



საქართველოს სახალხო დამცველი
PUBLIC DEFENDER (OMBUDSMAN) OF GEORGIA

**Response to the Call for Inputs
on Femicide related data and information**

**Submitted by
National Human Rights Institution – Office of Public Defender
(Ombudsman) of Georgia**

December 2021

1. On additional steps taken to create a national femicide watch and/or femicide observatory and/or observatory on violence against women with a femicide watch role; observatories at Ombudspersons' office or Equality Bodies; academic institutions and/or NGOs, or any plans to create one, as applicable.

The Public Defender (Ombudsman) of Georgia is a constitutional institution (NHRI with “A” Status), which oversees the observance of human rights and freedoms on the territory of Georgia. It advises the government on human rights issues and analyses the state’s laws, policies and practices, in compliance with international standards, and provides relevant recommendations. The Constitution of Georgia, the Organic Law of Georgia on Public Defender of Georgia and other legislative acts regulate the Public Defender’s status and competencies.

The Organic Law of Georgia on Public Defender of Georgia, as well as the Law of Georgia on Gender Equality (Article 14(1)) empowers the Public Defender to protect gender equality, monitor the given field and respond to the violations of gender equality within the framework of its competencies. Activities of the Public Defender in the field of gender equality cover both, internal institutional development, as well as contribution to the process of achieving gender equality.

Public Defender of Georgia expressed her readiness in 2016 to set up a femicide watch. Accordingly, through the mandate granted under this mechanism, the Public Defender annually analyzes cases of gender-based murders, attempted murders and suicides of women in order to identify gaps in the victim protection mechanisms and to make recommendations to the relevant agencies. Within the Femicide Watch Mechanism, the Consultative Council was established in 2017. The purpose of the Council is to facilitate the effective monitoring of femicide cases by the Public Defender’s Office. Within the Femicide Watch Mechanism Public Defender of Georgia issues a special report on femicide annually.

2. On new measures taken including research and studies undertaken to analyse femicide or gender related killings of women and girls, or homicides of women by intimate partners or family members and other femicides. If available, please share a copy of such studies.

Within the scope of the femicide monitoring mechanism, the Public Defender of Georgia prepares special reports on femicide (attempted killing/killing of women and attempted incitement/incitement to suicide, damage to health) monitoring annually. The purpose of monitoring is to identify gaps in the mechanism for the protection of victims of violence and issue recommendations to the relevant agencies. The main findings and tendencies of the femicide cases are also reflected in the annual parliamentary reports of the Public Defender of Georgia. In addition, all the information on the [Femicide Watch](#) mechanism is available on the official webpage: <www.ombudsman.ge>.

Since 2016, the Public Defender of Georgia issued 6 special reports on Femicide,¹ revealing the gaps and shortcomings in the investigation process and court proceedings.

1. [Femicide Monitoring Report 2016](#) – the report reviews the definition of the term Femicide and its main characteristics. Also, articles of the Criminal Code of Georgia in which Femicide is found, are discussed; complexities of identifying femicide and ways to identify it; also, the results of monitoring of the femicide cases and femicide attempts are presented, deficiencies at the level of Court and recommendations.
2. [Femicide Monitoring Report 2017](#) – the report reviews shortcomings, such as lack of proper identification and categorization at the stages of the investigation and trial, deserve particular attention, as do the use of gender insensitive language by the involved agencies and the

¹ Information is available on the following link: <<https://bit.ly/3revTWH>>.

difficulties with granting victim's status, which is directly related to the access of protection and assistance services by the victims.

3. [Femicide Monitoring Reports 2018](#) – the report mentions, that both the judiciary and the legal community in general, face a problem in classifying murder/attempted murder for the purpose of jealousy and sexual gratification as femicide (attempted femicide); such crimes are considered as acts committed on the grounds of gender; the fact that the prosecutors, at times, do not appeal such decisions to higher instances, to aggravate the sentence by establishing a gender motive is an additional problem.
4. [Femicide Monitoring Report 2014-2018](#) – according to the recommendation of the Femicide Consultative Council, the Public Defender decided to monitor the cases of 2014-2018 in order to assess the dynamics of statistics and administration of justice, which makes it possible to measure the progress achieved and identify the shortcomings that hamper the elimination of problems.
5. [Femicide Monitoring Report 2014-2015](#) – in 2014, the number of gender-related killings of women was particularly high. Due to the tragic scale of the murders of women, this year marked a turning point in raising public awareness about femicide; from this period on, active work has begun to improve the response to violence against women and domestic violence.
6. [Femicide Monitoring Report 2019](#) – the report reviews the problems related to the complex fight on violence against women and domestic violence and lack of coordination between state agencies, which is an obstacle for prevention of marginal manifestation of gender violence, femicide.
7. Femicide Monitoring Report 2020 is being prepared currently and the final version of the study will be available soon on the official webpage of the Public Defender of Georgia.

Public Defender of Georgia already organized several local and international conferences² on Femicide Watch Mechanism to discuss the issue of Femicide, as a systemic problem with the relevant authorities, local NGOs and keynote speakers from Argentina, Serbia, Croatia, Israel and Armenia. The Conference was aimed to serve as a platform to share the best practices for further improvement of methodology for data collection and analysis.

3. On recent developments related to good practices and challenges in implementing an evidence-based response to the prevention of femicide.

The analysis of femicide and attempted femicide cases demonstrate that significant steps have been taken vis-a-vis the administration of justice, in particular:

- In comparison with previous years, the pre-history of violence preceding the femicide and attempted femicide is being examined at the investigation stage. Investigation often gives additional legal qualifications to such prehistory, mainly under Article 126¹ of the Criminal Code.
- According to the recommendation of the Public Defender's Office of Georgia, the Ministry of Internal Affairs has established a risk assessment of domestic violence and violence against women, as well as the mechanism for monitoring restraining orders, was taken into consideration. The risk assessment tool and monitoring mechanism is an effective means of preventing violence on early-stage, prediction and prevention of repeated threats of violence.
- One of the most important recommendations of the Public Defender was to determine femicide as a gender-motivated crime separately in the Criminal Code. In response, significant

² Information is available on the following link: <<https://cutt.ly/cTvSxz0>>.

amendments were introduced in the Criminal Code in 2018: Murder committed by family a member or murder on grounds of gender identity became aggravating circumstances.

An analysis of femicide and attempted femicide cases shows that despite a number of positive steps taken towards combating violence against women and domestic violence, many challenges remain in the fight against femicide and the administration of justice in femicide cases:

- The problem of the courts' adequate perception of the term crime committed with the "gender sign" remains. In court practice, the words "family member" are more commonly used and easily understood in relation to the crime of femicide, than a reference to a gender sign. The problem was also the identification of gender-motivated crimes as such.
- The investigation of femicide or attempted femicide cases revealed a stereotypical attitude towards the victim and interest in her personal, sexual life, while this was not essential in determining the circumstances of the case.
- Unfortunately, there are still cases when, despite a victim reporting a case to the police, an extreme form of violence cannot be avoided. Femicide could not be avoided either in a case where a person was serving a sentence at a penitentiary institution for a domestic crime. This once again indicates to the need to intensify work to correct the behavior of abusers.

4. On recent jurisprudence or case law on femicide.

Based on the study of the Public Defender of Georgia, prosecutors continued their zero-tolerance policy towards femicide during the reporting period and did not conclude plea agreements on such crimes. Nevertheless, during the reporting period, the investigation had problems in identifying weapons for attempted femicide. It is also noteworthy that part of the common courts has actively started referring to the first and second paragraphs of Article 53¹ of the Criminal Code, as well as the Istanbul Convention in cases of femicide and attempted femicide. Compared to previous years, the courts applied the highest measure of punishment - life imprisonment in the cases of femicide and attempted femicide in 2018.

The use of bail as a measure of restraint by a court, despite a motion for detention, may be considered alarming in an attempted femicide case. The case revealed a problem with the Magistrate Court's understanding that an attempt of femicide is the culmination of pre-existing domestic violence and is necessarily preceded by other violent acts. It is noteworthy that this shortcoming was remedied by a higher court ruling.

Assistant of the Detective of Shida Kartli Police Department's Detective Unit of Ministry of Internal Affairs of Georgia asked ex-lover of the killed woman the following question: "During your relations with N., was there any intimate relations in presence of N's children, in the way that they could see it" or "If any intimate relations took place in your presence?" this question was asked to 11 years old daughter of killed woman and to 9 years son. From all of them the investigation received the same answer "I cannot remember the fact that my mother or grandmother brought home strange men, or any inappropriate actions from their side".

5. On data, if available, on:

- a. Intimate-partner femicides / homicides of women*
- b. Family-related femicides / homicides of women*
- c. Other femicides / gender-related homicides of women*

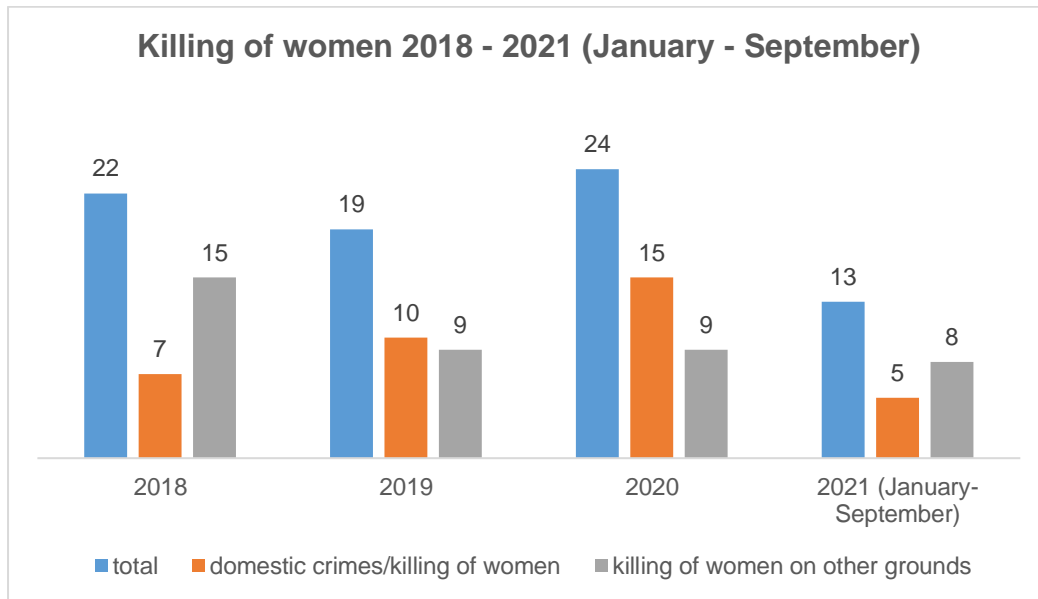
- d. if available, on femicides or intimate-partner and family-related homicides of women and men in the past 3 years, including during the Covid-19 pandemic (indicating the time period e.g. since March 2020 to the end of December 2020) and its comparison with such data before the COVID-19 pandemic.*

The Public Defender of Georgia requested information from the General Prosecutor's Office of Georgia and the Ministry of Internal Affairs of Georgia about the statistics on the initiation of criminal prosecution and termination of criminal prosecution for the murders of a man committed in 2018-2020. According to the General Prosecutor's Office of Georgia, the agency does not collect such statistical data. According to the Ministry of Internal Affairs of Georgia, statistical information is processed according to the articles of the Criminal Code of Georgia. Consequently, data cannot be processed specifically in relation to the facts of male homicide.

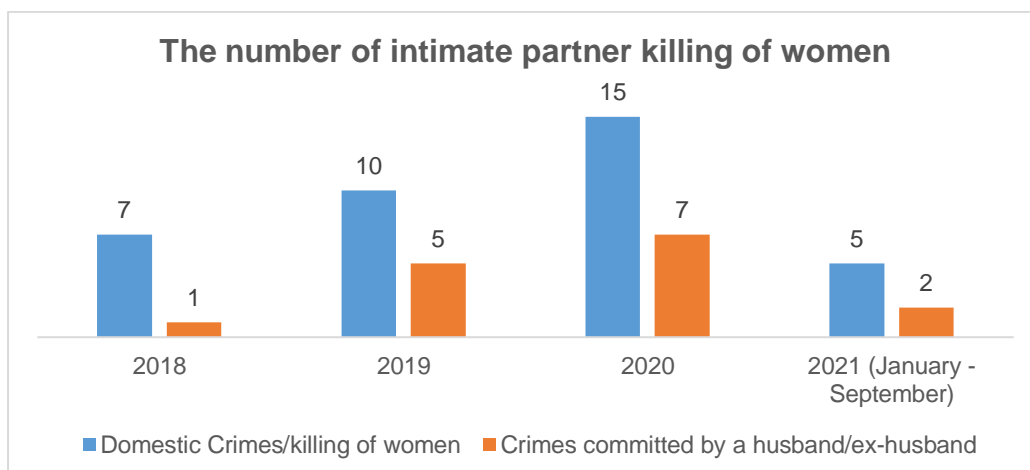
Unfortunately, the Public Defender's Office of Georgia has no specific statistical information on femicide and its comparison with before and after the COVID-19 pandemic. However, at the early stage of a pandemic, the Public Defender of Georgia made a statement and considered that the prevention and effective response to violence against women and domestic violence in a timely manner should be a priority for the State during the state of emergency. In order to respond to the increased risks of domestic violence against women, including the increased rate of applications, the Public Defender of Georgia considered that a special campaign against violence against women and domestic violence should be launched in order to ensure that victims of violence have information and access to the protection and assistance services (hotline, the 112 application) online, including in minority languages.

According to the recommendations of the Public Defender of Georgia, citizens of Georgia received text messages from the Ministry of Internal Affairs of Georgia that was sent out in three languages (Geo, Arm, Az). As for awareness-raising, relevant information on existing mechanisms against domestic violence for citizens when arriving in Georgia was approved. Another recommendation of the Public Defender was that in cooperation with shelters, municipalities should prepare packages of financial assistance to victims of violence, who have left shelter or will leave it under the circumstances of changed economic reality. No progress has been made in this direction.

Statistical information about killing of women according to the General Prosecutor’s Office of Georgia:



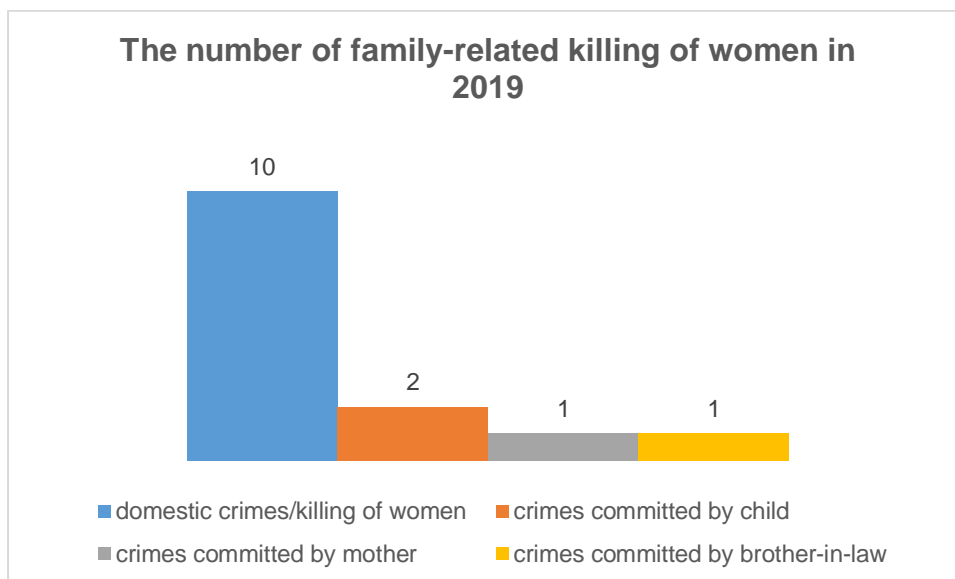
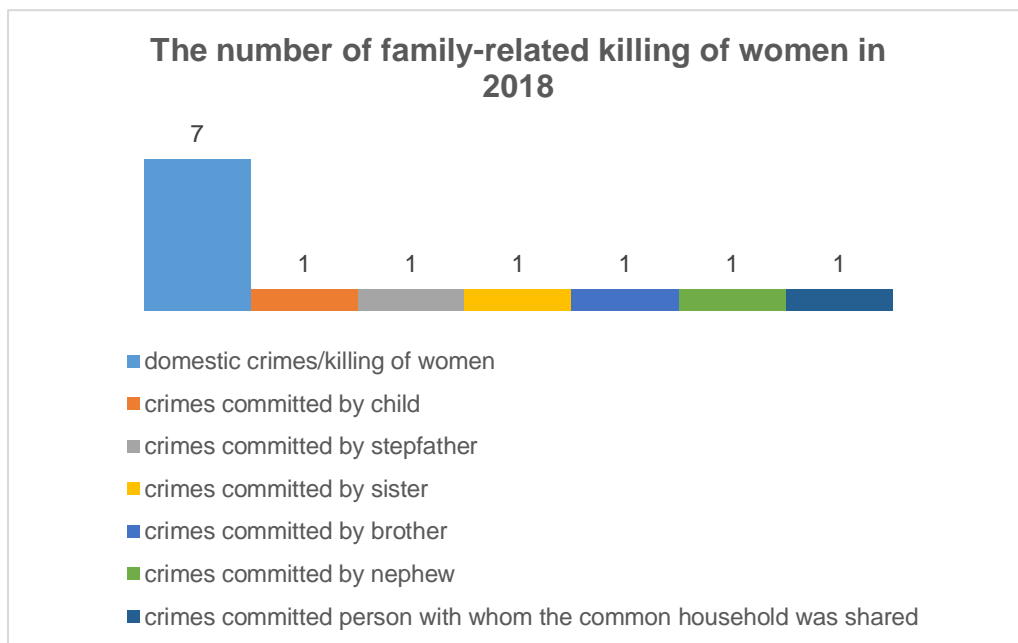
- According to the General Prosecutor’s Office of Georgia, **22 cases** of killings of women were detected **in 2018** (one of them incitement to suicide); out of this number **in 7 cases domestic crime/killing of women** was revealed, and in **15 cases - other motives** (one of them incitement to suicide) respectively.
- According to the General Prosecutor’s Office of Georgia, **19 cases** of killings of women were detected **in 2019**; out of this number in **10 cases domestic** (2 cases of incitement to suicide) crime/killing of women was revealed, in **9 cases - other motives**.
- According to the General Prosecutor’s Office of Georgia, **24 cases** of killings of women were detected **in 2020**; out of this number in **15 cases domestic** crime/killing of women was revealed (13 cases of killing of women and 2 cases of Intentional serious damage to health that caused death) and in **9 cases - other motives**.
- According to the General Prosecutor’s Office of Georgia, **13 cases** of killings of women were detected in **2021 (January – September)**; out of this numbers in **5 cases** domestic crime/killing of women was revealed (1 case of Intentional serious damage to health that caused death) and in **8 cases – other motives** (2 cases of incitement to suicide).

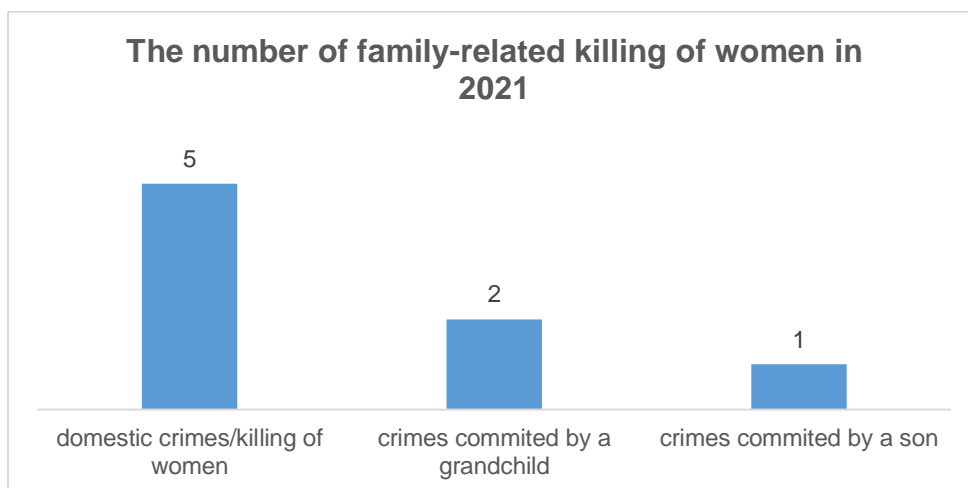
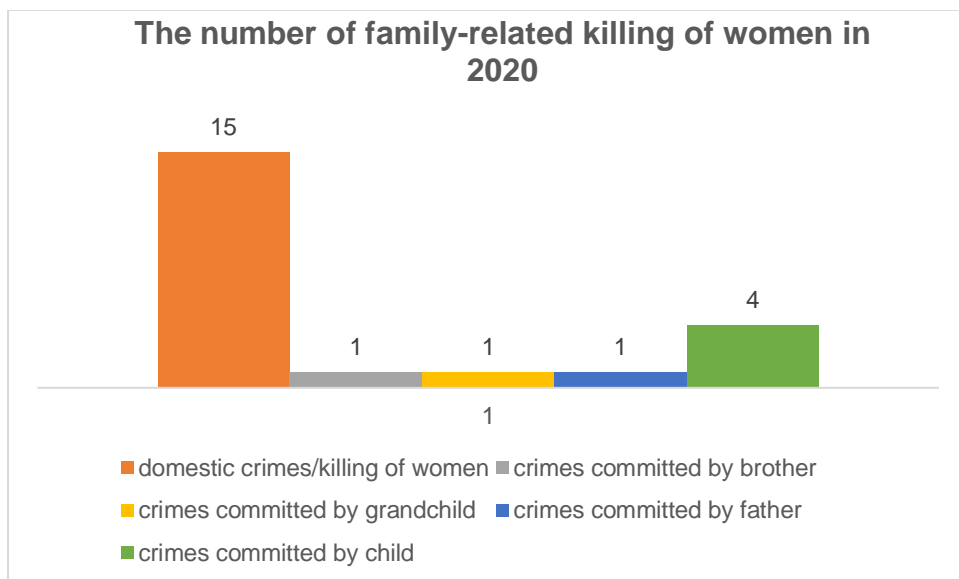


The number of intimate partner killings of women:

According to the General Prosecutor's Office of Georgia:

- In 2018 from the 7 cases of domestic crime/killing of women 1 was committed by husband/ex-husband.
- In 2019 from the 8 domestic crimes/killing of women cases 5 domestic crimes/killing of women were committed by husband/ex-husband (it should be mentioned that in 1 case son and husband were sentenced for the murder of the mother and wife.) Also, 2 cases of incitement to suicide were committed by a husband.
- In 2020 from the 15 domestic crimes/killing of women 7 cases were committed by a husband.
- In 2021 from the 5 domestic crimes/killing of women 2 cases were committed by a husband/ex-husband.





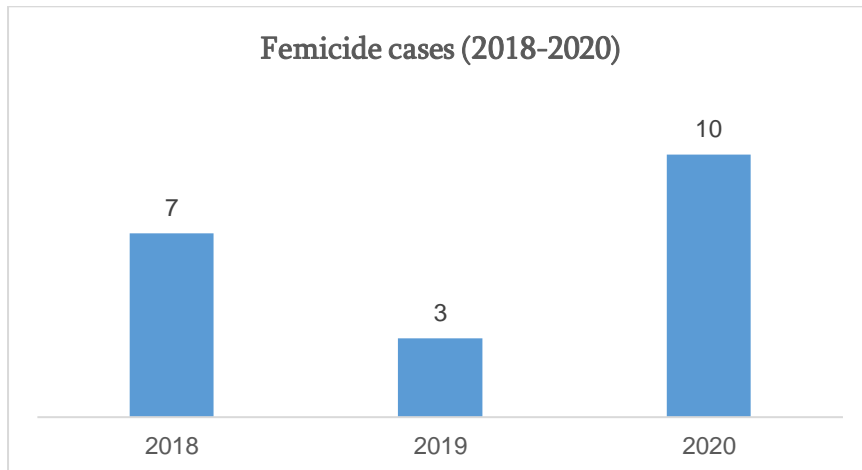
The number of family-related killings of women:

According to the General Prosecutor’s Office of Georgia:

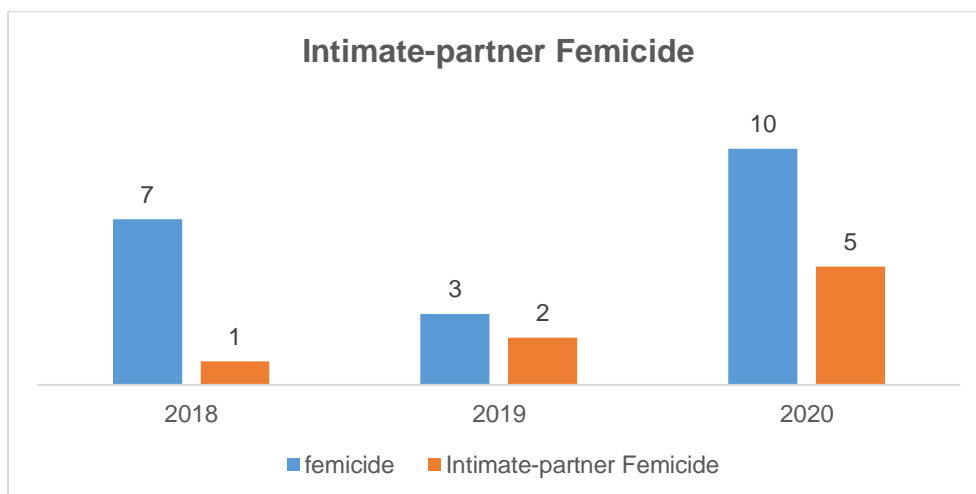
- In 2018 from the 7 cases of domestic crimes/killing of women 1 was committed by a child (killing of mother), 1 crime was committed by a stepfather, 1 crime was committed by a sister, 1 crime was committed by brother and 1 crime was committed by a nephew and 1 was committed by a person with whom the common household was shared.
- In 2019 from the 8 cases of domestic crimes/killing of women 2 were committed by a child (killing of mother), 1 was committed by a mother, 1 was committed by a brother-in-law. (It should be mentioned that in 1 case son and husband were sentenced for the murder of the mother and wife.)
- In 2020 from the 15 cases of domestic crimes/killing of women 4 were committed by a child, 1 crime was committed by the grandchild, 1 was committed by a brother and 1 was committed by a father. (It should be mentioned that 4 cases of the killing of women were committed by 2 persons and 1 case of killing of women and 1 case of the attempted killing of women were committed by 1 person.) In 2020 1 crime was committed by an unidentified person.

- In 2021 from 5 cases of domestic crimes/killing of women 2 were committed by a grandchild and 1 was committed by a son.

Statistical information about femicide cases according to the Femicide Monitoring Reports:



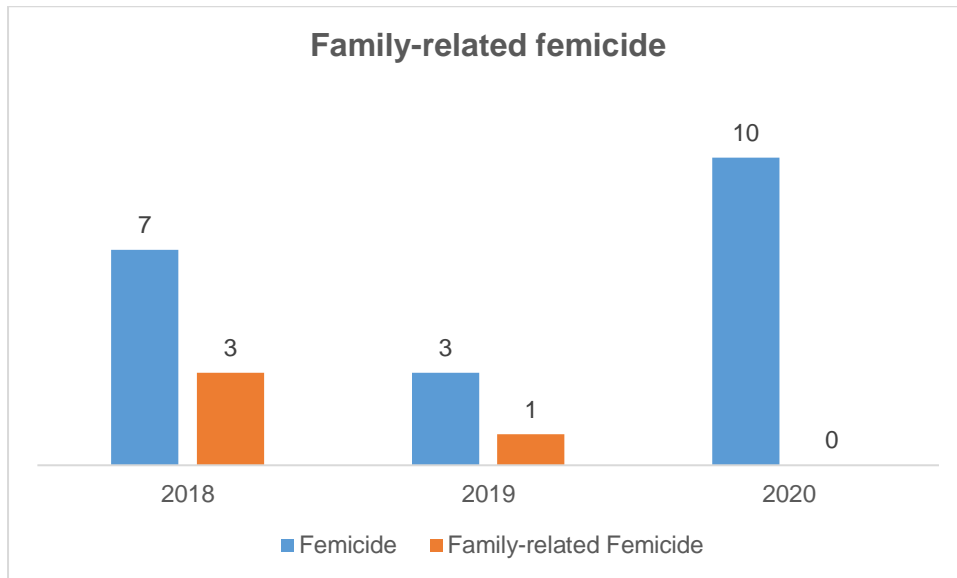
- The Gender Department of the Office of the Public Defender of Georgia analyzed in total 17 cases of femicide and attempted femicide perpetrated in 2018. Out of the 17 cases analyzed, 6 relate only to femicide, 10 – to attempted femicide, 1 case related to both femicide and attempted femicide, respectively.
- The Gender Department of the Office of the Public Defender of Georgia analyzed in total 10 cases of femicide and attempts of femicide perpetrated in 2019. Out of the 10 cases analyzed, only 3 relate to femicide, 7 – to femicide attempts.
- The Gender Department of the Office of the Public Defender of Georgia analyzed in total 24 cases of femicide and attempted femicide perpetrated in 2020. Out of the 24 cases analyzed, 9 relate only to femicide, 14 – to attempted femicide, 1 case related to both femicide and attempted femicide, respectively.



The number of intimate partner femicides:

According to the Femicide Monitoring Reports:

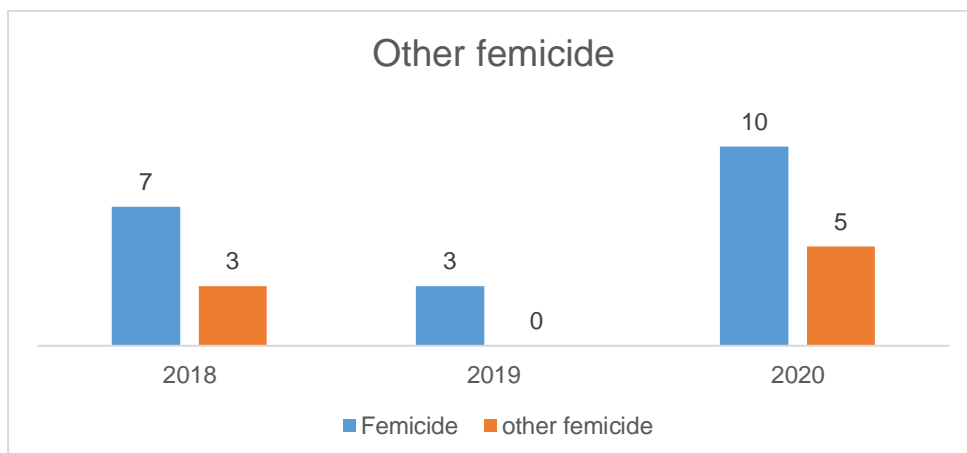
- In 2018 from 7 cases of femicide 1 was committed by a boyfriend;
- In 2019 from 3 cases of femicide 2 were committed by husband/ex-husband;
- In 2020 from 10 cases of femicide 5 cases were committed by a husband/ex-husband.



The number of family-related femicides:

According to the Femicide Monitoring Reports:

- In 2018 from 7 cases of femicide 3 were committed by a family member. 1 was committed by a nephew, 1 was committed by stepfather and 1 was committed by the son of a godchild;
- In 2019 from 3 cases of femicide 1 was committed by a family member (Son);
- In 2020 from 10 cases of femicide none of them was committed by a family member.



The number of Other Femicides:

According to the Femicide Monitoring Reports:

- In 2018 from 7 cases of femicide 3 were committed by a non-family member. 1 was committed by a stranger, 1 was committed by a co-renter of the apartment and 1 was committed by a friend's partner;
- In 2019 from 3 cases of femicide none of them was committed by a non-family member;
- In 2020 from 10 cases of femicide 5 were committed by a non-family member. 1 was committed by a neighbor, 1 was committed by a relative of the neighbor, 1 was committed by a son of the cousin, 1 was committed by a son of the brother-in-law and 1 was committed by an acquaintance.