



საქართველოს სახალხო დამცველი
PUBLIC DEFENDER (OMBUDSMAN) OF GEORGIA

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

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

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Background Information

The Public Defender's Office of Georgia (hereinafter PDO) is a constitutional institution (NHRI with "A" Status), which oversees the observance of human rights and freedoms in the country. It advises the government on human rights issues and analyses the state's laws, policies and practices, in compliance with the 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. The Public Defender contributes to the elimination of gender inequality through effective and accountable management of cases and monitors the compliance of government and public institutions with national and international obligations on human rights and gender equality. To this end, in May 2013, the Public Defender set up a Gender Department that facilitates the work of Public Defender in combating discrimination based on gender. 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 is also a Femicide Monitoring Watch in the country.

The existence of, or progress in, the creation of a national femicide watch and/or observatory on violence against women

UN Special Rapporteur on violence against women, its causes and consequences, Dubravka Simonovic, called on all states in 2015 to prevent gender-related killing of women, to establish a femicide watch and to publish detailed analysis of the cases on November 25, each year.

The Public Defender of Georgia expressed readiness to create Femicide monitoring mechanism (Femicide Watch) in 2016 with the technical support of UN Women Georgia. Within the scope of the mentioned mechanism, the Consultative Council was established, with the aim to improve the femicide monitoring mechanism and to ensure its proper functioning. Members of the Consultative Council are UN Women representatives and local NGOs working on violence against women and domestic violence issues.

Within the scope of the mentioned mechanism, Public Defender's Office prepares special reports annually and provides detailed analysis of court decisions in order to evaluate the real scope of the problem of femicide, the applied protection and prevention measures and shortcomings in naming the problem. The aim of the monitoring is to examine the information and statistical data on the investigations and criminal prosecutions underway in the law enforcement agencies, which was not analyzed previously. Monitoring of cases of femicide is important and effective mechanism for the prevention of the crime by improving national policy and protective mechanisms for the victims.

Since 2016, after Public Defender issued 2 special reports on femicide, revealing the gaps and shortcomings in the investigation and court level, several improvements have been achieved. In particular, according to legislative amendments of 30 November 2018 brought into the Criminal Code of Georgia, intended murder on the ground of gender is considered to be an aggravating circumstance for murder

(Article 109). The same goes to the crime of intentionally causing serious bodily harm (Article 117 of the same Code) Following the Public Defender's recommendation, a witness and victim coordinator's service was set up within the Ministry of Internal Affairs. The instrument for assessing risks of violence against women and domestic violence has been implemented in practice, which is a crucial safeguard for victims' security and prevention of reoffending. It is also important that statistics on violence against women and domestic violence is processed and published periodically by Ministry of Internal Affairs of Georgia and General Prosecutor's Office and Supreme Court started to collect the data on femicide cases.

In 2018, overall, the number of victims of femicide has been decreased from 14 to 7 women killed by family member. Overall, 22 women have been killed in 2018, compared to 26 women in 2017 and 32 women in 2016. In 2019,¹ 8 women were killed, out from this number 3 were killed by family members. Accordingly, compared to the previous year, the number of femicide cases became lower.

Public Defender of Georgia already organized 2 international conferences on Femicide Watch – Monitoring Tools and Mechanisms in Tbilisi, Georgia 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 served as a platform to share the best practices for further improvement of methodology for data collection and analysis. Also, it should be noted, that Special Rapporteur on violence against women, its causes and consequences, Duvravka Simonovic mentioned Public Defender's Office of Georgia, as a good example to implement femicide watch/observatory. In the following report, Georgia is marked as a success story by creating Femicide Watch in the country after Argentina, Canada and Croatia. Apart from this, within 16 days of Activism Against Gender-Based Violence, Public Defender of Georgia intends to hold a conference and share the findings and recommendations of Georgia's 5-year Femicide Watch Report (2014-2018 years) with relevant national and international partners.

Femicide Watch – Main Findings

The analysis by the Public Defender of the cases of femicide and attempted femicide shows that despite the positive steps taken regarding violence against women and domestic violence, there are still numerous challenges in terms of the fight against the gravest form of such violence – femicide. Those cases are particularly noteworthy, where a law-enforcement agency was informed about the alleged violence in the family and yet the extreme form of violence could not be prevented. Those cases are also noteworthy where a victim has not applied to the police. This is mostly caused by lack of trust in police authorities.

The analysis of the cases shows shortcomings identified at the investigative and trial stages such as the problem of categorization of a crime and identifying gender motive, the failure to take into account prior background and to base resolutions and decisions on these factors; the use of gender insensitive terminology by authorities, etc. It should also be mentioned that categorizing the incidents of leading a woman to commit suicide as femicide is particularly problematic.

¹ Statistical information is provided for the 6 months: January – June period.

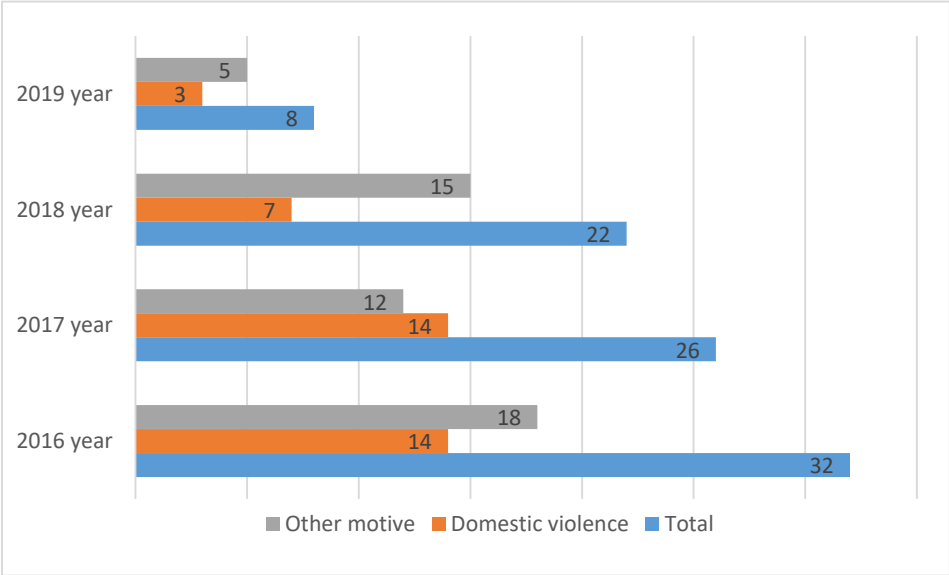
Alongside cases of femicide, special attention must be paid to those women suicides which, according to reports, might be caused by systemic nature of domestic violence. Despite numerous recommendations by the Public Defender of Georgia, analysis of cases of gender-motivated killings of women and incitement to suicide - including the collection and maintenance of accurate statistics has still not been carried out. In addition, significant attention should be paid to cases of suicide when systematic domestic violence is involved. A number of cases studied by the Public Defender’s Office show that cases cannot be often qualified as the incitement to suicide because law enforcement bodies are not aware of facts of violence before the death. It is necessary that law enforcement authorities investigate all cases of incitement to suicide and uncover the motive of violence in each case. Accordingly, within the mandate special emphasis should be given to prevention and elimination of incitement to suicide.

Administrative data on gender-related killings of women (2016-2019)

The Public Defender’s Office has developed a methodological framework for monitoring Femicide cases based on the Latin American Model Protocol. Since 2016, Public Defender of Georgia has been monitoring cases of femicide based on a specially developed methodology, which is unique in relevance to the local context.

In order to monitor femicide, the Office of the Public Defender requests information on cases of femicide and attempted femicide from the Ministry of Internal Affairs of Georgia, General Prosecutor’s Office of Georgia and the Common Courts. Requesting the information from the Civil Courts, Court of Appeals and the Supreme Court occurs in several stages.

Table #1: Statistics on the killings of women committed in 2016-2019²



² Statistical information for 2019 year is provided for the 6 months: January – June period.

2016 year

According to data of the General Prosecutor's Office of Georgia, there were 32 cases of killings of women in 2016. 14 (43.8%) of them were committed by a family member and 18 (56.2%) in other circumstances. In 9 cases there was an attempted killing of a woman, from which in 5 cases, the investigation started on the grounds of domestic violence and criminal prosecution was started against 4 persons, and in the remaining 4 cases the motive was different.

Within the femicide watch, Public Defender of Georgia analyzed 11 cases, from which 7 were cases of femicide and 4 - cases of attempted femicide. In 6 cases out of 11, the victim had already appealed to law enforcement bodies, but the possible risks were not identified and relevant monitoring was still not carried out.

Statistical information at the disposal of Ombudsman on Femicide - 2016

Person committing the crime: Family member - 5 cases; Man partner - 4 cases; Son (man) - 1 case; Acquaintance man - 1 case; Stranger man - 1 case.

Motive: Revenge on the grounds of jealousy - 2 cases; Revenge - 1 case; Covering the crime - 1 case; Life issues -1 case; Argument - 1 case; Offense - 1 case.

Weapons of crime: Knife – 3; Knife and concrete slab – 1; Fired gun – 1; Beating – 1; Crushing with a car and being hit with a stone repeatedly – 1.

Punishment: The court discussed 6 cases at hearings and on one case a plea agreement was made. The shortest term of punishment for femicide was 5 years in jail and 3 years of conditional sentencing. The most severe punishment was 11 years in jail. In one case, the court found the accused guilty, but the punishment was not determined as the convict died in the penitentiary facility. (In 4 cases out of the 7 the perpetrator committed the crime under alcohol influence).

Place of committing of crime: In 3 cases, the crime was committed at the house of the victim. The other 4 cases occurred in the public spaces: the street, the yard of the school and in wood.

Education and employment: In 4 cases of femicide, the perpetrators had secondary education and are unemployed. In the other 3 cases, education and work status of the perpetrator cannot be identified as there are no relevant materials (it derives from one case only that the offender had secondary education).

Ethnicity: from studied cases, the accused, as well as the victim, were representatives of ethnic minority in 2 cases.

Statistical information at the disposal of Ombudsman on attempted Femicide - 2016

Person committing the crime: In all 4 cases of attempted femicide, the crime was committed by a family member, including 2 attempts of killing by a husband/male partner and 2 attempts by an ex-husband/ex-partner.

Motive: The court identified the motive of the crime only in 2 cases, including Revenge - 1 case; Offence – 1 case.

Weapons of crime: Hammer - 1 case; Axe - 1 case; Knife - 1 case; Systematic domestic violence - Education: 1 case.

Punishment: The court discussed all the cases at hearings. Correspondingly, a plea agreement was made in none of the cases. The shortest term of punishment for attempted femicide was 4 years of conditional sentence. The most severe punishment was 11 years in jail (the perpetrator was sentenced for attempting intentional murder of his wife).

Place of committing of crime: In 2 cases, the crime was committed at the house of the victim or the yard of the house. The other 2 cases occurred in public spaces: the street and the territory of a cemetery.

Education and employment: Out of the 4 cases of attempted femicide, the offenders have only secondary education in 3 cases (this information was not indicated in the materials of the other case).

2017 year

According to data of the General Prosecutor's Office of Georgia, 26 murders of women occurred in 2017, 14 of which were committed by family members and 12 were committed in other conditions. The number of attempted murders of women was 15, 12 of which exhibited signs of domestic crime, while 3 cases had other motives.

Within the femicide watch, Public Defender of Georgia analyzed 17 cases, from which 9 were femicide cases and 8 - cases of attempted femicide. In 5 cases out of 17, the victim had already appealed to law enforcement bodies, from which 2 were femicide and 3 - attempted femicide.

Statistical information at the disposal of Ombudsman on Femicide – 2017

Person committing the crime: Husband - 5 cases; Partner - 1 case; Former husband - 1 case; Family member - 1 case; Partner's son - 1 case.

Motive: Revenge on the grounds of an argument - 1 case; Revenge on the grounds of jealousy - 3 cases; Jealousy - 1 case; Jealousy on the grounds of being offended - 1 case; Revenge - 1 case.

Weapons of crime: Knife - 3; Hunting gun - 2; Setting fire to a body with gasoline - 1; Rope – 1; Electrical wiring - 1; Beating – 1.

Punishment: The minimum actual sentence was a 2-year imprisonment and the maximum was a 17-year imprisonment.

Place of committing of crime: The victim and offender's house - 3 cases; the offender's house - 2 cases; the house of the offender's parents - 1 case; public space (street, ritual hall, etc.) - 3 cases.

Education and employment: In 5 out of the 9 cases, it was indicated that the offender graduated from high school; two cases indicated that the offender has a diploma from a technical college; one offender does not have a diploma of any kind, and one offender has a higher education degree. In 8 out of the 9 cases, it was indicated that the defendant was unemployed, while one case indicated that the defendant was employed.

Ethnicity: In only one of the studied cases, both the victim and the defendant represent ethnic minorities.

Criminal record: Two cases (verdicts) do not contain information about the offender's previous convictions (if any) and seven cases (verdicts) indicate that the offender had not been previously convicted.

Statistical information at the disposal of Ombudsman on attempted Femicide - 2017

Person committing the crime: Husband - 4 cases; Former husband - 2 cases; Family member - 2 cases.

Motive: Jealousy - 3 cases; Argument - 1 case; On the grounds of everyday living conditions - 1 case.

Weapons of crime: Knife – 5; Hunting gun – 1; Mop – 1; Systematic domestic violence (attempted incitement to suicide) – 1.

Punishment: All cases were considered based on their fundamental characteristics. A plea bargain has not been signed in any of the cases. The minimum actual sentence was a one-year imprisonment and the maximum was a 9-year imprisonment.

Place of committing of crime: Public space - 1 case; the yard of the victim and offender's shared house - 3 cases; Victim's workplace - 1 case; the house of the offender's father - 1 case; the victim and offender's shared house 2.

Education and employment: In 4 out of the 8 cases of attempted femicide, it was indicated that the offender had a high school diploma; in 2 cases, the offender did not complete high school; and 2 offenders had higher education degrees. In 6 out of the 8 cases, it was indicated that the offender was unemployed, and only 2 cases indicated that the offender was employed.

Criminal record: It was indicated in 4 cases (verdicts) that the offender had not been previously convicted; 2 cases (verdicts) did not contain information about the offender's criminal record; and in one case, the offender had been previously convicted.

2018 year

According to data of the General Prosecutor's Office of Georgia, there were 22 murders of women, from which 7 involved domestic violence incidents. 18 attempted murder of women occurred in 2018, among them 11 incidents involving domestic violence. As the analysis of statistical data shows, the indicator of femicide in 2018 as a result of domestic violence has reduced twice.

Within the femicide watch, Public Defender of Georgia analyzed 17 cases.

2019

According to 6 months data of the General Prosecutor's Office of Georgia, there were 8 murders of women, 3 of which were committed by family members and 5 cases were committed in other conditions. In 5 cases there was an attempted killing of a woman, and in 4 cases - attempted incitement to suicide.

Detailed information of femicide and attempted femicide occurred in 2018 and 2019 is being analyzed currently.