

Rape Cases Hard to Bring in Georgia

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Victims often don't even file cases, or drop them later because legal process is so traumatic.

As the Georgian parliament looks at ways of combating sexual violence more effectively, rights activists say official figures seriously understate the scale of the problem, as victims often have a hard time bringing cases.

Georgia's Supreme Court says 170 rape cases have come to trial since 2008, most of them in relation to minors. The city court in the capital Tbilisi, meanwhile, has tried 100 cases in the last six years, with guilty verdicts in all but three.

Rape is not counted among the most serious of crimes on Georgia's lawbooks, and carries a maximum sentence of just six years. Higher sentences of 12 to 20 years are imposed when the victim is a minor.

A 2008 survey conducted by the National Network for Defence Against Violence indicated that 50 per cent of rape victims were aged between 14 and 18, 14 per cent were younger and the rest older.

Mari Meskhi, head of the State Fund for Defending Human Trafficking Victims, said the official statistics were not reliable, since rape tended to go unreported.

"We have recorded just a few cases of sexual violence, but domestic violence victims [can also be] victims of sexual violence," she said.

Others agreed that underreporting skews the statistics.

Nana Dzeladze, a gynaecologist with Sapari, a charity that works with victims of domestic violence, said women rarely reported rape.

"Of all the cases brought to us, I can't remember a single one where someone came to us because of sexual violence alone," she said. "It's only after a few sessions that it becomes apparent that the woman was a victim of sexual violence, but hasn't spoken about it. Sometimes it takes years for a victim to speak out, and even then many won't admit it."

Lawyer Eka Kobesashvili said the low number of cases coming to trial reflected a failure to offer victims the right kind of support.

"The problem is the way the law is implemented in practice. There's currently no protection for the victim's rights," she said. "The victim has to go to the police, the case is passed from one investigator to the next, she has to go in again and again to give evidence and recall the details. This results in the victim becoming more damaged, suffering psychological trauma and refusing to continue with the case."

Kobesashvili recalled one case where her client had brought a rape allegation against two teenagers. "The case was passed from one prosecutor to another, and after two years of waiting, she got tired of it and refused to go and see the police again or continue with the case," she said.

All too often, police do not even take rape allegations seriously.

Kobesashvili said she had two clients who had gone to the police to report rape by their husbands. "The police treated it as a joke and would not even accept their statements," the lawyer said.

According to Ana Arganashvili, who heads the women's and children's rights unit at the office of the Georgia's human rights ombudsman, this is a systemic problem.

"The report by the National Defender for 2010-11 records numerous cases where the police's response has been inadequate," Arganashvili said. "Although there have been improvements, the information we have indicates that there's still a lot of incompetence around."

Georgia has yet to ratify the Council of Europe's convention on preventing and combating violence against women and domestic violence, which obliges member states to make such acts criminal offences, respond to all cases reported to them, and provide therapy and other assistance to victims.

A working group in Georgia's parliament is currently looking at how the convention can be harmonised with national legislation.

Experts from the United Nations have already suggested a number of changes to Georgian legislation.

Meskhi said she thought the law itself was adequate, and the fact that more women were prepared to come forward to report rape was encouraging.

“Cases [filed] have increased compared with last year, and that indicates awareness and reporting are improving. There are new protective mechanisms, which means there’s now a point to reporting cases,” she said.

Nino Gvedashvili works for the Human Rights House - Tbilisi.

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