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**Input on the progress made to prevent and combat femicide, particularly in the context of the Femicide Watch initiative**

**Submitted by**

**The National Human Rights Institution – Public Defender
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**Taking stock of the Femicide Watch Initiative**

1. ***On the existence, or progress in the creation, of 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.***

Dubravka Šimonovic, UN Special Rapporteur on Violence Against Women, Its Causes and Consequences, called on all States in 2015 to work to prevent gender-based killings, to establish an effective femicide watch and to provide a detailed analysis of the cases of femicide on November 25 each year.

For the purpose of implementing the recommendation of the UN Special Rapporteur, the 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.

The Public Defender’s Office of Georgia has developed a methodological framework for monitoring Femicide cases based on the Latin American Model Protocol and it is unique in relevance to the local context. Within the Femicide watch mechanism, the Consultative Council was established in 2017. The purpose of the Council is to facilitate the effective monitoring of cases of femicide by the Public Defender’s Office. The composition and regulations of the Council are approved by the order of the Public Defender of Georgia (Order No. 370 of December 6, 2017). The Council carries out its activities through meetings, which are held once in 2 months. The Council, along with representatives of the Public Defender's Office of Georgia, consists of representatives of local and international organizations working on violence against women and domestic violence.

1. ***On other measures 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, Public Defender's Office prepares special reports on femicide (attempted killing/killing of women and attempted incitement/incitement to suicide) monitoring annually. The purpose of monitoring is to identify flaws of mechanism for protection of victims of violence and issue the recommendations to the relevant agencies. The main findings and tendencies of the femicide cases are also reflected in the parliamentary reports of the Public Defender of Georgia. In addition, all the information on the [Femicide Watch](https://bit.ly/31yk6Ye) mechanism is available on the official webpage: [www.ombudsman.ge](http://www.ombudsman.ge)

Since 2016, Public Defender of Georgia issued 6 special reports on Femicide,[[1]](#footnote-1) revealing the gaps and shortcomings in the investigation and court level.

1. [Femicide Monitoring Report 2016](https://ombudsman.ge/res/docs/2019041014350889501.pdf) – 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; also, the results of monitoring of the cases of femicide and femicide attempts are presented, deficiencies at the level of Court and recommendations.
2. [Femicide Monitoring Report 2017](https://ombudsman.ge/res/docs/2019042316550665275.pdf) – 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 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](https://ombudsman.ge/res/docs/2020123017143434847.pdf) – the report mentions, that both the judiciary and the legal community in general, face a problem to classify 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](https://ombudsman.ge/res/docs/2020070314085774956.pdf) – 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](https://ombudsman.ge/res/docs/2020123017143469592.pdf) – 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. (Report will be available soon).

Public Defender of Georgia already organized several local and international conferences on Femicide Watch 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.

1. ***On the results of analysis of femicide cases, including the review of previous court cases and recommendations and actions undertaken in this respect.***

Despite the steps taken and positive changes introduced by the state in recent years toward combating violence against women and domestic violence, challenges remain with regard to the prevention of gender-related killings of women, as well as effective administration of justice and execution of law enforcement functions while dealing with such cases. Problems related to the complex fight on violence against women and domestic violence and lack of coordination between state agencies is an obstacle for prevention of marginal manifestation of gender violence, femicide.

Public Defender welcomes the amendments introduced in the legislation in 2018, according to which killing of a family member on the grounds of gender was identified as an aggravating circumstance. This, on the one hand, increases the chances of proper identification of gender-related murders/attempted murders of women, and on the other hand, makes the production of accurate statistics possible. We should also mention specific gaps, emerging while response from law enforcement bodies. Response to cases, where the abuser is the person with influence is problematic. In such cases state attitude is altered, response is delayed and created such impression that the starting point of the decision is the interest of abuser and not the rights of the victim.

1. ***On concrete measures taken to improve support to victims of violence and to prevent femicide, (risk assessment, efficiency of protection orders), in connection with the information gathered via femicide watches or observatories.***

Analysis of femicide and attempted femicide cases in 2019 showed that there are still many challenges in the fight against femicide and the administration of justice in such cases. For example, in 9 out of 10 cases analyzed in 2019, various shortcomings are revealed at the stage of investigation or trial, and in this regard, it can be said that only one case is an exception.

From the shortcomings identified at the investigation stage, timely identification of the victim/legal successor was problematic in some cases. The investigation 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. The problem of gathering evidence was identified, which ultimately affected the qualification of the act and the court's finding of a defendant guilty under a relatively light article. The problem was also identification of gender-motivated crimes as such.

Office of the Public Defender welcomes that the investigation has studied the previous history of violence. Among the analyzed cases, there are also cases where, despite systematic violence, the victim has not addressed the law enforcement agency. 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.

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 a 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.

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. Nonetheless, there were two cases where the court did not aggravate the sentence by one year than the minimum term, despite the fact that an attempted femicide was committed against a family member. In addition, neither did the prosecution appeal the sentence to aggravate the sentence, particularly because the crime was committed against a family member.

1. ***On good practices and challenges in implementing an evidence-based response to the prevention of femicide.***

According to the recommendation of the Public Defender’s Office of Georgia, the Ministry of Internal Affairs has established 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 mean of preventing violence on early stage, prediction and prevention of repeated threats of violence. The purpose of implementation of the tools is to increase the effectiveness of fight against domestic violence and violence against women. Given its effectiveness, the obligation to use a risk assessment questionnaire when establishing a restrictive order and electronic supervision has been legislated.

The domestic violence risk assessment tool enables police officers to document the history of violence suffered and evaluate risks for lethality and re-offence using a standardized methodology. The tool informs the police, prosecution and courts during the investigation and pretrial stage to place appropriate restrictive measures against perpetrators and protective measures for survivors. It also helps the prosecution to build stronger cases for adjudication and thus achieve proportional sanctions for the crime.

1. ***On data, 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 and the Ministry of Internal Affairs of Georgia on 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, Public Defender’s Office of Georgia has no specific statistical information on femicide and its comparison with before and after COVID-19 pandemic. However, at the early stage of pandemic, 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 SMS from the Ministry of Internal Affairs 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.

**The number of family related femicides of women:**

According to the prosecutor's office:

* In 2018 from the 7 cases of domestic crimes 1 was committed by child (killing of mother), 1 crime was committed by a stepfather, 1 crime was committed by 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 2 were committed by 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 was sentenced for the murder of the mother and wife.)
* In 2020 from the 15 cases of domestic crimes 4 were committed by child, 1 crime was committed by grandchild, 1 was committed by a brother and 1 was committed by a father. (It should be mentioned that 4 cases of killing of women were committed by 2 persons and 1 case of killing of women and 1 case of attempted killing of women were committed by 1 person.) In 2020 1 crime was committed by an unidentified person.
1. Information is available on the following link:  <https://bit.ly/3rcvTWH> [↑](#footnote-ref-1)