the fact that domestic violence affects women disproportionately. This allows me to argue that the authors' personal attitudes, beliefs, and sometimes self-censorship derived

⁹⁰⁸ Johnson and Brunell, "The Emergence of Contrasting Domestic Violence Regimes in Post-communist Europe," 587-588.

from their knowledge of the local context can play a decisive role and overrule quite authoritative internationally acknowledged guidelines, recommendations, and best practices.

After all the hard work related to the drafting of the Georgian Domestic Violence Law, it might have not been initiated at all if the high-profile case of E.T. and her spouse, which captured the attention of the media, had not taken place. It was this case that allowed Women's NGOs to draw the public's attention to the fact that, due to the non-existence of relevant policy regarding domestic violence, a victim of domestic violence was imprisoned on the basis of a false accusation instead of being protected. The Georgian case proved that such local level factors can create the right momentum by triggering the public's interest in the problem to be regulated and support the passing of relevant legislation.

Although the process of improving the law to make it more effective and responsive to the needs of the survivors of domestic violence still lies ahead, with this law, Georgia has a legal instrument that can ensure a better protection of victims of domestic violence in general and of women victims of domestic violence in particular than was the case before 2006. As one woman survivor of domestic violence told her psychologist in a private conversation after having learned that the law was passed: "I started to hope that there is a solution to the problems faced by me and those alike."⁹⁰⁹ It is exactly this hope and the mechanisms for overcoming violent relationships that this law has given to "the thousands suffering in silence."⁹¹⁰

⁹⁰⁹ Natalia Zazashvili (psychologist), interview by author, Tbilisi, Georgia, January 5, 2009.

⁹¹⁰ *Thousands Suffering in Silence* – is a title of Amnesty International's special report on domestic violence in Georgia issued in 2006 -- Amnesty International, *Georgia: Thousands Suffering in Silence: Violence Against Women in the Family*, 7, accessed June 27, 2007, <http://web.amnesty.org/library/index/ENGEUR560092006>.

Thesis Conclusion

In my dissertation, *The Identification and Regulation of Domestic Violence in Georgia (1991-2006)*, I have attempted to understand the processes that led to the adoption of the *Law of Georgia on the Elimination of Domestic Violence, Protection of Victims of Domestic Violence and their Assistance* in May 2006. More specifically, this dissertation has tried to make three sets of related empirical and theoretical contributions. First, I have tried to uncover those key historical, socio-economic, and political factors that have hindered or facilitated the identification of domestic violence as a social problem requiring legal intervention during the Soviet period (1921-1991), and more in-depth in the period of 1991 to 2006, after Georgia had gained its independence from the Soviet Union. Among the factors that contributed to the identification of domestic violence as a social problem, I have paid particular attention to the role of women's NGOs. Second, I have examined the process of the Domestic Violence Law's drafting and the contents of the law in comparison with related experiences of other countries. I have focused especially on the question of whether and how the gender equality dimensions of domestic violence were reflected in the drafting and discussion processes of the law and in the text of the law itself. Third, I have argued that the historical context, understood as a combination of local and international factors, is decisive for the understanding of a process such as the initiation, development, and adoption of a law as the Georgian one. The discussion below of my main findings is organized according to these three main contributions.

(1) Key Factors Hindering or Facilitating the Identification of Domestic Violence in Georgia

Given the fact that violence against women in general has received broad international recognition as a women's human rights concern only since the 1990s, it is not surprising that this problem was not on the agenda of policymakers in the Soviet Union. Still, it is clear that

domestic violence existed in the Soviet Union, and I have identified context-specific factors that in my opinion have hindered the acknowledgement of domestic violence by Soviet decision-makers.

One significant factor hindering the identification of domestic violence as a women's rights concern was the myth of a successfully resolved "Woman Question," which was reinforced by Soviet propaganda. This success story was not groundless; women played an important role in the Bolshevik Revolution and subsequently in the building of a new communist society, and the government paid particular attention to the spread of literacy, increasing the level of education and employment rates among women. However, women's influence in the political life of the Soviet Union was weak and many women experienced the double burden of both paid employment and domestic work.

The principle of the equality of sexes was integrated in the legislation of the Soviet Union; criminal, administrative, and civil codes of the Soviet Socialist Republics underlined that women and men had equal rights and were entitled to equal benefits. Because there was no special law on domestic violence, the general provisions of the Criminal Code criminalizing battering, threatening, physical abuse, murder, blackmail, hooliganism, etc., were to be applied to crimes committed in a familial context. However, little was done to raise the awareness of society at large or the representatives of law-enforcement agencies in particular to support and encourage the applicability of these general legal provisions to domestic violence. This lack of well thought-out legal and policy measures in itself is an indication of the lack of interest in and awareness about the problem of domestic violence from the side of policymakers.

In my view, the acknowledgement of the problem of domestic violence was further hindered by the complex attempts to redefine the concept of the family, which took place in different periods of Soviet history. In its early years, the Soviet government believed that the family as a social unit would cease to exist because the state would take up the work and responsibilities of family members. However, this belief was not translated into adequate laws

and policies. Moreover, as my research has shown, from the 1930s onwards, the Soviet government not only recognised the family as a foundation of society but also tried to become its almighty male head. This strong interference of the state in the private familial domain raised resistance among the citizens of the Soviet Socialist Republics. As a reaction, people comforted themselves with traditional norms that drew distinctions between the private sphere of the family and the public sphere of the state. This resistance was multifaceted and varied across the republics. In Georgia's case, invoking "traditions" that regulated the familial sphere were instrumental for the construction of a national identity; this emphasis on "family" as a Georgian institute further increased the wish to hide rather than acknowledge such problems as domestic violence. Moreover, the lack of space for civic activism, especially from the 1930s onward, made family privacy sacrosanct because the familial domain remained the only relatively free arena for the self-realisation of Soviet citizens. The urge to protect family privacy was another reason why in my opinion many Soviet citizens, themselves, were against the disclosure of such "familial matters" as domestic violence to the state's gaze.

My review of the Soviet period of Georgia's history from the viewpoint of the dynamics around the acknowledgement and regulation of domestic violence also proved informative for understanding the developments in independent Georgia. Some of the factors that undermined the identification of domestic violence during the Soviet period have been diminished or overcome, while new challenges and opportunities that contributed to the identification of the problem came with Georgia's independence. The ideological significance of the women's liberation success story has been certainly diminished after the breakup of the Soviet Union. However, the myth that the "Woman Question" was resolved has outlived the Soviet Union and contributed(s) to the low sensitivity of post-soviet societies and governments to gender equality issues and their distrust (if not complete disapproval) of "feminism."

In addition, I have argued that many developments and experiences of the young independent Georgian state such as the armed conflicts and the emergence of an NGO sector

(and within this sector, the emergence of women's NGOs) have been important factors contributing to the identification of domestic violence as one of the problems violating women's human rights in Georgia. From 1991 until 1994, Georgia underwent two internal armed conflicts and a civil war. The severe economic, political and social problems of this period caused individual trauma and pain to hundreds of thousands of Georgian citizens, thus demystifying the concept of independence as a self-sustaining situation to which many citizens aspired during the Soviet period. The experience of these early years made violence more perceptible in Georgian society than was the case during the last decades of the Soviet Union. The wide spectrum of hardships experienced by the citizens of newly independent Georgia created a conducive environment for the demystification of violence in general and of domestic violence in particular, while NGO initiatives simultaneously increased the visibility of the problem of domestic violence. The development of the civil sector and the interactions between non-governmental and donor organisations, which were unthinkable during the Soviet period, encouraged citizens, especially women, to become more outspoken about domestic violence. Thus, gradually, the practice of domestic violence became more visible and attracted more attention.

My literature review discusses publications about domestic violence policymaking in post-communist countries since the 1990s. I first reviewed scholarship that explores policymaking regarding domestic violence in post-communist states in relation to globalisation and the diffusion of internationally agreed-upon human rights norms and principles (Avdeyeva, Fabian). Indeed, the ratification of CEDAW in 1994, the joining of the *Beijing Platform for Action* in 1995 as well as the broader integration of Georgia into the international community, which became possible only after gaining independence, have been important encouragements towards the elaboration of laws and policies targeting domestic violence. The review of the periodic State and alternative reports by the CEDAW Committee and the concluding comments and observations submitted to the Government of Georgia made the need for the regulation of

domestic violence very clear. In addition, CEDAW and the *Beijing Platform for Action* created a favorable conceptual framework for local women's rights and gender equality advocates' consciousness-raising and advocacy work with regard to domestic violence. Thus, it can be concluded that the diffusion of internationally agreed-upon human rights norms and principles in Georgia's case was indeed a key factor contributing to domestic violence policymaking.

The second group of authors explains domestic violence policy-making in a number of post-communist countries by looking at these countries' aspirations to integrate into the European Union (Kriszan, Popa, Montoya). My research has shown that while the first two mechanisms identified by Krizsan and Popa – the EU accession process and the Daphne initiative – have been less relevant to the Georgian context, a Western, and especially European, orientation has been both politically and discursively important in the adoption process of the Domestic Violence Law. However, since Georgia only aspires to become a member of the European Union but is far from being listed among the EU accession countries, it is too early to claim that the EU integration processes have affected Georgian domestic violence policy-making.

The third body of literature underlines the significance of Transnational Feminist Networks for the identification of domestic violence as a social problem in need of state regulation in post-communist countries in Central and Eastern Europe (Keck, Sikkink, Hrycak, Brunell, Johnson). The findings of my dissertation comply with the argument of Alexandra Hrycak who, contrary to Keck and Sikkink, argues that domestic violence policymaking in a number of post-communist countries cannot be explained by the density and strength of transnational ties or by the exertion of international pressure by Transnational Feminist Networks but rather by local level alliances and opportunities. My research has found that the actual draft of the Domestic Violence Law of Georgia was the result of years of voluntary work of women lawyers from the NGO community, inspired locally by the experiences of women victims of domestic violence. Still, the draft law might not have been initiated had it not been for

the high-profile case of E.T. and her spouse, a member of the Georgian Parliament, which captured the attention of the media. This case allowed Women's NGOs to draw the public's attention to the consequences of the non-existence of relevant legislation regarding domestic violence.

The fourth group of scholars scrutinises the ways in which foreign actors, such as Western feminists and donor agencies, set agendas for local women's NGOs and the implications of this sort of interaction for the identification of domestic violence as a social issue in post-communist countries (Ghodsee, Funk). In the case of Georgia, my research has shown that even though the influence of external donor organisations has been present, the women's NGOs that prioritised work on combating domestic violence did not choose this topic because it was seen as a "hot" issue and therefore an easy way to acquire funding. I have also found that the personal experiences and observations of NGO activists were often strong factors in an organisation's decision to start working on domestic violence. Consequently, Ghodsee's argument that foreign donors employ their own agendas to dictate priorities to local women's organisations and that the level of dialogue which exists between donors and NGOs is minimal at best, is not substantiated in the case of the main anti-violence against women NGOs in Georgia: Sakhli, the Anti-Violence Network of Georgia, Sapari, and the Women Democrats from Samtskhe-Javakheti. These NGOs were providing various services to women victims/survivors of domestic violence, not because they wanted to replace the state's services, but because there were simply no state services in place to address these issues (just like the Centre for War Victims of Belgrade, as argued by Funk), nor was the establishment of such services even under consideration by the state at the time.⁹¹¹ Moreover, had these NGOs not offered these services, many women who actually benefited from and survived due to the work of these NGOs would have been abandoned to cope with incidents of violence and trauma by themselves, and these NGOs would be in a weaker position to advocate and demand that the state engage in the

⁹¹¹ Nanette Funk, "Women's NGOs in Central and Eastern Europe," 279.

provision of services to the victims of domestic violence. In other words, the actual, hands-on experience of running shelters and offering psychological and legal counselling made the advocacy work of these NGOs evidence-based, and their gained experience became another resource which could be expanded through the involvement of state actors. My research in Georgia has shown that women's NGOs and their advocacy work (regardless of how influenced/supported they were by Western funders or TFN) were critical factors that made Georgian legislators adopt a law against domestic violence. Thus, the "compatibilist position" elaborated by Funk, according to which "NGO support of some imperial aims can, in certain cases, be compatible with both the political justification of such NGOs and the demands of justice,"⁹¹² is more resonant with the findings of my research than bold and insufficiently nuanced criticism of women's NGOs, their causes and activities as voiced by Ghodsee.

(2) The Elaboration Process and Contents of the Domestic Violence Law

In relation to the actual drafting of the Georgian Domestic Violence Law, I have found that its authors reviewed the experiences of different countries and tried to follow internationally agreed-upon guidelines and recommendations in the elaboration process of the law. However, it also became clear that the Georgian drafting team was not fully faithful to these international guidelines and recommendations; in particular, it did not emphasise structural causes of domestic violence linked with gender inequality nor the fact that domestic violence affects women disproportionately. Despite the fact that concrete cases of domestic violence against women were frequently referred to by the drafting team while thinking through the provisions of the law, all references to women were purposefully deleted from the final text, so as to ward off aggressive attacks from the side of male MPs who otherwise could have blocked its adoption. If one applies the domestic violence policy framework analysis developed by Krizsán, Bustelo, Hadjiyanni, and Kamoutsi, it could be concluded that in Georgia's case the initial draft contained some

⁹¹² Ibid., 265-266.

elements of the Domestic Violence with an Accent on Women as Main Victims frame, but soon after the initial hearings of the law in the Parliamentary Committees, all the references to women as the main group suffering from violence were substituted with gender-neutral terms (such as “person”, or “victim”) situating the Law within the Degendered Domestic Violence frame.

The debates that followed the submission of the Law in the Parliament and in the media did not emphasise the structural causes of domestic violence against women linked with gender inequality either. Instead, even the supporters of the law made a huge effort to claim that this law was a completely gender-neutral document. The Soviet legacy in terms of low sensitivity to gender equality concerns and distrust towards feminism can be one of the main reasons behind this. My analysis of the debates showed that the comments made by the MPs criticising the definition of sexual violence in the draft Law fall under the Privacy frame described by Krizsán et al., while the arguments of supporters of the law contained elements of the Degendered Domestic Violence frame and the Deteriorating Society sub-frame of the Social Norms frame.

(3) The Significance of Context

My research allows me to argue that each significant step (such as the adoption of legislation) towards social change is intrinsic and specific to the context from which or within which it emerges. The notion of context as I use it is broad enough to embrace the multiplicity of factors that allowed for the adoption of the Law on Domestic Violence in Georgia. My analysis of the developments related to domestic violence regulation in Georgia has demonstrated that the interaction between global and local players has contributed to and affected the processes of origination and adoption of the law as well as its contents. This interaction between global and local players was not unidirectional (that is, from global to local): the initiative to identify and regulate domestic violence was of Western origin, but the practice of domestic violence has not been alien to Georgian society either during the Soviet era or subsequently. What is relatively new is the context-specific labeling and identification of domestic violence as a social problem

and, starting from 2006, the subsequent introduction of a special law and policies on domestic violence.

The Domestic Violence Law of Georgia is very much a product of its time and environment. On the one hand, the adoption of such a law was an achievement in itself as it provided a legal definition of domestic violence as well as practical measures for the combating and prevention of violence. On the other hand, despite the fact that the Law was nurtured by the tragic experiences of women victims/survivors of domestic violence, the text of the Law as well as its adoption process do not highlight the fact that domestic violence affects women disproportionately and that gendered power relations lie at the heart of domestic violence. Instead, the low sensitivity of the legislators and society at large to women's rights and gender equality concerns is reflected in the de-gendered character of the law. Still, only the actual implementation of the Law will show its (lack of) effectiveness in easing the suffering and protecting the rights of women victims/survivors of domestic violence. The words of Dobash and Dobash, which I have used as an epigraph to the introduction of this dissertation, aptly indicate the paradox related to the identification and regulation of domestic violence: "For the women who have been physically abused in the home by the men with whom they live, the past two decades have seen both radical change and no change at all."⁹¹³ This is true also for Georgia in the period 1991-2006.

⁹¹³ Dobash and Dobash, *Women, Violence & Social Change*, 1.

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Annex 1: List of Interviews and Rationale for Their Selection

The twenty-nine interviewees for the subject-based interviews included researchers in the fields of political science, sociology, and gender studies, activists in the fields of violence against women, gender equality, trafficking in human beings, and members of local and international organisations working on democratic transformation and gender equality issues, also relevant representatives of executive, legislative, and judicial branches of the government. In the selection process of the interviewees, I have relied on my over ten years of work experience and my knowledge of actors in the field of women's rights and development in Georgia. All the interviews were conducted in Tbilisi, Georgia.

Chronological list of interviews:

1. Alexander Nalbandov (former secretary of the Commission on Elaboration of State Policy of the Advancement of Women), interview by author, July 18, 2005;
2. Mari Meskhi (lawyer, head of Women's Rights Research Group at NGO "Georgian Young Lawyers' Association," from 2007 Head of the State Fund for the Assistance and Protection of the (Statutory) Victims of Trafficking and Domestic Violence), interview by author, January 3, 2006 and January 16, 2007 and November 18, 2009;
3. Ketevan Makharashvili (Member of the Parliament and coordinator of the Advisory Council on Gender Equality Issues at the Speaker of the Parliament), interview by author, January 5, 2006;
4. Natalia Zazashvili (psychologist, head of NGO Sapari), interview by author, January 5, 2009.
5. Irakli Artilakva (lawyer), interview by author, January 10, 2006;
6. Irina Lortqipanidze (senior lawyer at ABA/CEELI), interview by author, January 12, 2006;
7. Irakli Burduli (advisor to the Chairman of Supreme Court of Georgia), interview by author, January 31, 2006;
8. Zaza Piralishvili (philosopher), interview by author, February 13, 2006;
9. Gocha Mamulashvili (deputy dean of Juridical Faculty at Tbilisi State University), interview by author, February 8, 2006;
10. Lela Gaprindashvili (researcher in Cultural and Gender Studies, head of NGO Women's Initiative for Equality), interview by author, January 15, 2007;
11. Nana Sumbadze (researcher, NGO Institute for Policy Studies), interview by author, January 15, 2007;
12. Gia Tarkhan Mouravi (researcher, NGO Institute for Policy Studies), interview by author, January 17, 2007;
13. Lia Sanikidze (head of NGO Women for Future), interview by author January 16, 2007;
14. Nina Tsikhistavi (women's rights activist, head of NGO Caucasus Women's Network), interview by author, January 22, 2007;
15. Charita Jashi (expert in gender and economics, head of NGO Gender for Socio-Economic Development), interview by author, January 22, 2007;
16. Marina Tabukashvili (expert in the field of gender equality, head of NGO Taso Foundation), interview by author, January 23, 2007 and January 8, 2009;
17. Gia Zhorzholiani (political scientist), interview by author, January 22, 2007;
18. Davit Darchiashvili (political scientist and Member of the Parliament), interview by author, January 29, 2007;
19. Shorena Dzotsenidze (gender equality advocate), interview by author, February 15, 2007;
20. Lela Bakradze (national program officer, UNFPA), interview by author, July 24, 2007;
21. Nana Khoshtaria (psychologist, NGO Sakhli), interview by author, July 26, 2007;

22. Nino Javakhishvili (psychologist, director of NGO Dynamic Psychology for Development and Democracy), interview by author, October 24, 2007;
23. Natia Cherkezishvili (programme analyst, UNDP), interview by author, October 26, 2007;
24. Rusudan Pkhakadze (psychologist, director of NGO Women's Advise Centre Sakhli), interview by author, October 25, 2007 and May 25, 2009;
25. Nato Shavlakadze (women's rights activist, head of Anti-Violence Network of Georgia), interview by author, November 4, 2007 and May 24, 2009;
26. Helen Rusetskaya (women's rights activist, head of Women's Information Centre), interview by author, October 26, 2007;
27. Marina Modebadze (women's rights activist, Head of Organisation of Women Democrats), interview by author, January 5, 2009.
28. Eliso Amirejibi (women's rights activist, deputy head of Anti-Violence Network of Georgia), interview by author, May 24, 2009;
29. Zurab Mchedlishvili (coordinator of the Parliamentary Council for Gender Equality), interview by author, March 4, 2011.

For chapter 2, of this dissertation, I have also conducted six subject based interviews with women and men who were old enough to remember the practices of some of the state sponsored mechanisms that were available for women facing domestic violence in the Soviet Georgia. The sample of interviewees is by no means representative, but I have carried out these interviews and included findings to enrich the chapter with some primary data, especially in relation to those issues about which it was impossible to find other sources. For instance, I was not able to find any secondary data about the actual working and effectiveness of the Comrade Courts vis-à-vis domestic violence, therefore, have decided to inquire about them with few randomly selected respondents from my immediate circle of relatives and friends who were old enough in the 1960s and the 1970s to remember this mechanism.

1. Vasil Monaselidze (district inspector in Tbilisi in 1980s), interview by author, January 4, 2006;
2. Tamar Ch. (retired peasant woman), interview by author, July 4, 2006;
3. Nodar S. (engineer), interview by author, July 6, 2006;
4. Anonymous (high-level officer of the Georgian intelligence during the Soviet period), interview by author, July 19, 2006.
5. Leyla A. (nurse), interview by author, August 19, 2006;
6. Teimuraz N. (metallurgist and PhD in Metallurgy), interview by author, August 31, 2006.

Annex 2: Small-scale Survey of Women's NGOs

My research on women's NGOs as well as over ten years of personal interaction in different capacities with women's NGOs in Georgia helped me to identify women's NGOs located in the capital Tbilisi as well as in the regions of Georgia for the purposes of this survey. Among the surveyed NGOs, the absolute majority were established and functioning organisations and only a few could be considered as less successful. Almost all of the surveyed NGOs specialise in a specific area within the broader fields of women's empowerment and gender equality. Among them are NGOs that work primarily on domestic violence issues as well as those that consider work on domestic violence as one and not the sole priority of their work. The survey was conducted from February to May 2008. I sent the questionnaire via e-mail to thirty NGOs and have received responses also electronically only from the below listed twenty-two organisations. I have also made follow-up calls to the heads and founders of these NGOs (my primary respondents) to clarify some of the responses further.

#	NGO Name	Name of the Head	Region	E-mail
1	Women's Information Centre	Helen Russetskaya	Tbilisi	wicmicka@caucasus.net
2	Women and Health	Dzidzia Ghudushauri	Rustavi	W_and_h2000@yahoo.com
3	Women's Advice Centre Sakhli	Rusudan Pkhakadze	Tbilisi	saxli@gol.ge
4	Anti-Violence Network of Georgia	Nato Shavlakadze	Tbilisi and country-wide	shavlakadze@yahoo.com antiviolence@avng.ge
5	Sapari	Natalia Zazashvili	Tbilisi	Natalia-z@mail.ru
6	Cultural Humanitarian Fund "Sukhumi"	Alla Gamakharia	Kutaisi	fundsukhumi@yahoo.com
7	Women's Regional Centre in Samtskhe-Javakheti	Guliko Beqauri	Akhaltzikhe	bguliko@mail.ru
8	"Biliki"	Marika Mghebrishvili	Gori	m_mgebrishvili@biliki.ge
9	Women for Future	Khatuna Sanikidze	Tbilisi	wfgeorgia@hotmail.com
10	People's Harmonious Development Society	Tsovinar Nazarova	Tbilisi	tsovinar@phds.ge
11	Gender Media Caucasus	Galina Petriashvili	Tbilisi	galapet@ip.osgf.ge
12	Gender for Economic Development	Charita Jashi	Tbilisi	charita@access.sanet.ge
13	Wives of War Invalids and of Lost Warriors of Georgia	Manana Mebuka	Tbilisi	Dtwifel@rambler.ru
14	IDP Association Consent	Julia Kharashvili	Tbilisi	Julia.kharashvili@yahoo.com
15	Dynamic Psychology for Development and Democracy	Nino Javakhishvili	Tbilisi	ninoj@ucla.edu
16	The International Centre for Education of Women	Tamar Abramishvili	Tbilisi	tamar@caucasus.net
17	Association of Single Parents	Maya Shervashidze-Kuprava	Tbilisi	maiakuprava@yahoo.com
18	Women's Political Resource Canter	Lika Nadaraya Ketevan Kurtskhalia	Tbilisi	K_kurtskhalia@wprc.org.ge wprc@wprc.org.ge
19	Association of Disabled Women and of Mothers of Disabled Children	Madona Kharebava	Zugdidi	Madonna_k@gol.ge
20	Imedi	Qristine Kilanova	Zugdidi	Kristina-kilanova@yandex.ru
21	Organisation of Women-Democrats	Marina Modebadze	Akhaltzikhe	Marinamodebadze@rambler.ru
22	Women's Initiative for Equality	Lela Gaprindashvili	Tbilisi	lelag@gol.ge

Annex 3: Survey Questionnaire

1. Please indicate the name of your organisation _____
2. When was your organisation established? _____
3. How did you learn about the opportunity of establishing an NGO?
4. How did the idea to establish a women's non-governmental organisation come to you and your colleagues?
5. What is your position in the NGO, please indicate also your educational background?
6. Where you employed at the time of establishment of the NGO? Yes No
If so where did you work and what was your position?
7. What did employment in the NGO sector offer you? (more than one answer could be marked)

Opportunity for self-realisation <input type="checkbox"/>	Improved social status <input type="checkbox"/>
Better income <input type="checkbox"/>	Nothing special <input type="checkbox"/>
Survival <input type="checkbox"/>	Other (Please specify)

8. Please fill in the information about the members of your organisation by the time of its establishment:

	Women	Men
Total number of members*		
Number of permanent members		
Number of volunteers		
Age-group of members		
Members with high education		
Members with previous employment experience		

* Including yourself

9. Please fill in the information about the current members of your organisation:

	Women	Men
Total number of members*		
Number of permanent members		
Number of volunteers		
Age-group of members		
Members with high education		
Members with previous employment experience		

* Including yourself

10. Did you have to re-register your organisation? Yes No
If so, how many times and why and was it a difficult and/or time-consuming procedure?
11. Have you ever changed the charter of your organisation? Yes No
12. What are the priorities of your NGO according to its charter? (please paste from the charter)

13. How many projects does your organisation carry out in average annually? _____
14. What is the approximate average annual budget of your organisation? USD _____
15. Which issues does your organisation prioritise through its projects?
16. What is the primary source of funding for your organisation? (more than one answer could be marked)

International donor organisations <input type="checkbox"/>	International companies <input type="checkbox"/>
Membership fees <input type="checkbox"/>	Government of Georgia <input type="checkbox"/>
Georgian companies <input type="checkbox"/>	Other (Please specify)

17. What do you consider the major achievement of your NGO's work?
18. What do you consider to be the major challenge of your NGOs work?
19. Please list three top problems that women face in Georgia:
20. Please list three top problems that Georgian society faces for the time being:
21. What do you consider the biggest achievement of women's NGO sector in Georgia so far?
22. What do you consider the biggest challenge of women's NGO sector in Georgia?
23. Please list three main factors that have contributed to the adoption of the Domestic Violence Law in Georgia:
24. In your view is there a women's movement in Georgia? Yes No
 If yes, where and how does it show?
 If no, what are main reasons for this?

Annex 4: Brief Review of Donor Organisations Working in Georgia

Since the early 1990s, a number donor and international non-governmental organisations (that time after time also serve as donors) have been working with the government as well as different non-state actors and among them most frequently with NGOs in Georgia. Among the bilateral donors, the most influential ones have been the US,⁹¹⁴ especially through the work of the United States Agency for International Development (USAID). The USAID has been the main donor for such international organisations as American Bar Association / Central and East European Law Initiative, which played an instrumental role in supporting the women's organisations' efforts to elaborate Georgia's Domestic Violence Law. The Government of Germany⁹¹⁵ along with German foundations such as Friedrich Ebert Foundation and the Heinrich Böll Stiftung have been also important players among the Georgian donor community (whilst only the latter was focusing on women's empowerment and gender equality issues). The Swedish International Development Agency (Sida) has been an important bilateral donor for Georgia.⁹¹⁶ It is noteworthy that Sida was one of the main donors for the gender programmes of UN agencies⁹¹⁷ that in their turn strengthened the capacity of women's groups and gender equality advocates in Georgia. The Swedish international women's organisation Kvinna till Kvinna has established long-term partnerships with women's organisations that aim to strengthen their institutional capacity while supporting their thematic works and projects in different areas of women's rights and gender equality. The British government supported Georgia through the Department for International Development (DFID) from the early 1990s until December 2008.⁹¹⁸ The international non-governmental organisation Oxfam Great Britain

⁹¹⁴ According to the USAID official webpage, the U.S. Government's priorities in Georgia are to promote democratic reform, economic growth and development, integration of Georgia into Euro-Atlantic institutions, peaceful resolution of the separatist conflicts, and energy security. In September 2005, the U.S. Millennium Challenge Corporation signed a compact with Georgia, totalling \$295 million over a five year period. The compact focused on rehabilitating regional infrastructure and promoting private sector development. USAID official webpage, accessed February 20, 2007, <http://georgia.usaid.gov>.

⁹¹⁵ Germany is the second biggest donor to Georgia after the US. The German-Georgian Development Cooperation encompasses both financial partnership implemented through KfW Development Bank (Kreditanstalt für Wiederaufbau - Entwicklungsbank), and technical cooperation implemented mainly through GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit). The German-Georgian Development Cooperation also focuses on three priority areas: sustainable economic development; promotion of democracy; support to civil society and public administration and energy sector. German Embassy official webpage, accessed February 20, 2007, <http://www.tiflis.diplo.de/>.

⁹¹⁶ The Swedish strategy for cooperation with the South Caucasus 2006-2009 defines two main goals for Georgia: a) enhanced democracy and greater respect for human rights, and b) sustainable economic development, primarily in agriculture. In addition, the strategy allows for environmental initiatives. In the financial year 2006, Sida contributed USD 10 million divided roughly equally between economic development, primarily agricultural projects, and democracy and human rights projects. Sida official webpage, accessed February 20, 2007, <http://sida.ge>.

⁹¹⁷ Sida has been one of the donors to UNIFEM's regional project "Women for Conflict Prevention and Peacebuilding in the Southern Caucasus" (2001-2006); I worked as the National Project Coordinator in Georgia. Sida is the main donor of UNDP's regional programme "Gender and Politics" (2004-2009), and Sida has been the main donor of UNIFEM project SHiEld – Enhancing Prevention and response to Domestic Violence in Georgia 2010-2011 that has supported the government to set up the first state-run shelters and hotline for the victims/survivors of domestic violence.

⁹¹⁸ The Department for International Development (DFID) is the part of the UK Government that manages Britain's aid to poor countries. It aims to contribute to the achievement of Millennium Development Goals and the elimination of world poverty. In Georgia, DFID provided funds for Technical Assistance and supported projects in the following selected sectors: health and welfare, sustainable livelihoods/regions' development, good governance, EU integration, and peaceful resolution of conflicts funded through Global Conflict Prevention Pool (GCPP). DFID also uses its Strategic Impact Fund for small strategic initiatives to complement ongoing reforms and developments in Georgia. It is designed to take forward initiatives identified by government, other donors, civil society organisations, including academic bodies and the private sector from within the country. DFID official webpage, accessed February 20, 2007, <http://www.dfid.gov.uk/countries/europe/georgia.asp>

(GB) started its work in Georgia in 1993; among others, Oxfam GB has been supporting the NGO Women's Advice Centre Sakhli from 1997 in providing free psychological and legal counselling to women facing domestic violence.⁹¹⁹ The Swiss Development Cooperation (SDC), the Embassy of the Kingdom of the Netherlands,⁹²⁰ the Japanese International Cooperation Agency (JICA), the Embassy of France, the Embassy of the Republic of Poland, the Canadian International Development Agency (CIDA) and other actors have been supporting NGO projects of different magnitudes but none of them have prioritised gender equality in their country programmes or strategies. Among other donors/international organisations working with civil society, the European Union, the Council of Europe, the agencies of the UN family, the World Bank, the IMF, the IOM and the OSCE should be mentioned.⁹²¹ From private foundations, the Open Society – Georgia Foundation's Women's Programme has greatly supported the development of women's NGOs in the country. In general terms, it can be argued that "all major donors have been involved in one extent or another in civil society strengthening over the past years."⁹²²

Donor organisations have different practices of engagement with civil society. As a rule, they have established mechanisms of doing country situation analysis, which are assessments of needs that are used to help them set priority directions of work. This prioritisation process is also affected by political interests and ideologies of specific donors. Donors try to share information and coordinate among each other through the work of a high-level Donor Coordination Group (DCG) that according to its Terms of Reference⁹²³ shares the guiding principles of the *Paris Declaration on Aid Effectiveness* and strives to incorporate these principles in its work.⁹²⁴ However, it has been the observation of experts as well as NGOs themselves that donor coordination still remains a challenge in Georgia.⁹²⁵

⁹¹⁹ I have worked for Oxfam Great Britain as a Policy and Programme Officer from 2003 to 2005. For more about Oxfam in Georgia see "Georgia," Oxfam Great Britain Website, accessed January 3, 2009. <http://www.oxfam.org.uk/resources/countries/georgia.html>.

⁹²⁰ The Government of the Netherlands provides assistance to Georgia through the Ministry of Foreign Affairs and the Embassy. The overall objective of the (delegated) development cooperation programme in Georgia is poverty reduction. In 2006, delegated funds amounted to EUR 6 million. The focus of the Netherlands development interventions is on good economic governance (i.e. strengthening the public sector, stimulate the transition towards a democratic form of government with a particular focus on the rule of law, human rights and peace building efforts and strengthen the creation of a sound macro-economic climate and promotion of a further transition towards a functioning market economy). In the budget for small projects aimed at strengthening civil society initiatives, the Embassy has allocated EUR 70.000. The Embassy of the Kingdom of the Netherlands Webpage, last accessed February 20, 2007, <http://georgia.nlembassy.org/>.

⁹²¹ It should also be emphasised that many of the above mentioned bilateral organisations provide funding to the multilateral organisations. For instance, UNDP, UNIFEM, UNICEF, UNHCR and others are eligible and do receive funding from such bilateral donors as Sida, DFID, Government of Norway, Government of the Netherlands and others.

⁹²² Mincheva, *A Mapping Study of Non-state Actors in Georgia*, 33.

⁹²³ "Donor Coordination Group Terms of Reference," UN Georgia Website, last accessed September 26, 2008, <http://www.ungeorgia.ge/eng/donorcoordination.php>.

⁹²⁴ The principles of the Paris Declaration on aid Effectiveness which were adopted by the DCG as its terms of reference are: 1. *Ownership* – the DCG supports the Government of Georgia to exercise effective leadership over its development policies and strategies, and to coordinate development actions; 2. *Alignment* – the DCG bases its overall support of Georgia's national development strategies, institutions and procedures; 3. *Harmonization* – actions of the DCG members are more harmonised, transparent, and collectively effective; 4. *Managing for Results* – the DCG strives to manage resources and improve decision-making; 5. *Mutual Accountability* – the DCG promotes mechanisms for mutual accountability with the government for the purposes of development.

⁹²⁵ Mincheva, *A Mapping Study of Non-state Actors in Georgia*, 40. See also David Losaberidze, ed. *arasamtavrobo seqtoris finansuri da institucionaluri mdgradoba* [Financial and institutional sustainability of the non-governmental sector: development trends] (Caucasus Institute for Peace, Democracy, and Development, Tbilisi, 2004), 19.

