RECOMMENDATIONS FOR AMENDING THE DEFINITIONS OF SEXUAL VIOLENCE IN THE CRIMINAL CODE OF GEORGIA

- Ensure that the Criminal Code of Georgia provides definitions of sexual violence crimes in compliance with CEDAW and the Istanbul Convention and cover all forms of sexual acts committed without the victim's voluntary, genuine and willing consent, and in a wide range of coercive circumstances;
- Ensure that sentences for sexual violence crimes (particularly of “compulsion to sexual intercourse” under Art. 139 of the Criminal Code of Georgia) are commensurate with the gravity of the acts. Sexual violence crimes are of serious category and they should never be punished by a fine.

RECOMMENDATIONS TO THE MINISTRY OF INTERIOR, THE GENERAL PROSECUTOR’S OFFICE AND THE COMMON COURTS OF GEORGIA

- Ensure that each act of reported sexual violence goes into official crime records and collect and disaggregate statistics based on sex, age and any vulnerable status;
- Ensure that perpetrators of sexual violence are brought to justice as a matter of priority, by strictly following the rules of mandatory (ex officio) investigation and prosecution. Ensure that the survivor’s refusal to give a statement, or her changing the statement for the benefit of the perpetrator, is not the basis for concluding that “no signs of crime” were found and for terminating the investigation or prosecution;
- Recognize the specific nature of sexual violence crimes and ensure a gender-sensitive methodology for the investigation and prosecution of sexual violence, free from all stereotypes, including on the basis of disability, ethnicity and sexual orientation, including with respect to gathering evidence and witness interrogation processes;
- Remove the burdensome evidence requirements applicable in practice to bring charges against the perpetrator or to convict him (e.g. proof of penetration, resistance of the victim or bruises on the body of the victim);
- Ensure that survivors of sexual violence are sufficiently supported throughout the legal proceedings, including through the provision of free legal aid, psychological and social assistance and safe housing.

SEXUAL VIOLENCE AGAINST ADOLESCENT GIRLS

- Ensure that sanctions for statutory rape (Art. 140 of the Criminal Code of Georgia) fully take into account the age differences between the victims and the perpetrators and that penalties will be proportionate to the acts committed;

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• Prosecute all cases of rape of minors (under Art. 137 of the Criminal Code) as rape and not lessen the charges to statutory rape (Art. 140 of the Criminal Code) when there is evidence to support a charge of rape. Classifying rape as willing sexual intercourse stigmatizes adolescent girls;

• Put in place relevant criminal policy to gradually eliminate the practice of concluding procedural bargaining for perpetrators of statutory rape, which has the purpose of imposing lower sentences.

**SEXUAL VIOLENCE AGAINST VULNERABLE WOMEN**

• Ensure that the marginalized or vulnerable status of a woman or girl (women with disabilities, adolescent girls, ethnic minority women, LBTI, women in prostitution, migrant women) does not deny her effective access to justice for sexual violence; including by providing guidance on collecting statements from victims and ensuring that all women and girls (including those with disabilities) have the opportunity (with technical support if need be) to report sexual violence crimes and pursue cases on the basis of equality with others;

**MARITAL RAPE**

• Explicitly criminalize marital rape and ensure it is included as an aggravating circumstance of rape in Art. 137 of the Criminal Code; and

• Effectively prosecute and punish marital rape as a matter of public interest.