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Convention on the Elimination of All Forms of Discrimination against Women

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Agenda item 8
Activities of the Committee under the Optional Protocol to the Convention

Follow-up progress report on individual communications

Draft prepared by the Working Group

I. Introduction

1. The present report is a compilation of information received from States Parties and complainants on measures taken to implement the views and recommendations on individual communications submitted under the Optional Protocol to the Convention on the Elimination of Discrimination against Women. The information has been processed in the framework of the follow-up procedure established under article 7 of the Optional Protocol. The assessment criteria were as follows:

Assessment criteria

A	Compliance: measures taken are satisfactory or largely satisfactory
B	Implementation partly satisfactory/partial compliance: reply received but actions partly implement the views/recommendations
C	Implementation unsatisfactory: reply received but no action taken to implement the views
D	No cooperation (measures against the views) or no reply received

II. Communications

1. Russian Federation

Communication No.:	65/2014, *S.T. v Russian Federation*
Views adopted:	25 February 2019
Violation:	Article 2 (c) and (d), read in conjunction with article 1 and article 5 (a)
Remedy:	See CEDAW/C/72/D/65/2014, para. 11
Subject matter:	Gender-based violence, failure to punish perpetrator
Previous follow-up information:	None

Submission by the State Party: 9 August 2023[1]

2.1 The State Party submits information regarding the criminal investigation into the author's injury, as outlined in decision 65/2014 of the Committee on the Elimination of Discrimination against Women and reiterates its arguments concerning the inadmissibility of the author's complaint.

2.2 The State Party further argues that the European Court of Human Rights has issued 20 decisions concerning domestic violence over the past 10 years; however, none of these complaints were directed against the Russian Federation. It provides an overview of the articles of the European Convention on Human Rights that are typically invoked in complaints related to domestic violence.

2.3 In relation to paragraph 11(b)(ii), the State Party observes that the internal affairs bodies of the Russian Federation are adequately equipped with mechanisms to prevent crimes in the sphere of family relations. These include preventive dialogues, maintaining registries and issuing official warnings, which are measures comparable to those referenced in decision 65/2014. Since 18 April 2018, the rules of criminal procedure have allowed for the application of the measure of "prohibition of certain actions". This measure may include restrictions such as prohibiting an individual from leaving their place of residence during specified periods, being present in certain locations or within a designated distance of specified areas, attending or participating in certain events and communicating with specific individuals. In addition, pursuant to the legislation governing police activities, a provision introduced on 16 October 2019 enables the police to issue official warnings regarding unacceptable behaviour that could lead to crimes or administrative violations, or regarding the continuation of antisocial behaviour.

2.4 With regard to the alleged mistakes in the criminal proceedings that violated the author's rights, the State Party notes that, while the Committee on the Elimination of Discrimination against Women recognized the author as a victim, it acknowledged the testimony of the defence witnesses as credible, disregarding the testimonies favourable to the author. The State Party emphasizes that, according to a forensic psychiatric examination, the author's husband was in a state of temporary insanity at the time, a conclusion supported by the testimony of the defence witnesses. The State

[1] The submission was acknowledged to the State Party and transmitted to the authors' counsel for comments on 14 August 2023. The State Party notes that it sent its observations on 6 March 2020, therefore it resubmitted the same copy.

Party asserts that the court did not commit errors in the criminal proceedings concerning the author's injury.

2.5 The State Party further makes its observations regarding general recommendations of the Committee, citing the statistics of the criminal proceedings instituted due to allegations of domestic violence. In the first half of 2019, the prosecutors annulled 16.9 per cent of the orders to terminate the criminal proceedings regarding article 116 of the Criminal Code[2] and 13 per cent of such orders regarding article 116.1 of the Criminal Code.[3] Following supplementary verification initiated by the prosecutor's office, 1,500 criminal proceedings were instituted. A total of 6,130 cases were examined, resulting in the initiation of 5,359 criminal proceedings.

2.6 The State Party refers to the prohibition of discrimination and violence enshrined in national legislation. It mentions legal provisions aimed at protecting all participants in criminal proceedings, including victims. In addition, the State Party notes that the authorities have developed guidelines to regulate the interaction between the prosecutor's office and investigative bodies.

2.7 The State Party emphasizes that despite the fact that assault without causing bodily harm and without aggravating circumstances has been decriminalized, assault without causing bodily harm and with aggravating circumstances, including committing the battery by the person who has already been brought to administrative responsibility, is still criminalized.

2.8 The State Party notes that, under Federal Law No. 442-FZ of 28 December 2013, "On the Foundations of Social Services for the Population in the Russian Federation", the existence of an intrafamily conflict constitutes grounds for recognizing a citizen as eligible for social services. It further explains that the provision of social services falls within the competence of the regions of the Russian Federation.

2.9 In this context, the Chechen Republic has established centres for social support for families and children, which are accessible to its residents. However, according to information provided by the Ministry of Labour, Employment and Social Development of the Chechen Republic, the author did not seek assistance from these centres.

Submission by the author: 2 August 2022[4]

3.1 With regard to the payment of the compensation awarded by the Committee on the Elimination of Discrimination against Women, the author submits that the Ministry of Labour and Social Protection of the Russian Federation is the lead agency in ensuring the participation of the Russian Federation in the Committee. On 5 June 2020, the author submitted a request to the Ministry of Labour to investigate the procedure for making payments and the procedure for implementing the remaining recommendations of the Committee. On 7 August 2020, the Ministry of Labour informed the author that its position on the present case had been submitted to the Committee on 5 March 2020 and that, with regard to the non-implementation of the Committee's recommendations, the author could apply directly to the Committee, as a result of which the State Party had not provided an explanation for the payment of compensation.

3.2 In relation to the National Action Strategy for Women for the period 2017–2022 as a measure to combat violence against women, the author notes that the Strategy

[2] Assault without bodily harm and with aggravating circumstances.

[3] Assault without causing bodily harm committed by a person previously brought to administrative responsibility.

[4] The submission was acknowledged to the authors' counsel and transmitted to the State Party for comments on 7 July 2023.

makes no reference to violence against women as a reflection of a situation of inequality and discrimination. Furthermore, the author contends that the Strategy lacks clear definitions of key concepts such as violence against women, domestic violence and violence as a consequence of social disadvantage and drug abuse.

3.3 In regard to the amendments to article 13 of the Federal Law on the Police about an official warning, the author contends that in case of warning, police officers are given a large amount of discretion deciding whether to classify the act in question as an administrative or a criminal offence. The author contends that the absence of a legal definition of domestic violence, coupled with the authority's reluctance to investigate crimes against women, undermines the protective efficacy of the amendment.

3.4 In consideration of the domestic violence prevention bill, the author argues that it fails to provide an adequate level of protection for victims of violence. The author contends that the bill is deficient in two respects: first, it lacks a definition of domestic violence; and second, it fails to encompass other forms of domestic violence or provide definitions of stalking or other actions aimed at controlling another person. The law excludes individuals from unregistered marriages and those in intimate or dating relationships. The absence of restrictions on the physical proximity of abusers to their victims, in addition to the omission of mandatory educational programmes for police officers, investigators and other individuals tasked with enforcing the law, is a significant shortcoming.

3.5 With regard to the draft law No. 1145531-7, which concerns the transfer of criminal cases involving intentional infliction of minor injury, battery and defamation from the private to the private-public category of charges, the author argues that still the burden of initiating a criminal case still lies with the victim of domestic violence, in the aftermath of an act of violence, that may be an impossible task for the victim. The author contends that article 116.1 of the Criminal Code excludes criminal liability for battery for persons who have not been subjected to administrative punishment.

3.6 On 26 December 2024, the author presented further observations pertaining to the merits of communication. With regard to the 2019 draft federal law on the prevention of domestic violence in the Russian Federation, published for discussion by the Federation Council, the author contends that was widely criticized for its failure to meet the necessary standards of victim protection.

3.7 In relation to the National Action Strategy for Women for the period 2023–2030, the author contends that the revised strategy has undergone a narrowing of focus, with the result that the prevention of social disadvantage among women is now the primary concern. This shift, however, omits any explicit acknowledgement of domestic violence and its profound impact on gender inequality.

3.8 Furthermore, the author posits that the situation of women in the Russian Federation and the North Caucasus has undergone a precipitous deterioration following the onset of the war in Ukraine. The State Party is grappling with an escalating crisis of gender-based violence, a situation that has been exacerbated by its incursion into Ukraine. In the North Caucasus, the author contends that practices such as so called "honour" killings, forced marriages, bride kidnappings and female genital mutilation, along with deeply entrenched patriarchal norms, persist in jeopardizing women and girls. Furthermore, the author asserts that human rights defenders operating within the North Caucasus region frequently encounter threats, harassment and violence when undertaking efforts to defend fundamental rights.

Assessment: The author has not been awarded compensation; no measures for non-recurrence have been taken, but one measure, notably the State Party affirms that

the Chechen Republic has established centres for social support for families and children. The State Party does not accept the findings of the Committee.

Grading: C

Decision: follow-up dialogue closed

2. Canada

Communication No.:	68/2014, *Matson et al. v. Canada*
Views adopted:	14 February 2022
Violation:	Articles 1, 2 and 3
Remedy:	See CEDAW/C/81/D/68/2014, para. 20
Subject matter:	Entitlement to Indian status as First Nations descendants in the maternal line (discrimination)
Previous follow-up information:	None

Submission by the State Party: 2 September 2022

4.1 The State Party claims to fulfil its duty to cooperate and give serious and good faith consideration to the view of the Committee. However, it underlines that it does not always agree with the interpretation of the obligations outlined in the Convention. Although it acknowledges the discrimination that the registration provisions of the Indian Act created in the past for Indigenous women and their descendants on the basis of sex, it does not accept that the current provisions of this act, enacted since 2019, violate the rights of the author and his children. The State Party states that with the adoption of bill S-3, the author and his children became eligible for registration on a basis equal to that of the descendants of Indigenous men.[5]

4.2 The State Party argues that the Committee's findings on the discrimination are based on wrong interpretation of the amendments to the Indian Act. It disagrees that a new "1985 cut-off" date, based on dates of birth or marriage, applies only to the descendants of Indigenous women since had the author's grandmother not lost status upon marriage, the author's children would be eligible for registration and would be able to pass their status to their children, regardless of the status of their future partner. It argues that the amendments created the "second generation cut-off" to reinstate the status of women who lost eligibility due to marriage and to eliminate status changes based on marriage. Following bill S-3, sex-based distinctions based on birth or marriage dates in relation to the second-generation cut-off no longer exist. Under the second-generation cut-off, a person with only one eligible grandparent cannot qualify for status, regardless of the grandparent's or parents' sex. Eligibility is gender-neutral: individuals with two eligible parents qualify under section 6(1)(f) of the Indian Act, while those with one eligible parent qualify under sect. 6(2). A child of a person registered under section 6(2) and a non-eligible person will not qualify for status. The author's children, born after 1985 to parents who married after that date, are eligible for registration under section 6(2) on the same terms as descendants of Indigenous men. Their future children's eligibility will depend on the status of the other parent.

4.3 The State Party acknowledges recommendations to provide reparation to the author and his children by allowing them to transmit their status and identity without

[5] An Act to amend the Indian Act in response to the Superior Court of Quebec decision in *Descheneaux v. Canada*.

restrictions and for the State Party to amend legislation for self-identification, and to eliminate all cut-off dates. It maintains that current registration limits under the Indian Act do not discriminate based on sex, as the eligibility criteria are the same for descendants of Indigenous men and women.

4.4 In 2022, the Government prioritized ending the historical impacts of "enfranchisement" and plans further discussions on the second-generation cut-off, which was introduced to balance individual and collective rights but has led to concerns about fairness in some cases.

4.5 The State Party supports a nation-to-nation relationship guided by the United Nations Declaration on the Rights of Indigenous Peoples and confirms its commitment to addressing non-sex-based inequities in registration provisions of the Indian Act through consultations with First Nations.

4.6 The State Party accepts the Committee's recommendations to take all the other measures necessary to provide registration to all matrilineal descendants on an equal basis to patrilineal ones. In December 2020 and on 9 February 2021, the State Party communicated that it had taken measures to ensure that First Nations communities understand the effects of bill S-3 and newly entitled individuals are aware about the registration, which is conducted without unnecessary delays.

4.7 The State Party notes that there have been delays in registration, related to coronavirus disease (COVID-19) pandemic, but the State Party continues to engage with Indigenous communities. In 2021, the State Party made investments of Can$15.8 million in human resources, policy changes and modernization of processes to ensure timely registration of newly entitled individuals. Due to increased staffing has resulted in reductions of the processing time from 18 months to 8 months, with an expectation of 6-month period by September 2022. The State Party further submits that another Can$5.4 million was allocated to engagement, outreach and monitoring. New public communications materials were created, and a robust communications package was created. The information was shared through "Indigenous Link" to over 28,000 Indigenous organizations, business and other groups and through Women and Gender Equality Canada and Child and Family Services organizations.

4.8 The State Party cites the statistics, claiming that it has successfully registered over 18,000 additional individuals in February 2021 as a direct result of the amendments. As at 1 August 2022, the State Party has received over 50,000 applications, over 43,000 applications of which were processed resulting from bill S-3 changes, and with 36,252 newly eligible persons having been registered, 5,804 applications require review. An average of 1,600 applications are processed every month.

4.9 Due to the automated category amendments of individuals, approximately 57,000 individuals who were previously registered under 6(2) were amended to registration under 6(1).

4.10 On 21 June 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act came into force, which serves for further consultation and cooperation with Indigenous peoples.

4.11 The State Party notes that the views and recommendations have been made publicly available as posted on the website of the Department of Justice.

Submissions by the author: 2 November 2022, 31 July 2023[6]

5.1 On 2 November 2022, the author submits that in March 2022, the Deputy Minister of Indigenous Services Canada acknowledged receipt of the decision of the Committee on the Elimination of Discrimination against Women. She stated that the Department of Indigenous Services was reviewing the recommendations but could not provide specific remedies for Mr. Matson and his family at that time. The author provides the letter on behalf of the Department of Indigenous Services stating that the State Party would provide the observations in a period indicated by the Committee.

5.2 The author submits that the Senate Standing Committee on Aboriginal Peoples held hearings where Mr. Matson, along with a representative of the Committee on the Elimination of Discrimination against Women, testified on the discriminatory impacts of the Indian Act. The Committee on the Elimination of Discrimination against Women highlighted the need for Canada to avoid "piecemeal reparations" and address systemic discrimination comprehensively. Mr. Matson emphasized issues such as access to justice, international obligations and discriminatory provisions in the Indian Act.

5.3 The author notes that the Senate Standing Committee on Aboriginal Peoples released the "Make it Stop!" report in June 2022, which detailed ongoing discrimination under the Indian Act, such as the "second-generation cut-off", 1985 cut-off, and inequities related to enfranchisement and unknown paternity. The Standing Committee recommended reparations, the repeal of non-liability clauses in prior amendments, formal apologies and commemoration initiatives for affected Indigenous women and their descendants.

5.4 The State Party follow-up did not address many of the key issues highlighted by the "Make it Stop!" report or international obligations under United Nations Declaration on the Rights of Indigenous Peoples. The State Party declined to provide reparations or remedies for the author's family, citing its internal laws as justification.

5.5 The author criticized the State Party's reliance on internal laws to avoid its treaty obligations, citing the Vienna Convention on the Law of Treaties. He expressed frustration with the State Party's repeated refusal to implement changes or provide reparations, despite favourable decisions from international and domestic bodies.

5.6 The author concludes by expressing gratitude to the Committee and underlining the difficulties of the Indigenous communities.

5.7 On 31 July 2023, the author reiterates the arguments regarding piecemeal reparations and continuous discrimination. In spring 2022, the author filed a communication with the United Nations Special Procedures about access to justice. The author shares the submissions that non-governmental organizations (NGOs) submitted in support of the author within the Special Procedures complaint review.

5.8 The author submits his testimonies before the Standing Committee. In March 2022, the author testified before the Standing Committee, stating that the State Party failed to provide him with reparations. The author states that the Permanent Forum on Indigenous Issues highlighted how the doctrine of discovery justified extinguishing Indigenous rights, often upheld by courts, undermining Indigenous sovereignty. The State Party's judiciary, including the Supreme Court in *Lavell/Bédard* (Bill of Rights), *McIvor* (Canadian Charter of Rights and Freedoms), and *Matson/Andrews* (Canadian Human Rights Act), has reinforced this through decisions that fail to address discrimination. Lower courts and tribunals have contributed similarly.

[6] The submissions were acknowledged to the authors and transmitted to the State Party for comments on 7 August 2023.

5.9 The Committee emphasized that Canada must ensure courts align with the Convention and provide fair hearings while addressing inconsistencies with international law. Repeal of section 67 of the Canadian Human Rights Act allowed complaints from Indigenous peoples, but subsequent actions by courts and the Government nullified these protections, defying international obligations. Legislative action is necessary to ensure courts and tribunals uphold access to justice.

5.10 Most First Nation Bands use section 6 of the Indian Act for membership, perpetuating discriminatory practices. The Committee on the Elimination of Discrimination against Women, the Inter-American Commission on Human Rights and the National Inquiry into Missing and Murdered Indigenous Women and Girls identified denial of registration and membership as root causes of violence against Indigenous women and girls.

5.11 The Committee's guidance in *Matson* calls for eliminating gender discrimination, addressing unstated paternity, involuntary enfranchisement and other discriminatory practices. The Assembly of First Nations and the Congress of Aboriginal Peoples have called for removing these systemic issues through resolutions and legal actions, including the *Daniels* case.

5.12 In its communication 68/2014 and in *McIvor v. Canada*, the Committee urged the State Party to provide reparations, including restitution and compensation for transgenerational harm caused by forced assimilation under the Indian Act. This aligns with the Permanent Forum on Indigenous Issues' call for reparations as a principle of international law.

5.13 The State Party has provided reparations in other cases, such as the Indian Residential Schools Settlement Agreement and First Nations Drinking Water Settlement. Similar compensation must be provided to Indigenous women and their descendants affected by forced assimilation.

5.14 The author states that the State Party should issue a formal apology to Indigenous women and descendants, amend the Indian Act to eliminate gender discrimination, remove the second-generation cut-off and align with international human rights standards, promoting self-determination and self-identification, adopt a one-parent rule for Indian status to meet international human rights commitments, ensure access to justice under the Charter and the Canadian Human Rights Act, incorporating an Indigenous perspective, and provide reparations for victims of forced assimilation and discrimination under the Indian Act, addressing transgenerational impacts and promoting reconciliation.

5.15 In March 2023, the author and some of the experts (Shelagh Day, Sharon McIvor and Lillian Dyck) testified. The author referenced Minister Patty Hadju's formal response to the "Make It Stop!" report of 27 June 2022.

5.16 The author reiterated the Committee's findings in its views regarding violations of the State Party to the Convention on the Elimination of All Forms of Discrimination against Women and the United Nations Declaration on the Rights of Indigenous Peoples. The Charter and Canadian Human Rights Act were deemed ineffective in addressing these violations. The author emphasized that the State Party refused to comply with the Committee's recommendations.

5.17 The author claims that, for the State Party, international law is deemed the only viable path for reconciliation, as domestic legal forums have failed Indigenous women and descendants in securing justice under the Indian Act. The State Party practices violate several articles of the United Nations Declaration on the Rights of Indigenous Peoples (1, 2, 8, 22 and 44), particularly concerning identity, equality and forced assimilation of Indigenous women and their descendants. The State Party's international commitments under various treaties (for example, the International

Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities) require reforms to eliminate sex-based and intersecting discrimination in the Indian Act.

5.18 The "Make It Stop!" report highlighted deficiencies in access to justice for Indigenous women and their descendants, which international human rights instruments like the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples emphasize as a fundamental right.

5.19 The author underlines that the reparations are legally required under international law and are essential for reconciliation. He cites precedents from the Inter-American Court of Human Rights and the Vienna Convention, asserting the State Party cannot use domestic laws as an excuse to avoid reparations.

5.20 The author reiterates that the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child provide guidance on removing discriminatory practices in legislation and ensuring access to justice for Indigenous women and children.

5.21 In May 2023, the author testified before the Senate Standing Committee on Aboriginal Peoples. He stated that the State Party constitutionally and legislatively governs Indigenous peoples as a distinct race, affecting their basic human rights, including identity, belongings and land. However, there was no dedicated human rights system or designated parliamentary seats for Indigenous peoples, as seen in countries like New Zealand or the Plurinational State of Bolivia.

5.22 The Australian Human Rights Commission offers a model through its Aboriginal and Torres Strait Islander Social Justice Commissioner and dedicated sections for Aboriginal justice, underscoring the need for similar representation in the State Party.

5.23 The author outlines international legal obligations applicable to the State Party. The United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples outline minimum human rights guidelines designed by and for Indigenous peoples. These include mechanisms to prevent and redress assimilation (United Nations Declaration on the Rights of Indigenous Peoples, art. 8), resolve disputes promptly and fairly (ibid., art. 40), and ensure access to remedies for rights violations (American Declaration, art. XXXIII). However, the State Party lacks mechanisms to address assimilation or dispossession under the Indian Act.

5.24 A national Indigenous human rights framework has been proposed for years, including by the Canadian Human Rights Commission in its 2008 report entitled "Still a Matter of Rights", and the Canadian Human Rights Act Review Panel in 2000, which recommended an Aboriginal human rights code.

Assessment: The State Party has publicized the views; however, it has not amended legislation or taken other measures to implement the views. The Committee notes the State Party's information that, due to amendments, 57,000 individuals previously registered under section 6(2) of the Indian Act are now automatically registered under section 6(1). The Committee notes that, on 21 June 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act came into force, which serves to further consultation and cooperation with Indigenous peoples.

Grading: C

Decision: follow-up dialogue closed

3. Republic of Korea

Communication No.:	139/2018, *A.L.P et al. v. the Republic of Korea*
Views adopted:	9 October 2023
Violation:	Articles 2 (c), (d) and (f), 5 (a), 6 and 15 (1)
Remedy:	See CEDAW/C/86/D/139/2018, para. 11
Subject matter:	Human trafficking and sexual exploitation of Philippines women in the Republic of Korea
Previous follow-up information:	None

Submission by the State Party: 10 May 2024

6.1 On 10 May 2024, in reference to the recommendation contained in paragraph 11 (a) (i) of the Committee's views, the State Party submitted that, as required by the State Compensation Act, the authors had filed a case to seek compensation in 2018. The Supreme Court had dismissed the authors' claim in 2020. The authors had requested a retrial in 2023. The State Party claimed that it would take appropriate action according to the ruling of the court.

6.2 In reference to the recommendation contained in paragraph 11 (b) (i) of the Committee's views, the State Party submitted that:

(a) The Prosecutors' Office provided education on the identification of victims of human trafficking to officials involved in the investigation and trials of crimes;

(b) The Ministry of Gender Equality and Family had developed indicators and had issued in March 2023 the public notice No. 2023-13 to detect, protect and support victims of human trafficking, including women, foreigners and other vulnerable groups, by identifying them during the investigation stage of such crimes, as early as possible. The Ministry recommended that related agencies and officers (prosecutors, judicial police, immigration officers and officers working with foreign nationals) actively use the indicators and encouraged them to refer identified victims to protection facilities. From March to December 2023, the indicators had been applied to a total of 1,432 individuals, of whom 55, including women and foreigners, had been identified as potential victims and provided with protection;

(c) A legal framework was in place to protect innocent victims of human trafficking from being punished even if they engage in commercial sex acts or in an action compelled by either irresistible force or undeterrable threat against the life or body of himself/herself or of his/her relatives. No child or adolescent against whom human trafficking or sex offenses are committed is punished, even if his/her consent to exploitation was given and he/she engages in exploitation, including people with disability. A victim of human trafficking crimes can appoint a legal counsel, accompany a trusted person, receive testimony assistance and additional support during investigation and trial, and request a non-public hearing;

(d) The Ministry of Employment and Labour recommended that labour inspectors use the August 2023 guidelines for responding to human trafficking for labour inspectors to accurately identify victims of human trafficking and to prevent secondary victimization. In addition, interpreters accompanied inspectors to accurately identify the scope of damage and provided victims with assistance in seeking remedy.

Counselling and interpretation services were provided in foreign languages at the Government's regional offices (62 counsellors and 156 interpreters) or via the foreign workers' counselling centres (16 languages, open year-round);

(e) The Government had expanded its guidance and inspections on business establishments (3,000 in 2022, 5,500 in 2023, and 8,000 in 2024) that hire foreign employees and are prone to exploitation, in order to prevent potential forced labour and sexual exploitation of foreign workers recruited under the Employment Permit System and to determine whether businesses have violated relevant laws and should be subjected to strict sanctions in accordance with these laws;

(f) The Korean National Police Agency required public morals officers to be well informed of the instructions given in August 2023 on the identification of victims of sex trafficking during crackdowns and investigations, to prevent women in prostitution from being arbitrarily arrested, abused or falsely charged. In addition, the Agency delegated sex trafficking investigations to the Juvenile Crime and Gender-based Violence Investigation Division. The Agency endeavoured to better identify, protect and support victims of sex trafficking by using the standard model for identifying victims of sex trafficking.

6.3 Concerning the recommendation contained in paragraph 11 (b) (ii) of the Committee's views, the State Party states that:

(a) The Ministry of Justice has continuously conducted on-site visits and made institutional improvements to prevent human rights violations against foreign women with E-6-2 visas and protect their rights and interests;

(b) New measures applied to E-6-2 visa applicants include mandatory use of the indicators for identifying victims of trafficking, a stricter visa review process for visa applicants from countries with high rates of illegal immigration to the Republic of Korea and enhanced monitoring of entertainment establishments. The State Party also states that these measures have contributed to significantly reducing the likelihood of human rights abuses against visa applicants, who will be granted G-1 visas if they become victims of trafficking in the Republic of Korea and undergo litigation, investigation or other civil or criminal remedy procedures, to ensure their stay in the Republic of Korea until their violated rights are remedied;

(c) The Government of the Republic of Korea, including its ministries, agencies and the Korean National Police Agency, conduct joint inspections and crackdowns on foreigners-only entertainment establishments on a yearly basis (in November and December 2023, 18 such establishments were inspected in areas with a high density of foreigners). Inspectors used the indicators to identify victims of trafficking when interviewing foreign workers with E-6-2 visas to prevent human trafficking and looked for violations of relevant laws.

6.4 Concerning the recommendation contained in paragraph 11 (b) (iii) of the Committee's views, the State Party ratified in 2015 the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nation Convention against Transnational Organized Crime. On 20 April 2021, the Prevention of Human Trafficking Act was enacted, which prescribes the definitions of human trafficking and related crimes in line with international standards, the establishment of a policy consultative body, and the education of officials on victim identification and prevention. Pursuant to this Act, the State Party notes that the Government has introduced a system for the protection of and support for victims.

6.5 In reference to the recommendation contained in paragraph 11 (b) (iv) of the Committee's views, the State Party explains that the Supreme Prosecutors' Office installed a criminal division in charge of crimes against women and children and appointed a dedicated prosecutor at each of its 60 district and branch prosecutors'

offices. These prosecutors are responsible for investigating and prosecuting cases of human trafficking for the purpose of sex trafficking and other crimes against vulnerable groups, including women and children, as well as protecting and supporting victims. The Korean National Police Agency carries out thorough investigations on sexual exploitation and human trafficking cases and delegates to the Juvenile Crime and Gender-based Violence Investigation Division the handling of cases involving socially vulnerable groups. The Agency confiscates and seizes criminal proceeds from sex trafficking; files charges against suspects for coercing and arranging commercial sex acts; and imposes administrative penalties to prevent the reopening of business.

6.6 Concerning the recommendation contained in paragraph 11 (b) (v) of the Committee's views, the State Party submits that:

(a) The Ministry of Justice provided training and in-person education in 2023 and uploaded online courses in February 2024 on human trafficking prevention and related topics to immigration officers, human rights protection officers and grievance-handling officers working at immigration offices nationwide, to ensure that they apply the definition of human rights in line with international laws and adopt a victim-centred approach;

(b) The Institute of Justice offers annual training courses for prosecutors and officers in the prosecution, protection, immigration and correction offices (delivered to 14,701 in 2023 and targeted to 14,132 in 2024). These training courses cover prosecution, investigation and international collaboration in joint investigation of human trafficking and sexual exploitation crimes, with the goal of eradicating crimes against vulnerable groups and providing victims with protection and assistance;

(c) The Ministry of Employment and Labour provides training and education to all labour inspectors, including those newly hired, on utilizing the trafficking in persons victim identification indicators (an educational video made by the Ministry of Gender Equality and Family had been watched by 2,352 officers as of December 2023), and on gender-responsive awareness. The Ministry plans to provide education on human trafficking prevention to all labour inspectors within the first half of 2024 and to foreign workers recruited through the Employment Permit System before and after their entry into the Republic of Korea, on the Labour Standards Act, the Occupational Safety and Health Act, the prevention of sexual harassment and other topics, according to their occupation field. It has become mandatory since 14 October 2021 for employers that have obtained an employment permit and are hiring foreign workers with E-9 visas for the first time to complete similar education, including on the prevention of sexual violence and protection of human rights of workers;

(d) The Government produced and distributed a one-hour educational video in September 2023 for public officials (immigration officers, labour inspectors, social service workers, etc.) who are subject to mandatory training because they are engaged in investigations into and trials of human trafficking cases on the definition and concept of human trafficking, the indicators of victim identification, victim support, etc. The head of a central administrative agency and a local government shall submit the results of the education to the Minister for Gender Equality and Family by 31 January of the following year (in 2023, 187,403 public officials received it);

(e) The Korean National Police Agency uses the indicators and the standard model for identifying victims of sex trafficking during field duty to actively identify victims and refer them to appropriate protection and support agencies in the community. Numerous educational institutes under the Agency (such as the Korean National Police University, the Policy Human Resources Development Institute and the Korean Police Investigation Academy), as well as new courses uploaded on the cyber policy portal, incorporate a human rights-centred approach towards victims of sexual exploitation and human trafficking and related topics to provide regular training;

(f) The Korean Court provides education to tackle discrimination against women and girls and promote a victim-centred approach. The Judicial Research and Training Institute of the Court offers training courses to judicial officials every year (on "gender, the law and judges"). Throughout 2023, the Institute offered courses to judges (on "judges in charge of sexual assault cases", "home protection and children protection trial practices", "international human rights laws and judges" and "the study of modern society and sex crimes"), to increase their understanding of the psychology of sexual violence victims, the implication of consent in sex crimes trials, and laws and best practices in other countries, as well as sexual orientation/gender identity, the child abuse response system, therapeutic protection measures for abused children, and international law. The Court produced and distributed a publication on theories and practices related to international human rights law, which addresses women's and children's rights within the context of protection, guarantees relating to the rights of minorities, and judicial applications of the victim-centred approach, under the overarching theme of the protection of and regulations for victims of crimes and human rights violations. In 2013, the Training Institute invited external experts to attend its training programme to provide education on gender equality, prevention of sexual harassment, sexual violence and trafficking. These lectures aimed to promote a gender-balanced point of view and a human rights-/victim-centred approach among newly appointed court officers who handle related cases in courts.

6.7 In reference to the recommendation contained in paragraph 11 (b) (vi) of the Committee's views, the State Party notes that the Ministry of Gender Equality and Family produced and disseminated an awareness-raising campaign video, digital and paper leaflets, guidebooks and counselling centre posters aimed at preventing human trafficking, and at protecting and supporting victims. The websites of the Ministry and the Central Agency for Protection of Rights and Interests of Victims of Human Trafficking feature a link to the hotline for victims of human trafficking (1600-8248) and a page dedicated to the understanding, information and materials on human trafficking.

6.8 In reference to the recommendation contained in paragraph 11 (b) (vii) of the Committee's views, the State Party submits that:

(a) Offenses of commercial sex acts committed overseas are construed as causing damage to national dignity. The Ministry of Foreign Affairs imposes restrictions for a certain period on the issuance/reissuance of the passports of those who have committed such offenses, which are primarily identified and reported by diplomatic missions overseas. The Ministry issues regular reminders on the importance of reporting such cases (in 2021, restrictions were imposed on passport issuance for one offender);

(b) The Government established a joint inspection system together with local governments, police offices, fire department offices and private organizations and has been carrying out on-site inspections on entertainment establishments (on the arrangement and advertising of prostitution, and sexual exploitation of employees, among others) and red-light districts, and monitoring information on prostitution via online applications and messaging platforms since 2022 (in 2022, 136,365 cases caught, 194 people reported; in 2023, 47,347 cases caught, 168 people reported). Every year, related ministries, local governments and private organizations carry out joint guidance and inspections on foreigners-only entertainment establishments for illegal business activities, such as sexual exploitation and forced labour of foreign workers (in 2023, on 18 establishments in eight cities, counties and districts, and indicators for identifying victims of human trafficking were applied to 43 foreign workers);

(c) The Government held a series of events and launched a nationwide campaign that entailed posters and videos airing on national television channels,

social media and YouTube to raise awareness of the importance of preventing sex trafficking and sexual exploitation of children and adolescents during the "week for ending sex trafficking", in September 2023. The Government requests the cooperation of airport authorities nationwide in posting advertisements to raise awareness of the illegality and dangers of overseas commercial sex;

(d) The Ministry of Gender Equality and Family provides victims with tailored support for self-reliance, such as emergency rescue, legal counselling and vocational training, via 96 counselling centres and shelters for victims of sex trafficking, 17 facilities for children and adolescent victims of sexual trafficking and 33 counselling and protection centres for migrant women;

(e) The Korean National Police Agency works to cut off networks linking demand and supply by arresting operators of online prostitution arrangement sites and operating an "auto call system" to block advertisements, to prevent commercial sex acts.

Submissions by the authors: 15 and 24 July 2024

7.1 On 15 July 2024, the authors submitted that the measures taken by the State Party failed to comply with the Committee's standards and recommendations. The State Party had not provided reparation to the authors.

7.2 Concerning the recommendation contained in paragraph 11 (a) (i) of the Committee's views, on providing full reparation, the authors claim that:

(a) The State Party has yet to compensate them financially for the damages they suffered as a result of the secondary victimization caused by the investigative and immigration authorities, who failed to identify and treat them as victims of trafficking, but instead arrested and investigated them, issued a deportation order against them, detained them in an immigration detention facility and allowed their perpetrators to meet with them in a closed room, contrary to the law. On 26 December 2023, the authors filed a request with the Seoul High Court for a retrial on the basis of the Committee's decision regarding damages. The State Party, however, argued that the request should be dismissed because the Committee's views did not constitute grounds for retrial. On 7 June 2024, the authors filed a complaint to the Ministry of Gender Equality and Family through the Anti-Corruption and Civil Rights Commission,[7] to clarify how it would compensate the victims for damages. On 25 June 2024, the Ministry responded with a misleading statement that it would "strengthen cooperation with government departments to protect victims of human trafficking";

(b) Regarding restitution, on 20 February 2024, the authors petitioned the Constitutional Court to revoke ex officio the suspension of their prosecution imposed by the Uijeongbu Prosecutor's Office. On 5 March 2024, the Constitutional Court rejected the petition on the grounds of inadmissibility due to the statute of limitations.[8] On 7 June 2024, the authors filed a complaint through the Anti-Corruption and Civil Rights Commission, which the Uijeongbu Prosecutor's Office has yet to rule on;

(c) Regarding rehabilitation, the authors denounce the conditions under which the G-1 visa is granted and the investigation of most foreign women as criminal suspects and potential offenders of commercial sex rather than victims of sex trafficking. The authors have lost their legal status to stay in the State Party after their civil and criminal proceedings ended on 31 January 2022, and they had to wait for

[7] The authors refer to the following: www.epeople.go.kr/petition/pps/pps.npaid.

[8] The authors explain that their petition was inadmissible because it had been filed beyond the 90-day period after the suspension of prosecution was issued.

the outcome of the communication before the Committee without legal status. On 7 June 2024, the authors filed a petition with the immigration authorities, requesting that they be granted immigration status. On 18 June 2024, the immigration authorities responded that "when the authors apply for immigration status, we will examine their application and decide whether to grant the status". The authors have not received assurances and are afraid that, if they apply for a visa, they will be issued a deportation order by the immigration authorities and be detained in an immigration detention facility, as in the past. The authors are afraid to be fined by the immigration authorities for overstaying after 31 January 2022. On 19 June 2024, the authors filed a petition requesting that the immigration authorities "promise not to detain the authors and waive the fine when they go to the immigration authorities' office to apply for immigration". However, the immigration authorities have not yet responded to the petition;

(d) Regarding satisfaction, the authors were expecting an apology from the State Party, particularly the investigative and immigration authorities, for failing to identify and protect them as victims and instead perpetrating secondary victimization, but to date, they have not received any.

7.3 In reference to the recommendation contained in paragraph 11 (b) (i) of the Committee's views, on victims' identification, the authors claim that, despite the adoption of indicators for the identification of human trafficking victims, officials are not mandated to utilize them, and recent cases suggest that they are not being used. The authors argue that, at the beginning of the enforcement of the Prevention of Human Trafficking Act, civil society organizations reported cases of human trafficking, but officials were unable to indicate which agency was responsible (a) for issuing the "victim identification certificate"; (b) for those persons identified as a victim, for connecting them with the appropriate support agencies, due to the lack of such agencies; and (c) for ensuring the decriminalizing outcome of the criminal proceedings, as the investigating agencies are independent of the victim identification process under the Ministry of Gender Equality and Family. Likewise, even if the victims are identified, the protection measures under the Act appear dire. The Act only provides support to the victims of the criminal offenses or the holder of the "victim identification certificate" and not to the victims identified according to the indicators. The problem is that the indicators for the identification of human trafficking victims by the Ministry do not adequately reflect the definition of trafficking as set out in the Trafficking in Persons Protocol. The State Party has continuously failed to establish facilities for the overall support of victims, as required by the Act, due to a lack of interest and understanding on the part of regional governments. To date, the Women's Human Rights Institute is the only institution that performs overarching support work for victims of sex and labour trafficking.

7.4 As regards the recommendation contained in paragraph 11 (b) (ii) of the Committee's views, on the E-6 visa regime and recruitment of foreign women by entertainment companies, the authors argue that, contrary to the State Party's belief, the effectiveness of the measures adopted is doubtful, as several human trafficking cases have been reported since the adoption of the measures. The authors cite the case of five Filipino women who went through the E-6-2 visa application procedures from 2018 to 2019, i.e. after the adoption of the measures, and who became the victims of human trafficking and were sexually exploited at the "Golden Gate Club" in

November 2019 under the threats of the same perpetrators as the authors.[9] It is not clear from the State Party's response whether the victims of the human trafficking were identified after the use of the indicators of human trafficking during the joint inspections and crackdowns on foreigners-only entertainment establishments. The authors state that the crackdowns of entertainment and massage shops result in neither punishing the offenders nor protecting the victims. None of the foreigners found, after these crackdowns, were investigated as potential victims of the human trafficking; instead, all were deported or reported to the police for illegal employment or for violation of the relevant laws.[10] In addition, extensive crackdowns have led to serious violations of the rights of migrant workers, resulting in several deportations in 2023 without proper treatment of migrants without legal status.[11]

7.5 In reference to the recommendation contained in paragraph 11 (b) (iii) of the Committee's views, the authors submit that, despite the State Party's assertions, the Prevention of Human Trafficking Act is not a comprehensive implementing law on trafficking in persons that complies fully with the international standards set forth in the Trafficking in Persons Protocol. They outline that the Act has been heavily criticized,[12] even before its enactment, because of the definition of "human trafficking, etc." and "crime of human trafficking, etc.", which are not in line with those in the Trafficking in Persons Protocol; the lack of provision to punish the perpetrators; and the impossibility for the victims of trafficking to be properly protected because they have to prove themselves as "victims" in order to be entitled to receive the "victim identification certificate" from the Ministry of Gender Equality and Family apart from the investigation procedure. As a result, the police do not recognize the identification of victims as their task but consider it to be the task and mandate of the Ministry.

7.6 In reference to the recommendation contained in paragraph 11 (b) (iv) of the Committee's views, on investigation and prosecution of perpetrators, the authors argue that the crime of sex trafficking is rarely prosecuted due to the insufficient and narrow definition of "trafficking in persons" under the Criminal Act. The requirement of the act of "buying or selling" a person,[13] interpretated by the judiciary as monetary exchange with physical evidence, has led to human trafficking being rarely punished. Based on the definition in the Criminal Act, no conviction was made for the purpose of labour trafficking. From 2013, when the article on human trafficking was enacted in the Criminal Act, to 2020, only five perpetrators were punished, from 251 charges of human trafficking and 9 indictments. The authors cite a case in which a convicted

[9] The authors state that the five women reported the perpetrators for human trafficking, arranging sexual traffic, coercion, embezzlement, confinement, quasi-indecent acts by compulsion, violence, violation of Labour Standards Act, violation of the Immigration Control Act and violation of the Passport Act. However, the State Party's investigative agency did not prosecute the perpetrators for human trafficking, arranging sexual traffic, coercion, confinement, quasi-indecent acts by compulsion, violence, violation of the Labour Standards Act, or violation of the Passport Act, insisting that there was not enough evidence. After the decision of non-prosecution was made, the counsels for the women appealed to the prosecutor, who rejected the appeal and decided to reinvestigate only regarding the violation of the Labour Standards Act. The civil proceeding to seek compensation from the perpetrators was also dismissed at the Seoul Central District Court on 14 July 2022. See https://apil.or.kr/reports/14596.

[10] The authors refer to the press release: "Ministry of Justice, Special Inspection on Illegally Employed Foreigners in Entertainment and Massage Industry for Strict Immigration Order", available in Korean only at www.moj.go.kr/bbs/moj/182/562235/artclView.do.

[11] The authors refer to three deportation cases in March to April 2023.

[12] Letter from the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, to the Republic of Korea, Ref. OL KOR 2/2021, available at www.ohchr.org/sites/default/files/Documents/Issues/Slavery/SR/JointOpenLetter_OL_KOR_15.03.21.pdf.

[13] The authors cite art. 289 (Trafficking in Persons) of the Criminal Act and provide a schema from the Kyunghyang Shinmun on the evolution of punishments under the Article.

man, who had admitted during the investigation to sexually exploiting a woman with a mental disability, was released by the court after changing his statements during the judicial proceedings, on the grounds that mere statements by the perpetrators were not sufficient evidence. In addition, the authors report that the owners of the Golden Gate Club, who subjected them to human trafficking and sexual exploitation in 2016, were not punished for it and continued the same pattern of practices against other Filipino women in 2019, as mentioned above. These women sued the owners of the club for human trafficking, but the owners were never prosecuted.[14] The owners instead sued the 2019 victims and activists for fraud, confinement and kidnapping. The State Party failed to identify them as victims and rather investigated them as suspects.

7.7 In reference to the recommendation contained in paragraph 11 (b) (v) of the Committee's views, the authors consider that it is not clear whether the education and training programmes have contributed to the government officials adopting a victim-centred and human rights-based approach to sex trafficking cases. Sex trafficking is not only a problem related to E-6 visa holders, but also increasingly through the visa exemption (B-1) or the "short-term visitor visa" (C-3) programmes, under which migrants have been subjected to sex trafficking and exploitation after false promises of well-paid jobs, as these categories require a minimum screening process and migrants become more vulnerable when their legal stay expires. In mid-2022, there were 642 migrant women employed without government authorization in "indecent entertainment and massage industries".[15] Most of the Korean employers and operators were only fined, without indictment. For the rest of 2022, the Ministry of Justice arrested and deported 75 migrant women who had entered the State Party for short-term stays, only to be illegally employed and exploited. All 717 migrant women arrested were forcibly deported with no investigation or victim identification, despite clear indications of human trafficking, such as confiscation of passports, restriction of movement and forced commercial sex acts. This pattern has persisted even after the enactment of the Prevention of Human Trafficking Act.

7.8 Regarding the dissemination of the Committee's views, the authors claim that they were only translated and published on the website of the Ministry of Justice, but not in the official gazette, as was the practice in the past. On 7 June 2024, the authors requested their publication in the official gazette, to which the Ministry of Gender Equality and Family replied on 25 June 2024 that it was sufficient to translate them and publish them on its website. The authors concluded that the State Party did not intend to publish them.

7.9 Regarding consultation with the Government, the authors argue that the State Party has never contacted them or their representatives to obtain their opinions on the implementation plan for the Committee's views. On 14 March 2024, the authors requested the National Human Rights Commission to arrange a meeting with officials from the government department responsible for implementation of the views, but their request was ignored.

7.10 The authors request the Committee to urge the State Party to comply with the Convention by effectively implementing the recommendations. They suggest that the Committee address the following recommendations with the State Party:

(a) The public prosecutor's office should revoke the suspension of prosecution against the authors, and the immigration authorities should revoke the deportation order against the authors;

[14] The authors cite the following: https://apil.or.kr/reports/14596.

[15] Ministry of Justice (2022. 8. 19), "Special inspection on illegally employed foreigners in the entertainment and massage industry for strict immigration order".

(b) Financial compensation should be provided for the damage caused by arresting and investigating the authors as suspects, issuing deportation orders and detaining them in an immigration detention facility;

(c) The investigative and immigration authorities and the courts should apologize to the authors.

Assessment: The Committee notes that the authors have not been compensated and the prosecution and deportation orders against them have not been revoked. It notes that the Prevention of Human Trafficking Act does not comply with the Trafficking in Persons Protocol. However, the Committee acknowledges that the State Party has made efforts in the direction of implementing some of its recommendations.

Grading: B

Decision: follow-up dialogue closed

4. Georgia

Communication No.:	140/2019, *H.H., I.H. and Y.H. v. Georgia*
Views adopted:	11 November 2021
Violation:	Articles 1, 2 (b)–(f) and 5 (a)
Remedy:	See CEDAW/C/80/D/140/2019, para. 9
Subject matter:	Lack of effective investigation into the so called “honour”-related inhuman and degrading treatment of an ethnic minority woman
Comments by the authors:	None[16]

State Party’s follow-up observations: 10 May and 12 August 2022, 13 October 2023

8.1 The State Party submitted that it has implemented individual measures to comply with the Committee’s recommendations, including investigation and compensation.

8.2 The State Party notes that, in April 2022, the case regarding the unlawful deprivation of liberty of Khanum Jeiranova, subjecting her to humiliation, inhuman and degrading treatment, was transferred for investigation to the Investigation Division of the Tbilisi Prosecutor’s Office. Among the investigative measures taken, the State Party notes that information regarding telephone calls and text messages were requested, and additional witnesses were identified and questioned.

8.3 The State Party reports that the Prosecutor’s Office initiated legal proceedings against three individuals on 27 April 2022.[17] The investigation established that Ms. Jeiranova had been subjected to degrading treatment and that A.G., A.G. and N.G., along with other individuals, had “acted based on gender discrimination”. The State Party notes that, because of this, Ms. Jeiranova committed suicide. All three

[16] The Secretariat sent a reminder to the authors with a deadline that expired on 1 July 2024.

[17] The individuals are being prosecuted for illegal deprivation of liberty and degrading treatment, committed by a group, under arts. 143, §2 (c) and §3 (a), and 144[3] §2 (e) and (f) of the Criminal Code of Georgia.

defendants were indicted and, on 28 April 2022, the Tbilisi City Court ordered the detention of the defendants pending the trial.[18]

8.4 In response to the Committee's recommendation to provide adequate compensation to the authors, the State Party notes that, in 2016, the Georgian Ministry of Justice drafted legislation that allows victims to receive financial compensation and to seek the reopening of domestic court judgments on the basis of the recommendations of United Nations human rights treaty bodies, including the Committee on the Elimination of Discrimination against Women. Victims have the right to apply to administrative courts for such compensation within six months after a decision is made by these committees.[19]

8.5 Regarding the custody of the younger author, the State Party intends to revisit the custody decision after the conclusion of the case, if necessary, and in consideration of the Committee's recommendation and prioritizing the child's best interests.

8.6 The State Party makes a public apology towards the authors and accepts responsibility for its failure to protect Ms. Jeiranova's rights under the Convention.

8.7 The State Party asserts that it has implemented general measures to comply with the Committee's recommendations.

8.8 The State Party notes that addressing gender-based violence and domestic violence is a top priority. This is reflected in a series of legislative amendments and strategic plans focused on combating such violence and bolstering gender equality. The Prosecutor's Office has specifically dedicated efforts towards increasing the effectiveness of combating violence against women, with a significant rise in the annual rate of criminal prosecutions for domestic crimes between 2014 and 2021, and a marked increase in motions for pretrial detention of domestic abuse offenders. A particular emphasis has been placed on prosecuting cases of domestic and gender-based violence, with a notable increase in 2021, when prosecutions based on gender discrimination grew by 64 per cent compared with the combined total of the previous five years.

8.9 The State Party mandates training for members of the judiciary and law enforcement personnel regarding how to combat gender-based violence and so called "honour"-based violence.[20] Training includes gender sensitivity, intersecting forms of discrimination and the handling of gender-based violence complaints, as well as education on international standards, including the Convention on the Elimination of All Forms of Discrimination against Women and the general recommendations of the Committee on the Elimination of Discrimination against Women. The State Party affirms that the Ministry of Internal Affairs is tasked with ensuring timely and effective investigations, conducting workshops and providing training programmes for employees on identifying and investigating hate crimes and intolerance with the support of both international organizations and local NGOs.

8.10 In response to the recommendation to define and include so called "honour"-related violence as well as gender-based violence as an aggravating circumstance in

[18] The defendants were indicted under arts. 143 §2, subpara. (c) and §3, subpara. (a) (unlawful deprivation of liberty committed by a group with the purpose to facilitate the commission of another crime), and 144^3 §2, subparas. (e) and (f) (degrading treatment, committed by a group and by violating the equality of persons based on sex) of the Criminal Code of Georgia. They face a sentence of imprisonment with the term from 7 to 10 years.

[19] The State Party notes that the amount is determined based on the severity of the violation of rights.

[20] Prosecutors and judges receive specialized training as part of the long-term strategies of the Prosecutor's Office, with significant increases in trained personnel tackling issues such as domestic violence, hate crime and access to justice for women.

criminal law, the State Party reports that, in November 2018, it amended articles 109, 115, 117 and 118 of its Criminal Code, identifying "gender" as an aggravated circumstance for criminal liability.[21]

8.11 The State Party has invested in efforts to align national legislation and policies with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, thereby explicitly recognizing that "honour", as well as culture, custom, religion and tradition, cannot serve as justifications for gender-based violence against women in criminal proceedings. Upon ratifying the Council of Europe Convention, the State Party made additional amendments to its Criminal Code, addressing sterilization without consent, female genital mutilation, forced marriage and stalking, among others. Furthermore, the State Party observes that Prosecutors, investigators of the Prosecution Service and witness-victim coordinators must complete specialized training on domestic violence before working on such cases.[22]

8.12 In order to ensure that its legislation, policies and measures to address domestic violence also encompass so called "honour"-based violence, the State Party highlights that it has amended its Criminal Code to define this issue, including acts perpetrated by extended family members and in-laws. It has also expanded the scope of restraining orders for domestic violence and so called "honour"-based violence. It contends that new guidelines, including for gender-based crimes and the enforcement of judgments in cases of gender-based violence, are being developed to further strengthen the legal framework against such violence.[23]

8.13 The State Party submits that risk assessment and compliance monitoring with regard to restraining orders took effect on 1 September 2018. The Prosecutor's Office has developed a guideline to continuously monitor these orders and promptly initiate an investigation if necessary. Since 2020 the State Party has cooperated with the Ministry of Internal Affairs and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-WOMEN) to adopt legislative changes aimed at preventing domestic violence from reoccurring.

8.14 Since 2011, it has bolstered its witness and victim coordinator service within the Prosecutor's Office, providing support and ensuring the well-being of victims and witnesses in legal proceedings, especially in cases of gender-based and domestic violence.[24]

8.15 A key focus in the Strategy and Action Plan of the Prosecutor's Office for 2017–2021, as well as the Strategy for 2022–2027, is the ongoing development of the skills of prosecutors and investigators to enhance their effectiveness in carrying out investigations, guiding legal procedures and prosecuting cases.

[21] The State Party highlights art. 109, para. 2, subpara. D1, related to intentional killing, where acting on the grounds of gender identity could result in a prison sentence of 13 to 17 years, possibly alongside restrictions on weapon rights. Art. 115, para. 2 recognizes gender identity as an aggravating factor in cases of incitement to suicide. It is also an aggravating circumstance for crimes involving the intentional infliction of grave or less-grave bodily harm, as stipulated under arts. 117 and 118, respectively.

[22] The training integrates domestic and international legal frameworks on domestic violence, hate crimes and crimes against sexual freedom and sexual inviolability.

[23] According to the State Party's observations, these guidelines were set to be fully developed and given to prosecutors by the end of 2022.

[24] The 2018 legislative amendment to the Criminal Procedure Code formalized the involvement of witness and victim coordinators, explicitly involving them in various aspects of the legal process and expanding their functions to enhance victim support, thus improving the handling of sensitive cases.

8.16 Its guidelines for domestic violence crimes call for immediate responses to reports of violence against women, thus eliminating the practice of police officers issuing "warning letters".

8.17 The State Party notes the implementation of monitoring mechanisms by the Prosecutor's Office. The Human Rights Protection Department examined criminal cases of violence against women that were processed between 2014 and 2021, studying aspects such as the context of the violence and timeliness of the prosecution. The Department also records data on cases of gender-based violence against women and femicides.[25]

8.18 The Prosecutor's Office has a permanent service contract with a translation service, guaranteeing the availability of adequate translation services at all stages of proceedings.

8.19 In order to prevent crime and increase awareness, the State Party submits that the Prosecutor's Office has initiated two projects – the "Community Prosecutor's Office" and the "Local Council" – among other initiatives.

8.20 In conclusion, the State Party submits that the individual and general steps it has taken demonstrate its commitment to adhere to the Committee's views.

8.21 On 12 August 2022, the State Party provided an update to its follow-up observations, noting that, on 16 and 17 June 2022, the Prosecutor's Office had initiated the prosecution of two additional defendants, E.D. and T.G., and had ordered their pretrial detention.[26] At the time of the update, the State Party admitted that the investigation was still under way and the case against all five defendants was before the Tblisi City Court for consideration on the merits.

8.22 On 13 October 2023, the State Party provided an additional update, submitting that, by a decision on 9 January 2023, the Tblisi Court had accepted the prosecution's evidence, had found four of the indicted individuals guilty under article 144^3 (2) (e) and (f) of the Criminal Code of Georgia (humiliating treatment, committed by more than one person and by violating the equality of persons due to their sex) and had sentenced them to five years and six months of imprisonment.[27] The jury had unanimously convicted the accused of humiliation or inhuman treatment by violating the equality of persons, committed by more than one person, leading to an eight-year prison sentence. The State Party notes that, with respect to the recommendation to provide adequate financial compensation for the authors, the representative for the second and third authors sought compensation under article 21^{57} of the Administrative Procedure Code, and the Tbilisi City Court awarded a total of 100,000 lari.[28]

Grading: A

Decision: follow-up dialogue closed

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[25] The data is recorded in accordance with the criteria from the questionnaire designed by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence. This includes the sex, age and social relation of the victim and the defendant, the form of violence and the geographical location of the crime.

[26] Prosecuted under art. 1443 § 2, subparas. (e) and (f) (humiliating treatment, committed by a more than one person and by violating the equality of persons due to their sex).

[27] One person has also been charged under articles 144^3, paragraph 2, subparagraphs (e) and (f) and 143, paragraph 2, subparagraph (c) and paragraph 3, subparagraph (a). The case was heard by a jury in the Tbilisi City Court on 27 January 2023.

[28] The Tbilisi Court of Appeals affirmed this decision.