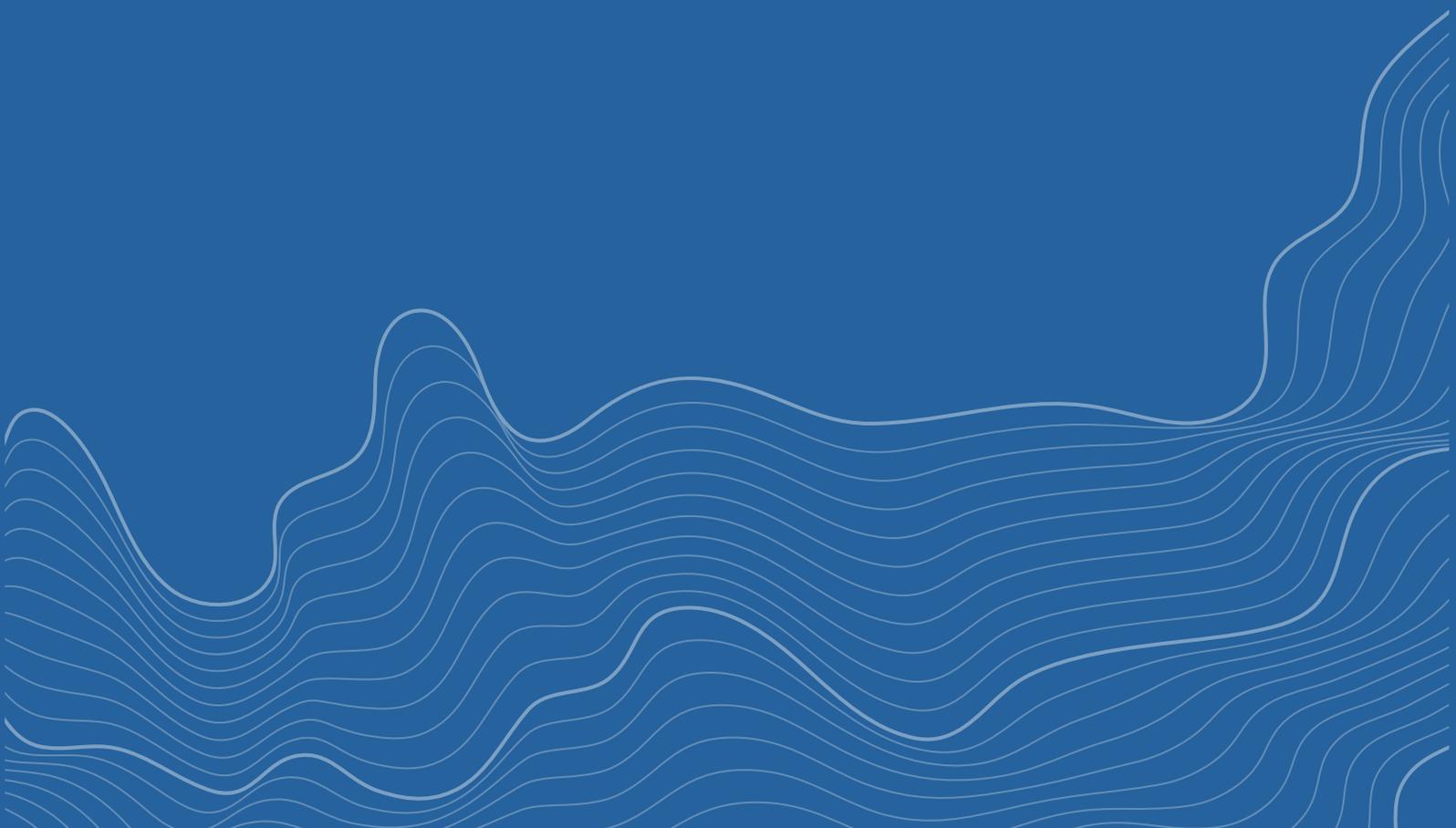


# REPORT ON FEMICIDE MONITORING 2014-2018

PUBLIC DEFENDER OF GEORGIA | 2020





# REPORT ON FEMICIDE MONITORING 2014-2018

**Author of research methodology:** Tamar Dekanosidze

**Court cases and statistical data analyzed by the experts:**

Giorgi Gotsiridze and Nino Iakobidze

UN Women is a United Nations agency working on the promotion of gender equality and empowerment of women. The purpose of the foundation of the organization was to protect the interests of women and girls around the world and to meet their priorities. UN Women supports the UN Member States in the development of universal standards of gender equality; cooperates with governments and civil society in the process of developing legislations, policies, programmes and services in compliance with the mentioned standards. UN Women promotes women's equal participation in all spheres of life and particularly focuses on five main areas: increasing women's leadership and participation in public life; elimination of violence against women; ensuring women's participation in all aspects of peace and security processes; economic empowerment of women; integration of the principles of gender equality, as an important priority, in the planning of country's development and budget. In addition, the organization coordinates and promotes gender equality-related activities within the UN system. The views expressed in this publication belong to the author and may not express the views of UN Women, the United Nations or any of its member organizations. The document was prepared with the financial support of the Swedish government within the framework of the UN Joint Programme for Gender Equality in Georgia.

© (UN Women)

# Contents

Introduction	4
1. Research methodology	5
2. Statistics of femicide/attempted femicide	7
3. Detected categories and types of femicide	11
4. Shortcomings at the investigation stage	12
4.1. Stereotypical attitudes	12
4.2. Collection of evidence	12
4.3. Recognition as a victim	12
4.4. Application of measures of restraint	12
4.5. Determining gender-grounds	13
4.6. Investigating history of violence	13
5. Analysis of the decisions/resolutions on termination of criminal persecution	15
6. Shortcomings at the trial stage	16
6.1 Particularities of applying Article 531 in femicide/attempted femicide cases	16
6.2 Circumstances taken into account by the court when imposing the sentence	16
6.3 Qualification of the crime	17
Conclusion	18
Recommendations	19
ANNEX N1: Statistics of the General Prosecutor's Office of Georgia	21

# Introduction

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.

In 2015 Ms. Dubravka Šimonović - UN Special Rapporteur on violence against women, its causes and consequences urged all states to focus on prevention of gender-related killing of women, to introduce an effective monitoring system of cases of femicide and to publish detailed case analysis annually, on each 25 November.<sup>1</sup>

In order to comply with the recommendation of the UN Special Rapporteur, the Public Defender of Georgia expressed its readiness to establish a Femicide Monitoring Mechanism. Through the mandate acquired in the framework of such mechanism, the Public Defender aims to analyze each case of gender-related killing, attempted killing and suicide.

Public Defender has thoroughly examined cases of femicide in 2016-2017, published two reports and issued relevant recommendations toward the agencies.<sup>2</sup> Public Defender welcomes the implementation of the

part of the recommendations, which have improved the mechanisms for the protection and assistance of victims. One of the most important recommendations was the determination of femicide as a gender-related killing under the Criminal Code separately. 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.

Per the recommendation of the Advisory Board<sup>3</sup> established under the Femicide Oversight Mechanism, the Public Defender decided to monitor the cases of 2014-2018. The methodology of legal analysis of cases includes an assessment of the dynamics of the administration of justice and statistics, which makes it possible to measure the progress made and to identify the shortcomings that hinder the fight against the problem.

We hope that the findings and recommendations presented in this report, will be taken into account in the planning and implementation of state policy against femicide.

1 For details please visit:

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16796&LangID=E>

2 Reports on Femicide Monitoring for 2016 and 2017 are available on the following websites: <https://bit.ly/39DNi1L>; <https://bit.ly/2waW6yw> [last visited on April 1, 2020]

3 Information is available on the website: <http://www.ombudsman.ge/geo/femitsidze-zedamkhedvelobis-meqanizmis-sakonsultatsio-sab-chos-shesakheb> [last visited on March 11, 2020]

# 1. Research methodology

The methodological framework for monitoring gender-related killing of women (femicide) was developed by the Office of the Public Defender and applied in the preparation of this report.<sup>4</sup>

Based on the Georgian characteristics and the Latin American Model Protocol,<sup>5</sup> the Public Defender uses the following definition of femicide for the purposes of the study:

*Femicide is the gender-related killing of a woman, or simply the killing of a woman, the context or motive of which is related to gender-based violence against the woman, discrimination or woman's subordinate role. It is motivated by a sense of entitlement to or superiority over the woman, an assumption of ownership of the woman, by a desire to control the woman, or any other gender-related reason. Any action that brings a woman to die by suicide for the above-mentioned reasons is also regarded as femicide.*

The mere fact of killing a woman does not automatically mean, that the femicide has been committed. According to the Latin American Model Protocol for the Investigation of Gender-related Killing of Women, femicide

occurs when the murder or death of a woman is related to a woman's gender. In particular, there shall be signs that the motive and context of a killing is related to gender violence and/or discrimination.<sup>6</sup>

As for the motive of the crime, during the analysis of the court cases, following characteristics were deemed to be important for the present study, namely:

- Discriminatory or sexist attitude towards the victim;
- Sense of entitlement;
- Control of the behavior;
- Demand to abide by stereotypical gender roles<sup>7</sup>.

Failing to obey the gender roles and opposing them by the victims have been identified as the motives for the perpetrator to commit the crime.

Femicide cases were monitored in three stages. **The first phase of the study** involved requesting statistical information and convictions from the common courts<sup>8</sup> on the femicide and attempted femicide cases, as well as requesting statistical information from the General Prosecutor's Office of Georgia on criminal persecution and termination of investigation.

4 "Report on Femicide Monitoring: Gender-related Killings of Women" – Analysis of Criminal Cases for 2016, Public Defender of Georgia, 2017.

5 Latin American Model Protocol for the Investigation of Gender-related Killings of Women (femicide/feminicide) – Hereinafter Latin American Model Protocol,

Office of the High Commissioner for Human Rights in Latin America, ISBN 978-9962-5559-0-2, p. 13-14.

6 Latin American Model Protocol for the Investigation of Gender-related Killings of Women (femicide/feminicide) – Hereinafter Latin American Model Protocol,

Office of the High Commissioner for Human Rights in Latin America, ISBN 978-9962-5559-0-2, p. 13-14

7 Detailed information on methodological aspects can be found in the Report on Femicide Monitoring for 2016. p. 6-10; information can be retrieved online from the website: <https://bit.ly/2KrEn9k> [last visited on April 23, 2020]

8 The information was requested in relation to those articles of the Criminal Code of Georgia, which could be applied for the qualification of femicide cases, in particular: intentional killing (Article 108 of the Criminal Code), intentional killing under aggravating circumstances (Article 109 of the Criminal Code), Intentional murder in a state of sudden, strong emotional excitement Article 111 of the Criminal Code), intentional infliction of grave injury that caused death (Article 117 (2) of the Criminal Code), incitement to suicide (Article 115 of the Criminal Code), Articles 19, 108 and 19, 109 of the Criminal Code (attempted crime).

In 2018, Article 117 (1) was added to the list of Articles under the Criminal Code - Intentional serious damage to health, i.e. bodily injury that is dangerous for life, as well as Article 118 (2), in particular, an intentional less grave bodily injury, which caused the loss of life and where femicide can also be detected.

In addition, the court's rulings on articles of the Criminal Code, where different types of femicide could have been identified, were requested. Namely, these in

clude, the rape of a woman, that caused death of a person affected (Article 137 (4) (b) of the Criminal Code), other acts of sexual nature, that caused death of a person affected (Article 138 (3) (b)), illegal abortion resulting in death (Article 133 (3) of the Criminal Code), sterilization without consent, that caused death (Article 133' (3) of the Criminal Code), female genital mutilation that caused death (Article 133<sup>2</sup> (3) of the Criminal Code), human trafficking, causing the loss of life (Article 1431 (4) (b)), torture that caused death (Article 144' (3) (c) of the Criminal Code). Letters of the Supreme Court of Georgia: 10.11.2017, N 06/ 08-17; 30.05.2018, N3-220-18; 14.05.2019, N 3-811-19; 12.02.2019 N 3-115-19.

In the **second phase of examination**, convictions received from the District, Appellate and Supreme Courts were analyzed to identify femicide or attempted femicide cases.

**The third stage of the study** included the request from the courts of all three instances the full materials on those femicide and attempted femicide cases, that were selected according to the methodology; also to identify shortcomings in the administration of justice, information on the mentioned cases was requested from the Ministry of Internal Affairs.<sup>9</sup>

As a result, a total of 179 rulings were handed over to the Public Defender's Office from the common courts for crimes committed in 2014-2018; out of this number, 83 cases of femicide and attempted femicide were selected for the analysis<sup>10</sup> - the remaining cases failed to depict the signs of femicide. In 82 cases the full materials of the criminal case were analyzed, whereas only in 1 case was the final decision scrutinized.<sup>11</sup>

Out of the studied 83 cases, 38 cases occurred in 2014-2015, 11 in 2016, 17 in 2017, and 17 in 2018 respectively.<sup>12</sup> If there was a case, the court rulings of all three instances were examined.

The General Prosecutor's Office of Georgia has submitted to the Office of the Public Defender resolutions/decisions on termination of investigation and prosecution of cases of killing/attempted killing of women in 2014-2018 - a total of 40 cases, which were also analyzed to identify signs of femicide/attempted femicide.<sup>13</sup>

The statistical information provided in the study is based on the analysis of the case materials obtained from the judiciary. In addition, the report provides statistics obtained from the prosecutor's office, which, in some cases, does not correspond to the statistical information provided by the court. Given these circumstances, the statistics in the report should not be construed as accurate data on the number of killings and attempted killings of women in 2014-2018.

9 Part of the cases were submitted to the Public Defender's Office in the material form, whereas some of them were introduced with at the Tbilisi City Court or at the archives of the LEPL Department of Common Courts of the High Council of Justice of Georgia.

10 Out of the analyzed cases, 44 cases involved the gender-related killing of a woman, 38 included attempted femicide, and one case involved both the femicide and attempted femicide, respectively. Only 1 of the analyzed cases relate to the murder of a transgender woman.

11 The case concerns the attempted femicide in 2018; during the study, only the ruling of the first-instance court was in the case, which was appealed in the upper court. The latter had not made the final decision on the case during the study. Since the case was not completed, it was not possible to fully examine the materials of the criminal case.

12 The cases of femicide and attempted femicide in 2016 and 2017 were analyzed by the Public Defender in previous years; therefore the 5-year report integrated the already prepared reports;

13 Letters of the General Prosecutor's Office of Georgia: №13/49027, 29/June/2018; 313/58062 09/August/2019; 313/57408, 07/August/2019; 313/86342, 10/December/2019.

# 2. Statistics of femicide/attempted femicide

The information provided by the General Prosecutor’s Office of Georgia on the cases of gender related killing and attempted killing of women shows<sup>14</sup> that the highest rate of killing of women was revealed in 2014 (a

total of 35 cases). In following years this number has decreased. In contrast, the rate of attempted killing of women increased in 2017-2018 (18 - 18 cases respectively).

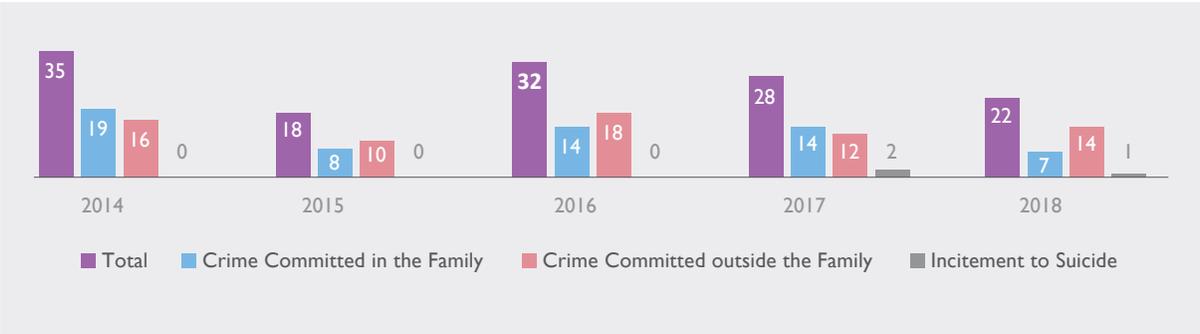


Chart N1: Killing of Women: Official Statistics of Prosecutor’s Office (2014-2018)

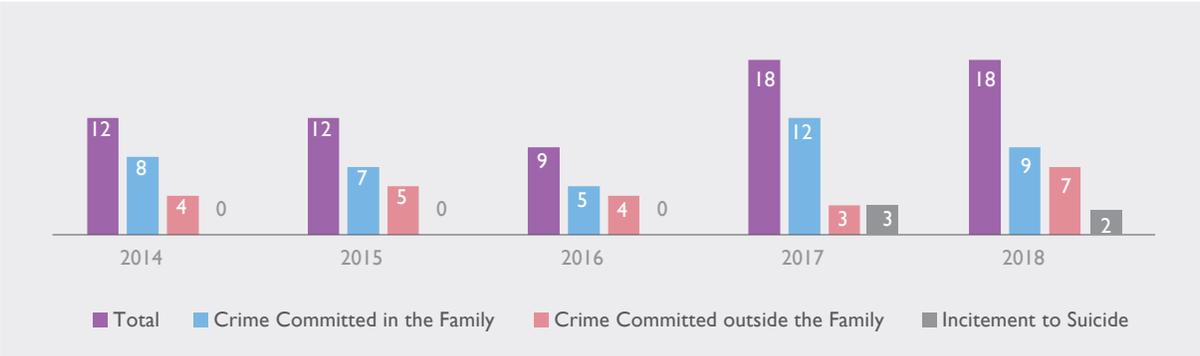


Chart N2: Attempted Killing of Women: Official Statistics of Prosecutor’s Office (2014-2018)

The Gender Department of the Public Defender’s Office of Georgia has analyzed a total of 83 cases of femicide and attempted femicide. Out of the 83 cases, 44

relate to femicide, 38 to the attempted femicide, and 1 case involves both femicide and attempted femicide, respectively.

<sup>14</sup> Letters of the Human Rights Protection Unit of the General Prosecutor’s Office of Georgia: N13/58062, 09/08/2019; N13/86342, 10/12/2019; N13/72420, 08/11/2017; N13/10053, 08/02/2018; N13/6816, 31/01/2019; N13/86239, 09/12/2019; N13/1865, 14/01/2020.

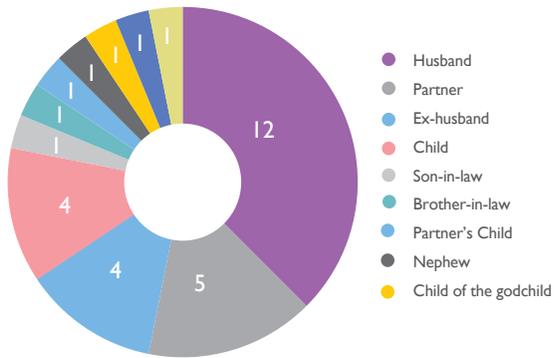


Chart N3: Family Members Committing Femicide

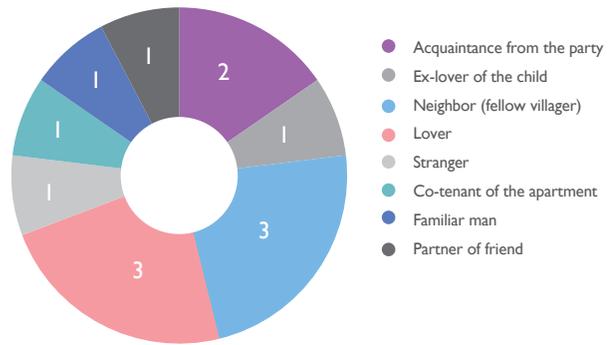


Chart N4: Other Persons Committing Femicide

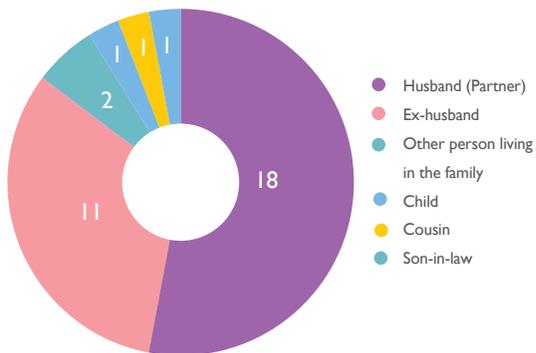


Chart N5: Family Members Committing Attempted Femicide

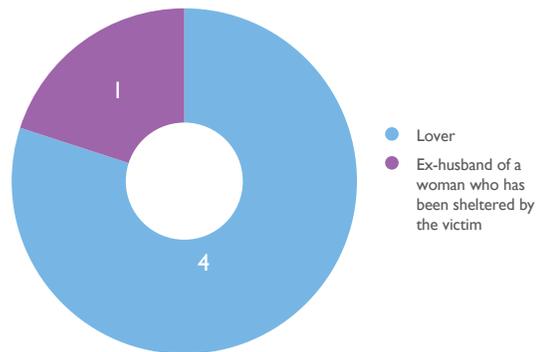


Chart N6: Other Persons Committing Attempted Femicide

Statistics show that both femicide and attempted femicide are most often committed by husbands/partners, ex-husbands/ex-partners or lovers,<sup>15</sup> regardless of

whether they have ever lived together with the victim or whether the victim felt any sympathies back.

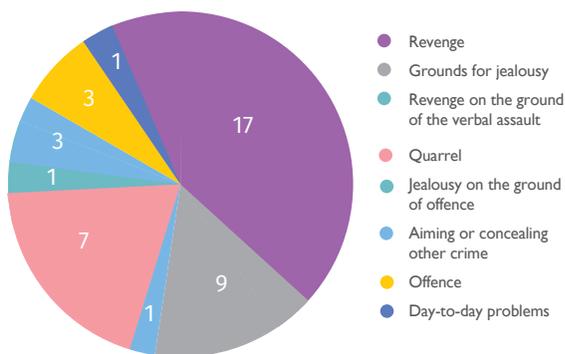


Chart N7: Ground for Committing Femicide

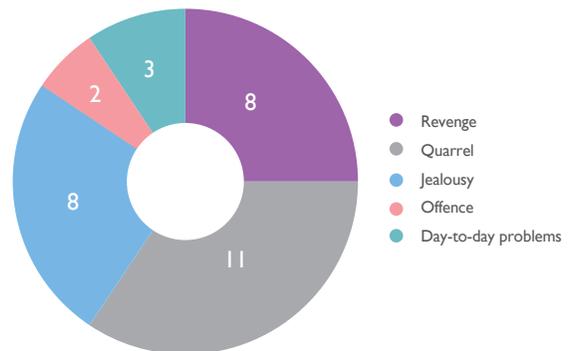


Chart N8: Ground for Committing Attempted Femicide

The gender ground for the commission of the crime is provided in the testimony of the accused, the victim and the witnesses, where the use of gender-defined vocabulary is common. Nevertheless, at the stage of

both the investigation and the trial, identification and discussion of the gender ground are problematic. "Revenge" and "jealousy" are often cited as motives for both femicide and attempted femicide.

<sup>15</sup> The term "lover" refers to individuals who, as revealed by the case materials, did not have sexual intercourse with each other, as well as those individuals, who unilaterally loved the other person, the latter had the knowledge about it, but did not show any sympathies.

An analysis of the 2014-2018 cases reveals that motive could not be identified in three cases of murder of women. Out of these, two cases of femicide are included in the report for 2017,<sup>16</sup> and one case is provided in the report for 2016, respectively.<sup>17</sup> As for the cases of at-

tempted femicide, the grounds were not determined in three cases in 2017,<sup>18</sup> as well as in two cases in 2016;<sup>19</sup> the ground was unclear in one case occurring in 2018, while there were two motives: jealousy and revenge, at the same time in one case in 2014.

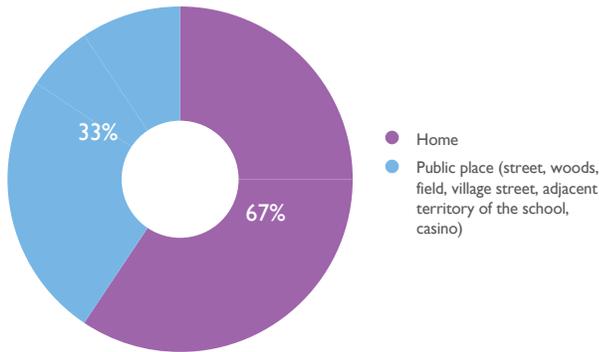


Chart N9: Place of Committing Femicide

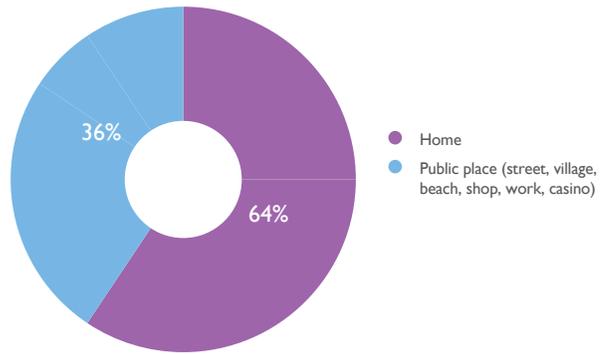


Chart N10: Place of Committing Attempted Femicide

The analysis of the criminal case materials shows that the place where the crime is committed is more often the house, which is natural, considering the nature of femicide as a gender crime. In addition, many cases of femicide and attempted femicide were related to a woman's ability or failure to perform a "family role", which directly preceded the crime.

The weapons for committing both femicide and attempted femicide were mostly knives.<sup>20</sup> Most of the perpetrators were sober during the killing and the attempted killing.<sup>21</sup> Analyzed cases show that the vast majority of people who commit crimes have secondary education and were unemployed at the time of the crime.<sup>22</sup> As for the previous convictions of the perpetrators, the statistics show the following:

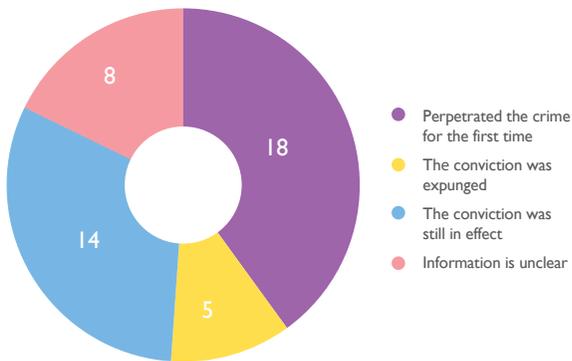


Chart N:11 Conviction of Persons Committing Femicide

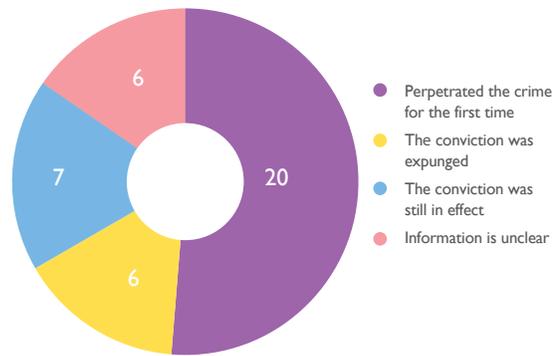


Chart N:12 Conviction of Persons Committing Attempted Femicide

16 Report on Femicide Monitoring, Analysis of Criminal Cases for 2017, p.10, information can be retrieved from the following website: <https://bit.ly/2UhmL5V>

17 Report on Femicide Monitoring, Analysis of Criminal Cases for 2016, p.16, information can be retrieved from the following website: <https://bit.ly/2UiOGnO>

18 Report on Femicide Monitoring, Analysis of Criminal Cases for 2017, p.12, information can be retrieved from the following website: <https://bit.ly/2UhmL5V>

19 Report on Femicide Monitoring, Analysis of Criminal Cases for 2016, p.17, information can be retrieved from the following website: <https://bit.ly/2UiOGnO>

20 In 1 case, the weapon used to commit femicide was a tie, in the other - patrol, in 2 cases - beating, in one case - a metal object, in another case - a hammer, in the other case - a large stick, in two cases - a stone (concrete slab), in other two cases - an electric line, in two cases - crossing over by a car, in two cases - a bottle, in two other cases - drowning by hand, in two cases - wooden chair (stool), in two cases - an ax, in seven cases - a gun, in twenty cases - a knife. Importantly, some cases of femicide were committed with more than one weapon.

21 As for femicide attempts, in one case the crime was committed with a floor cleaning stick, in one case - with a gas pipe, in one case - with a blunt object, in one case - with a flower-vase, in one case - with a sword, in one case - with patrol, in two cases - with a hammer, in one case - with a stone, in two cases - with an ax, in two cases - with a gun, in twenty one cases - with a knife, in one case - by throwing down from a height (from a residential apartment); in other cases the crime was committed with systematic violence (inciting to the suicide attempt) or a particular weapon could not be defined.

22 In femicide cases, 26 accused were sober at the time of the crime, or it was unclear whether they were drunk, whereas 19 accused were under the influence of alcohol at the time of the crime. As to the cases of attempted femicide, the accused were sober during the commission of the crime or their condition was unclear in 29 cases, whereas the accused were under the influence of alcohol in 10 cases.

For the statistical purposes analysis of ethnic representation of the number of women victims and accused men was also carried out. Both subjective and objective criteria were applied to consider a person as an ethnic minority. The objective criterion implies the lack of knowledge of the Georgian language or having the citizenship of another country by both the victim and the accused. The fact that a person declared himself as the representative of the ethnic minority during the investigation or at the court was considered as a subjective criterion, even when the person was a citizen of Georgia and spoke Georgian.<sup>23</sup>

It is important to note that almost a quarter of the victims are representatives of ethnic minorities. In 2014-2017, the number of cases where the victims or accused

were ethnic minorities was relatively low. The situation changed in 2018. Seven femicide crimes were committed during this period, five of which involved a woman representing an ethnic minority.<sup>24</sup>

As for the sentences, the most severe sentence - life imprisonment - was imposed in the case of the gender-related killing of three women in 2018.<sup>25</sup> The most lenient sentence for femicide (2 years of imprisonment) was applied in 2017 by Mtskheta District Court.<sup>26</sup>

The heaviest sentence to be applied to an attempted femicide is 18 years of imprisonment.<sup>27</sup> The lightest sentence for the same crime – 1 year of imprisonment was once again imposed by the Mtskheta District Court in 2017.<sup>28</sup>

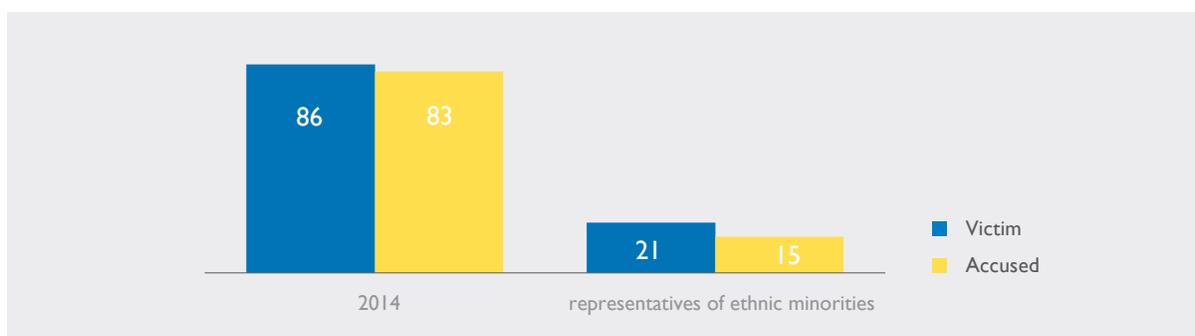


Chart N13: Representatives of Ethnic Minorities in the Cases of Femicide/Attempted Femicide

23 33 persons committing femicide had secondary education, 2 of them had incomplete secondary education, 4 were with higher education, 1 with incomplete higher education, 2 with vocational education, 1 without education, and the level of education of two individuals is unclear. As to the employment data, 28 accused were unemployed, 3 were retired, 7 were employed and in 7 cases such information could not be retrieved from the case files. 26 individuals committing attempted femicide had secondary education, 4 had incomplete secondary education, 7 were with higher education, 1 with incomplete higher education, whereas the data is unclear in one case. Out of the entire number of attempted femicide cases, 26 accused were unemployed and 10 were employed, respectively; such data is unclear in 3 cases.

24 In two out of the seven cases the perpetrators of femicide were men belonging to ethnic minorities.

25 The Gori District Court imposed such sentence in 2018 against M.K, who first killed victim's husband and the child with a gun in order to rape the victim, then raped the woman and drowned her in the waterfall. Another case also occurred in 2018, when the stepfather killed the stepchild in the presence of two minor children because the stepchild was against of the accused's relationship with the mother. This case was examined by the Tbilisi City Court. As to the third case, the man killed the bride with a stone and a knife near the garage. Tbilisi City Court also imposed life imprisonment in 2018 in this case too.

26 The decision was made by the Mtskheta District Court. The husband heard about the wife cheating on him, went home and killed her with a knife. On December 7, 2017, the Mtskheta District Court found the accused guilty under Article 11<sup>1</sup> (1) of the Criminal Code of Georgia (intentional murder in a state of sudden, strong emotional excitement) and sentenced him to 2 years of imprisonment. According to the forensic psychological-psychiatric examination report, the accused was in a state of physiological affect at the time of committing the crime.

27 Decision of the Tbilisi City Court of September 4, 2018, N1/3253-18.

28 The Mtskheta District Court found the person guilty of committing a crime under Article 19-11<sup>1</sup> of the Criminal Code (attempted intentional murder in a state of sudden, strong emotional excitement). According to the case materials, the wife verbally abused her husband, because of which her husband hit her on the head with a hammer several times. As a result of the mental examination, the accused was diagnosed with a physiological affect. During sentencing, the court ignored the fact that the crime was committed against a family member, which is an aggravating circumstance. Article 11<sup>1</sup> of the Criminal Code envisages imprisonment from 1 to 3 years, however, the court imposed the minimum length of imprisonment provided by this article - 1 year of imprisonment (decision of the Mtskheta District Court of February 5, 2018, N 1/240-17), without any justification.

### 3. Detected categories and types of femicide

All criminal cases analyzed in this study reveal jealousy of the perpetrator toward the victim, his possessive attitude, control of behavior and/or demand to obey to the gender roles.

Gender grounds are often reflected in the testimony of the accused. In almost all the 2014-2015 cases, accused explain that the crime was committed because of the refusal to marry, or ex-wife declined the request to reconcile. Killing is seen as a form of punishment by a man for a free choice of a woman. There are also cases when ex-husbands “punish” their wives because of their relationship with another man.

In some cases, occurred in 2015 and 2018, murder is committed by a man to gain the sexual satisfaction from a woman’s body. In 2014, cases of associated femicide were revealed, where men committing crimes chose women and girl family members of the woman, who was the object of revenge, as victims.

Femicide or attempted femicide is sometimes linked to economic violence against a woman; for example, in 2014 and 2018, there were cases when attempted killing was related to hindering a woman to exercise her right to live in a household by her husband or an ex-husband.

The reasons for the attempted murder also include improper performance of gender roles and relevant activities by women: for instance, in one case the husband tried to kill his wife for burning a bread. In another case the reason for the attempted killing was the disobedience of a woman to the instructions of her husband, as of the “head of the family”: here, the husband tried to burn his wife with patrol, because wife disobeyed husband’s instructions and brought home second-hand clothes for re-sale.

## 4. Shortcomings at the investigation stage

### 4.1. Stereotypical attitudes

Showing stereotypical attitude by the investigator toward the victim at the investigation stage is problematic. This includes expression of interest in personal or sexual life of the victim, even when it is not essential to determine the circumstances of the case. In 2017, the investigation questioned the partner of the victim (whom the accused was jealous of) as a witness in one of the cases. During the interrogation as a witness, the investigator asked him unrelated questions to the investigation (such as “Where did you meet the victim?”, “At what time of the day did you meet the victim?”, “How many times and where did you have sexual intercourse with the victim?” Do you have information, whether the victim had other boyfriends?”), This approach highlights gender-insensitive and stereotypical attitudes during investigation and humiliates honor and dignity of the victim.

### 4.2. Collection of evidence

Investigation failed to provide proper documentation of the victim’s injury and failed to gather evidence that would allow medical examination to determine the instrument of the life-threatening injuries vis-à-vis one of the crimes committed in 2018. Failure to do so ultimately affected the qualification of the conduct.

Also, the medical examination report of the Zugdidi District Court<sup>29</sup> states that the victim had a lethal injury, but determination of the weapon causing the injury was impossible. According to the victim, her husband stabbed her. The use of the knife was also confirmed by the biological examination; nevertheless, the investigation failed to provide proper documentation of the victim’s injury, which made it impossible to determine

the instrument of the crime and as a result, the criminal intent could not be clarified.

The weapon of the crime could not be determined in the case considered by the Tbilisi City Court.<sup>30</sup> The victim’s medical examination report states that the victim “had a stab wound on her head”. It was clear from the case materials that the accused had kicked his wife in the head, as a result of which the victim lost the consciousness. Neither by the testimony of the victim nor by the confession of the accused or by any other investigative action, could the investigation determine what could have been the “shattering object” that caused the life-threatening injury to the victim.

### 4.3. Recognition as a victim

Until 2017, recognizing a person as a victim in a timely manner was challenging. Unfortunately, there was a tendency to identify a person as a victim or a legal successor of the victim two-three months after the accused was brought to justice in previous years.<sup>31</sup>

In contrast, the positive trend has been observed in timely recognition of persons as victims or successors of the victim in cases of killing and/or attempted killing perpetrated in 2017-2018.

### 4.4. Application of measures of restraint

In most of the cases of femicide and attempted femicide during 2014-2015, the prosecution requested detention as a measure of restraint from the court, which granted this motion in each case. This shall be assessed as a

29 Zugdidi District Court, Case of M.K. #1/164-2018

30 Tbilisi City Court, Case of E.P. #1/4483-18

31 Ruling of the Rustavi District Court of November 14, 2017 (case #1-283-17)

positive trend. Yet, there was a case when the prosecutor's office requested to issue bail against the accused, when the accused himself did not attend the hearing; the court did not listen to the opinion of the accused whether he was able to pay the bail or not.<sup>32</sup>

In none of the cases of femicide and attempted femicide in 2018 did the prosecutor request a measure of restraint lighter than the detention; nor did the court apply any measure of restraint other than imprisonment against persons who have allegedly committed femicide or attempted femicide.

Substantiation of the order on application of the measure of restraint by *the danger of repeated gender related crimes in the future was a novelty* in 2018. While applying detention as a measure of restraint in two cases, the Tbilisi City Court stated that the accused had not settled a conflict with his wife and domestic violence was a repeated action in the past. Therefore, in case of imposing a measure of restraint other than detention, the accused would either repeat the crime against his wife or influence her to change the testimony. While substantiating the measure of restraint, the prosecutor's office submitted to the court the protective or restraining orders issued against the accused in the past,<sup>33</sup> as well as the rulings related to the crime committed in the family,<sup>34</sup> which clearly sets positive practice.

The analysis of statistics on the application of plea bargain agreements also indicates to the stringent justice policy on femicide and attempted femicide cases. If a plea bargain agreement was approved in 11 cases in 2014-2015, such agreement was signed in 2016 only in one femicide case, and also one agreement was approved in 2017-2018.

## 4.5 Determining gender grounds

In parallel with the positive trends discussed above, it becomes more difficult to determine gender-based mo-

tive at the investigation stage. Often, the defendant's confession is the only evidence in the case that indicates to a gender ground of the crime.

A clear example of this is the case of L.G., who stated during the investigation that he killed his girlfriend because of cheating. After the charges against L.G. were aggravated, the accused denied the existence of a gender-based motive and committing a crime. Although L.G.'s guilt was confirmed based on the biological examination and correspondence on social networks, the denial of the confession at the trial stage resulted in the inability of the court to determine the ground of the murder of the young woman by the groom.<sup>35</sup>

It is within the competence of the court to aggravate the responsibility; therefore, it was quite possible to apply Article 53<sup>1</sup> of the Criminal Code in the mentioned case. Consequently, the fact that the court failed to see the signs of femicide for relevant qualification of the case was partly due to the fact that at the investigation stage, the motive could not be identified.

Considering the fact that the motive is the subjective side of the crime and often, only the perpetrator knows why the violence has been committed, it is important to give more value to the defendants' confession in order to identify gender based motive of the crime at the investigation stage.

## 4.6. Investigating history of violence

Femicide and attempted femicide are often the culmination of gender inequality and systematic gender-based violence; thus, during qualification of a crime as femicide or attempted femicide, it is of fundamental importance to investigate whether the victim was subject to gender discrimination and violence before commission of the crime. Investigating the history of violence is important for determining the motive of the crime and for sentencing.

32 Batumi City Court, case of V.B. # 1-1197 / 14. It is noteworthy here, that prior to the attempted femicide, for which the prosecution requested imposition of the bail, the person systematically abused his wife. Consequently, there was a possibility that after the bail was imposed, the accused would continue to abuse his ex-wife, including in order to change the testimony. The court had no choice but to uphold the bail request. However, following a court decision, the accused neither paid the bail nor cooperated with the investigation. To this end, the measure of restraint was amended, and the accused was remanded in custody. Consequently, it remained unclear why the prosecutor's office did not request the use of detention against the accused from the very beginning in this case.

33 Tbilisi City Court, Case of I.TS. №1/737-18; Tbilisi City Court, Case №1/1311-18;

34 Tbilisi City Court, Case of V.B. #1/3152-18

35 Tbilisi City Court, Case #1/2163-18

The analysis of the cases shows that in 2014-2017, the investigation was clearly not interested in the violent incidents that preceded the femicide or attempted femicide. Sometimes femicide was caused by the fact that the police did not respond in a timely and effective manner to the fact of domestic violence.

In 2014-2017, criminal cases were not usually accompanied by evidence of a victim's appeal to the police or of a reactive action taken by the police. Nevertheless, the victims and witnesses indicated in the interrogation protocols that there was a preceding history of violence. The investigation did not try to verify information received from the victim and the witness in other sources, such as at the relevant police department.

The situation changed in 2018 when the investigation began to study the history of violence and started to additionally qualify these actions. Since 2018, histories of violence have assisted the prosecutor's office and the court to justify the use of detention as a measure of restraint.<sup>36</sup>

The Office of the Public Defender of Georgia has requested information from the Ministry of Internal Affairs of Georgia on previous allegations of violence in the cases under investigation. According to the information received, before committing the femicide/attempted femicide, the victim reported violent acts committed by the accused - in 4 cases in 2014, in one case - in 2015, in 6 cases - in 2016, in 5 cases in 2017, and in five cases in 2018, respectively.<sup>37</sup>

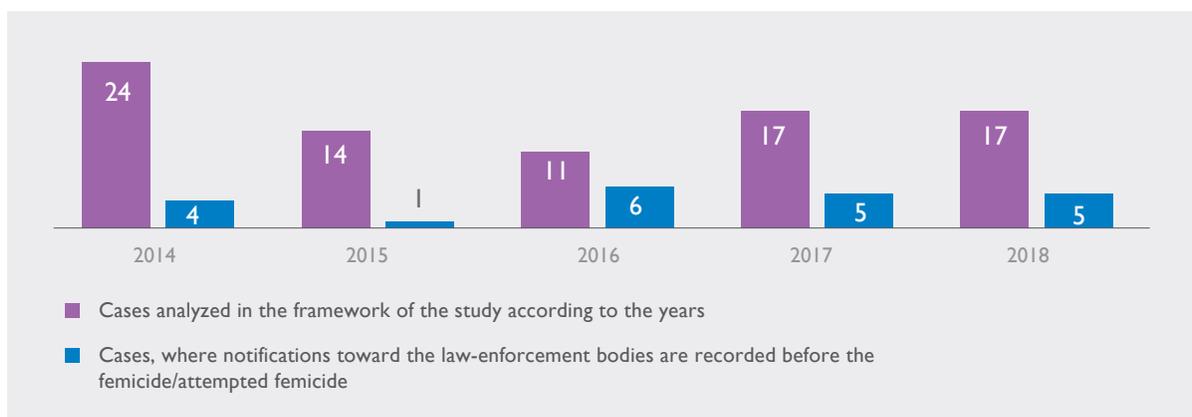


Chart N14: Pre-reporting to the Law-Enforcement Bodies in the Cases of Femicide/Attempted Femicide<sup>38</sup>

The analysis of criminal cases revealed alleged incidents of inappropriate response to violence against women by the police, which was followed by femicide.<sup>39</sup>

timely and effective response of the police led to more serious violence by the perpetrator - femicide and/or attempted femicide.<sup>41</sup>

<sup>40</sup> From the examined cases, it is clear that the lack of

36 At the first hearing of the accused, the prosecutor presents the protective and restraining orders issued against the accused, as well as the decision on recognizing the accused as an administrative offender for the violation, the decision on committing the crime against the victim. Based on this evidence, the prosecutor argues that there still is a danger that the accused may commit a gender related crime or influence the victim or her close relative in case a lighter measure of restraint other than imprisonment is imposed. It is important that the court upholds every such motion.

37 On some cases information was requested, whereas some cases were studied by the Public Defender individually - we have already been provided with relevant information about the previous reporting on violence before the fact of femicide/attempted femicide: Letters of the Ministry of Internal Affairs: MIA 0 19 02918078, 01/11/2019; MIA 9 19 03066775, 15/11/2019; MIA 4 19 03205090, 29/11/2019. Also, letters on the cases studied by the Public Defender's Office: MIA 0 18 01738638, 20/07/2018; MIA 5 18 01257321, 29/05/2018; 22/02/2018, MIA 1 18 00431324; MIA 0 18 00446741, 23/02/2018; MIA 2 18 00901864, 18/04/2018; MIA 4 18 00708555, 27/03/2018; MIA 8 18 03133932, 28/12/2018; MIA 5 18 03046783, 18/12/2018; MIA 3 19 00094825, 14/01/2019.

38 The chart information is provided by the Ministry of Internal Affairs of Georgia. In some cases, the information derived from the analysis of court case materials, concerning notifications before femicide/attempted femicide occurred, did not match to the information, provided by the Ministry.

39 Kutaisi City Court, Case of R.K. #1/688-14

40 Tbilisi City Court, Case of I.S. #1/642-15

41 Letter of the General Prosecutor's Office of Georgia №13/40179, 04 June 2019. Attempted killing by the policeman A.J. of his girlfriend and killing of the ex-husband of the girlfriend in 2018) - two employees of the Patrol Police were accused for neglecting official duty (under Article 342 (2) of the Criminal Code of Georgia).

## 5. Analysis of the decisions/resolutions on termination of criminal persecution

In 2014-2018, the Public Defender's Office was provided with decisions/resolutions on 40 cases regarding the termination of the investigation and criminal prosecution.<sup>42</sup> Out of this number, criminal investigation in 27 cases was terminated due to insanity of the accused, whereas death of the accused was the basis of such termination in 5 cases; the investigation was terminated in 5 cases due to the death of the person to be accused, and in 3 cases due to lack of evidence.

The Public Defender's Office also requested information on the reports of alleged violence at the Ministry of Internal Affairs prior to committing the crime in the mentioned cases.

In 2014, only 1 case was recorded at the Ministry of Internal Affairs where the persecution or investigation was terminated before killing or attempted killing of a woman,<sup>43</sup> whereas this number was 2 in 2015, respectively.<sup>44</sup> No records have been found at the Ministry of Internal Affairs on any cases where persecution or

investigation was terminated before the murder or attempted murder of a woman in 2016.<sup>45</sup> In 2017, the police was notified about two incidents of violence against the victim by the perpetrator before the victim's death.<sup>46</sup> In 2018, the police was notified only in one case before the murder/attempted murder of a victim.<sup>47</sup>

The Public Defender is cautious about qualifying a case as femicide or attempted femicide, which is committed by a person with psycho-social needs in the conditions of insanity. The reason behind being the difficulty of determining to what extent these individuals perceive the concept of gender.

In addition, the decisions received on the termination of criminal persecution and the imposition of compulsory psychiatric treatment often contain almost no indication to the factual circumstances of the case. In particular, such decision lack indication to the factual circumstances in which the disabled person attempted to kill the woman or under what circumstances the woman was killed.

42 Cases are mainly qualified under Articles 108, 109, 19.108, 19.109, 11<sup>1</sup>-108, 11<sup>1</sup>-109, 11<sup>1</sup>-19-108, 11<sup>1</sup>-19-109.

43 Letter of the Ministry of Internal Affairs of Georgia: MIA 9 19 03066775, 15/11/2019

44 Ibid.

45 Ibid.

46 Letters of the Ministry of Internal Affairs of Georgia: MIA 9 19 03066775, 15/11/2019; 3/10/2017, MIA 9 17 02385836; 28/06/2017 MIA 2 17 01537643.

47 Letter of the Ministry of Internal Affairs of Georgia: MIA 9 19 03066775, 15/11/2019, MIA 1 19 02218922, 21/08/2019.

## 6. Shortcomings at the trial stage

### 6.1 Particularities of applying Article 53<sup>1</sup> in femicide/attempted femicide cases

The analysis of the court decisions on criminal cases shows that in 2014-15, the “gender basis” provided for in Article 53 (3<sup>1</sup>) of the Criminal Code was never applied to aggravate criminal responsibility. During the mentioned period, the responsibility of the accused was aggravated in 4 cases due to the attempt of femicide and femicide without reference to the relevant article.

In 23 cases, the gender-based motive was self-evident in the defendant’s confession, but the courts did not aggravate the sentence. Moreover, when a gender ground was detected in the case, the court stated that there were no aggravating circumstances at all. Prosecutors tried not to refer to the gender basis during this period too. As a result, a plea agreement was approved in a quarter of femicide and attempted femicide cases (11 out of 38). Thus, the accused were imposed with a disproportionately light sentence.

During the same period, there were cases of femicide/attempted femicide where the perpetrator’s sentence was mitigated. For example, the Zugdidi District Court named the close relationship between the victim and the accused as a mitigating circumstance in the case of attempted murder of the wife with the use of patrol. The accused was imposed the minimum sentence enshrined by Article 108 of the Criminal Code of Georgia – imprisonment up to 7 years.

In 2016, Article 53 (31) of the Criminal Code was applied in a single case without proper justification.

Since 2017, the common courts have been actively using Article 53<sup>1</sup> of the Criminal Code in relation to domestic

crimes.<sup>48</sup> This trend continued in 2018, when judges also pointed to the Council of Europe Convention on Preventing and Suppressing Violence against Women and Domestic Violence (Istanbul Convention) in order to aggravate responsibility for femicide and attempted femicide cases.

However, the fact that the courts referred to Article 53<sup>1</sup> (2) of the Criminal Code, without any substantiation of the relevance of this norm to the specific criminal case, remained a problem for crimes committed in 2018.

It should be noted that the court applied this article mainly if the crime was committed against a family member. In other cases of violence against women, aggravated punishment for gender-related offenses still constitutes a significant challenge.<sup>49</sup>

In 2018, linking the gender-related crime to the motive of jealousy remained a challenge.<sup>50</sup> The case of A.J., considered by the Tbilisi City Court, where a man tried to kill his girlfriend out of jealousy, is noteworthy here.<sup>51</sup> In its appeal, the defense criticized the conclusion of the Tbilisi City Court that determined that the act was committed on the grounds of gender. According to the defense, the crime was motivated not by gender, but as stated by the defense itself, by “*the victim’s wrong lifestyle.*” It has to be mentioned that the defense side denied existence of gender based motive in the crime, however, the arguments provided in a gender-insensitive manner (*wrong lifestyle*) proves the gender motive of the crime.

This circumstance indicates that part of legal professionals are still unfamiliar with the fact that committing a crime on the grounds of jealousy or cheating shows the attitude of entitlement of the perpetrator vis-à-vis the victim and constitutes a gender-related crime.

48 In 2017, the court and the prosecutor’s office applied Article 531 (2) of the Criminal Code in 14 cases. In 2017, Article 531 (1) of the Criminal Code, which defines gender ground as an aggravating factor, was applied in only one case.

49 According to the case law, the “gender ground” provided for in the first paragraph of Article 53<sup>1</sup> of the Criminal Code is mainly applied in conjunction with paragraph 2 of the same article, only when the crime is committed against women members of the family.

50 In 2018, there were 7 crimes of femicide and 13 crimes of attempted femicide, respectively. Out of 7 femicide cases, the gender ground was identified in two cases. Both paragraphs of Article 53<sup>1</sup> of the Criminal Code were applied in these cases.

51 Tbilisi City Court # 1/3253-18

## 6.2 Circumstances taken into account by the court when imposing the sentence

Under Article 53 (3) of the Criminal Code, while imposing the sentence the court takes into account mitigating and aggravating circumstances, in particular, motive of the crime and purpose, illegal action revealed during the detected conduct, nature and extent of violations of the obligations, weapon and illegal outcome, the criminal's past life, personal and economic conditions, behavior after the conduct, especially his commitment to pay damages or reconcile with the victim.

The grounds for committing crimes of femicide during 2014-2018 remain unchanged in indictments and in the convictions of the courts; these include quarrels, revenge, resentment, jealousy and revenge on the grounds of jealousy.

In 2014-2018, the sentence for the femicide offenders was mostly aggravated due to past convictions. As for the mitigating circumstances, this was mainly considered to be cooperation with the investigation, positive description, confession, including when it was possible to establish a verdict of guilt without a confession and a positive description of the accused. It is important to mention that considering specific nature of the femicide case, the confession of the crime often equals to the declaration that the femicide was an honor crime, therefore, the confession must not be read as a ground for mitigation. The aspect in which the accused is described positive, is not usually seen from the verdict, although one of the cases is accompanied by the signatures of the neighbors that state that the accused is a positive person because he helped the neighbors through a number of activities in the past.<sup>52</sup>

In some cases, the circumstances above were taken into account at the stage of imposing a sentence; as a result, a relatively lenient sentence was imposed.<sup>53</sup>

Attempted murder of a wife under the influence of alcohol was the reason for imposition of the light punishment in one of the cases. Sometimes the social status of the accused and the circumstances whether the accused has persons in custody are considered during the determination of the sentence.

The analysis of the cases shows that in 2014-2018, the mitigation of the sentence was influenced by circumstances such as reconciliation with the victim, close ties of relationship, behavior of the accused after the crime, social status of the accused and the number of people under his custody.

Unfortunately, in recent years the approach when the court has ignored the fact that the crime committed against a family member is an aggravating circumstance, has not been altered. In 2018, Article 531 (2) of the Criminal Code was not applied in two cases considered by the Tbilisi City Court, where the ex-husbands attempted to kill their wives.<sup>54 55</sup>

## 6.3 Qualification of the crime

In cases of femicide and attempted femicide, it is important that the qualification of the crime is commensurate with the severity of the act committed. Otherwise, it is impossible to have a gender-sensitive criminal justice system where crimes against women are properly recognized, qualified and punished by the prosecution and the judicial bodies.

Proper qualification is also problematic when dealing with femicide/attempted femicide cases. In 2017, the Tbilisi City Court did not qualify attempted femicide using a knife and in the presence of a child as committed under Article 19-109 (3) (b) of the Criminal Code (attempted murder with extreme cruelty), even though the murder/attempted murder in the presence of a child causes it suffering, and hence, is considered to have been committed with extreme cruelty.<sup>56</sup>

The problem of qualifications of femicide and attempted femicide has been identified in one case considered in 2014 and 2016, and in two cases in 2017, respectively. It is noteworthy to mention, that in all cases, the perpetrator's actions were given a lighter qualification for the crime committed.

In 2018 this approach has changed to a certain degree. Tbilisi City Court has considered two cases of femicide in the presence of a child. In both cases, the court found that the murder was committed with extreme cruelty.<sup>57</sup>

52 Rustavi District Court, Case #1-252-14

53 Kutaisi City Court, Case of G.CH. #1-349-14

54 Tbilisi City Court, Case of Z.M. #N#1/1311-18

55 Tbilisi City Court, Case of I.TS. №1/737-18

56 Tbilisi City Court, Case of I.T. #1/2172-17. Tbilisi City Court did not consider the attempted femicide in the presence of a child committed in 2017 to have been perpetrated with extreme cruelty, as the court deemed that a 3-year-old child was not mature enough to understand the murder.

57 Decision of the Tbilisi City Court of September 4, 2018 N 1/3253-18; Decision of the Tbilisi City Court of December 10, 2018 N 1/3152-18.

# Conclusion

Analysis of femicide and attempted femicide cases shows that in spite of a number of positive steps taken in the direction of combating violence against women and domestic violence, many challenges remain in the fight against femicide and the administration of justice on these cases.

Application of the Council of Europe Convention on Preventing and Suppressing Violence against Women and Domestic Violence (Istanbul Convention) during consideration of femicide cases by a court, also reference to the caselaw of the European Court of Human Rights, where violation of positive obligation of the state under Article 2 of the Convention for failing to protect life of a woman was found, shall be assessed positively. It is also important to note, that in recent years neither the practice of concluding a plea bargain agreement in cases of femicide and attempted femicide was revealed, nor the imposition of disproportionately lenient sentences was identified; this is associated with tightened policy in this domain. Also, unlike previous years, it is observed that the recognition of the victim/victim's successor is conducted in a timely manner.

The Public Defender particularly welcomes the fact that, the history of femicide/attempted femicide is studied at the investigation stage in comparison with previous years. The investigation often provides additional legal qualifications to such cases, mainly under Article 126<sup>1</sup> of the Criminal Code. It is also important that the prosecution substantiates the detention as a measure of restraint based on the examination of the history of violence.

Despite the positive trends, qualifying femicide/attempted femicide committed on the grounds of jealousy and revenge under the gender ground enshrined in Article 53<sup>1</sup> (1) of the Criminal Code is still problematic. Same is true for aggravating responsibility of the convicted, when gender motivated crime is committed.

Preventing femicide remains challenging; in 2018 there were cases where the victim has reported to the police before the crime was committed, although the crime could not be avoided.

For five years, the use of gender-stereotypical expressions has been and continues to be a problem.

Despite a number of recommendations of the Public Defender, still there is no unified methodological standard for collecting and processing statistics on cases of violence against women and domestic violence. The statistics provided by the Supreme Court of Georgia and the General Prosecutor's Office of Georgia on femicide and attempted femicide are still inconsistent; particularly problematic are the statistics provided by the Supreme Court, which cannot be compared with the statistics provided by the Prosecutor's Office article by article<sup>58</sup>.

It should be positively mentioned that since 2018, as the result of efforts of the Sector of Statistics of the Supreme Court of Georgia, the data collection of femicide and attempted femicide cases is improved. However, the changes in data cards of the first-instance Courts, that will allow statistical data regarding crimes committed against women to be collected and analyzed in general, is still a challenge.

58 According to the letter of the Supreme Court of Georgia (N 5602-08-2-202006081801, June 23, 2020), the data provided by the Prosecutor's Office of Georgia and by the Supreme Court differs due to the limits of research period of femicide monitoring – the femicide cases that are already analyzed by the Prosecutor's Office of Georgia still might be discussed in the Court system, hence, not included in the statistics provided by the Courts. Also, the data provided by the Prosecutor's Office reflects the number of victims/survivors of the femicide/attempted femicide, whilst the data provided by the courts counts the number of Court's judgements. Additionally, there are some cases, whereas the articles provided by the Prosecutor's Office are re-qualified or abolished by the court, thus giving the difference in the data count.

# Recommendations

## To the Government of Georgia

- Develop a timely, adequate and effective compensation rule for victims of violence against women and domestic violence in accordance with Article 30 of the Council of Europe Convention on the Prevention and Suppression of Violence against Women and Domestic Violence.
- Develop a unified methodology for collecting and analyzing administrative data/statistics on violence against women and domestic violence; state agencies shall ensure its effective implementation.

## To the Interagency Commission on Gender Equality, Violence Against Women and Domestic Violence

- Establish a special working group that will critically analyze the existing prevention system in relation to gender-related killings and attempted killings of women; with the involvement of key agencies, including the Ministries of Health and Education, carry out specific work toward the creation and improvement of the femicide prevention system.

## To the High School of Justice

- Train judges specializing in criminal law on the identification of crimes committed on the gender grounds, vis-a-vis actions envisaged under Article 53<sup>1</sup> (1) and Article 109 (2) (d<sup>1</sup>) of the Criminal Code.

## To the Supreme Court of Georgia

- Admit and consider cassation appeals related to the interpretation of gender-related crimes enshrined in Article 53<sup>1</sup> (1) and Article 109 (2) (d<sup>1</sup>) of the Criminal Code, in order to facilitate the establishment of uniform practice for such cases.
- Develop a method for identifying cases of femicide and attempted femicide and produce accurate statistics.

## To Common Courts

- Substantiate the court ruling in detail about the manifestation of gender grounds in the crime and the commission of the crime on the basis of gender; In case of citing Article 53<sup>1</sup>(2) of the Criminal Code, specifically justify the relevance of applying this norm to the factual circumstances of the case;
- In femicide cases the judge shall ensure that the powers conferred by Article 55 of the Criminal Code are not exercised; if a plea agreement is reached, the judge shall ensure that the accused is not sentenced to a lesser sentence than the minimum envisaged by the Criminal Code in cases where the gender-motive is clearly visible in the act committed;
- Consider as a guide the new version of Article 53<sup>1</sup> of the Criminal Code and the requirement of the Istanbul Convention, according to which the crime committed in the family is an aggravating (and not a mitigating) circumstance.

## To the General Prosecutor's Office of Georgia

- Take all measures, such as timely and qualified medical services, including medical expert services, to determine the weapon of the crime; find information about the weapon of the crime from another source, when the expert report cannot be obtained;
- When examining cases of gender-related killing or attempted killing of a woman, investigate alleged negligence of the representatives of the law enforcement bodies, in cases where the woman's allegations on violence have been recorded at the law enforcement agencies before the commission of the crime;

#### To the Ministry of Internal Affairs of Georgia

- Continue training of employees in the territorial bodies of the Ministry of Internal Affairs of Georgia on issues of violence against women and domestic violence. In addition, develop a training evaluation document to measure the progress made by trained employees;
- Determine rules for specializing investigators in cases of violence against women and domestic violence to effectively protect and assist victims of violence;
- Improve the analysis of statistical data on violence against women and domestic violence; in particular, study the specific characteristics of violence, analyze statistical information on violence against women and domestic violence among intimate partners, including partners of the same sex.

# ANNEX N1: Statistics of the General Prosecutor's Office of Georgia<sup>59</sup>

According to the prosecutor's office, 135 women were killed in 2014-2018 (in 3 cases women were incited to suicide); out of this number 64 cases involved domestic crime (in 2 cases women were incited to suicide), and 71 cases involved other motives (in 1 case here as well, a woman was incited to suicide).

During the same years, 69 attempted killings were reported (5 cases relate to the incitement of a woman to attempted suicide); out of this number 46 cases involved domestic crime (in 5 cases women were incited to attempted suicide), and 23 cases revealed other motives.

Killing with the signs of domestic crime (64 cases)

In 37 cases of domestic crime, persecution was launched under Article 11<sup>1</sup>-108, in 10 cases - under Article 11<sup>1</sup>-109, in 3 cases under Article 117 (2), in one case under Article 108, respectively. Furthermore, the persecution was launched under Article 109 in 1 case, under Article 117 (6) in another case, under Article 11<sup>1</sup> - 117 of the Criminal Code in 2 cases and under Article 115 (11<sup>1</sup>) in 2 cases, respectively.

In 6 cases, the person, on whom the responsibility had to be imposed, died/committed a suicide, in 15 cases the criminal persecution was terminated due to insanity and in 2 cases investigation was terminated due to the death of the accused.

***The territorial distribution of the crime is as follows:*** Tbilisi - 25 cases, West – 8 cases, Kakheti – 9 cases, Shida Kartli – 5 cases, Adjara – 4 cases, Kvemo Kartli – 6 cases, Samegrelo-Zemo Svaneti – 4 cases, Samtskhe-Javakheti – 2 cases, Mtskheta Mtianeti - 1 case.

***The age of the victims is as follows:*** up to 18 years - 1 case, 18 to 30 years - 9 cases, 30 to 40 years – 17 women; 40 to 50 years - 9 women; 50-60 years - 3 women, 60 to 70 years - 12 women; above 70 - 13 women.

***As for the ties between the accused and the victim,*** they are the following: murder of the wife/ex-wife by the husband/ex-husband – 37 cases, murder of the grandmother by the grandchild – 2 cases, murder of the mother by the child – 12 cases, murder of the daughter-in-law by the father-in-law – 1 case, murder of the younger niece by the uncle – 1 case, murder of the sister-in-law by the brother-in-law – 1 case, murder of the mother-in-law by son-in-law – 1 case, murder of the stepmother by the step-child – 2 cases, murder of the daughter-in-law by the father-in-law – 1 case, the murder of the sister by the sister – 1 case, the murder of the sister by the brother – 2 cases, murder of the aunt by the nephew – 1 case, murder of another member of the family (the person with whom the accused maintained a common household) – 1 case, bringing the child to suicide by the father – 1 case.

Attempted killing with the signs of domestic crime (46 cases)

In one case of attempted murder with a sign of domestic crime, the persecution was launched under Articles 19, 108, in 2 cases – under Articles 19-109, in 22 cases – under Articles 11<sup>1</sup>-19-108, in 12 cases – under Articles 11<sup>1</sup>-19-109 and in 5 cases – under Article 11<sup>1</sup>-115, respectively.

In 8 cases the persecution was terminated due to insanity, in 1 case - due to the death of the person, and in 1 case the persecution was not initiated due to the suicide of the person to be held accountable.

59 Letters of the Human Rights Protection Unit of the General Prosecutor's Office of Georgia: N13/58062, 09/08/2019; N13/86342, 10/12/2019; N13/72420, 08/11/2017; N13/10053, 08/02/2018; N13/6816, 31/01/2019; N13/86239, 09/12/2019; N13/1865, 14/01/2020.

**The territorial distribution of the crime is as follows:** Tbilisi – 15 cases, West – 6 cases, Samegrelo-Zemo Svaneti – 4 cases, Kvemo Kartli – 1 case, Kakheti – 8 cases, Shida Kartli – 2 cases, Adjara – 6 cases, Mtskheta-Mtianeti – 1 case, Imereti – 3 cases.

**The age of the victims is as follows:** under 18 years - 2 women; 18 to 30 years - 10 women; 30 to 40 years - 18 women; 40 to 50 years - 6 women; 50 to 60 years - 4 women; 60 to 70 years - 2 women, over 70 years – 4 women.

**As for the ties between the accused and the victim** - in 33 cases the crime was committed by the husband or ex-husband, in 2 cases by the brother, in 4 cases by the child, in 4 cases - by the person with whom the common agricultural activity was carried out, in 1 case by the daughter-in-law against mother-in-law, in 1 case by the father-in-law against the daughter-in-law, and in one case by the son-in-law against the mother-in-law.

Murder of women on other grounds (71 cases)

Persecution against the above-mentioned persons was launched under the following articles of the Criminal Code of Georgia: Article 108 - 22 persons, Article 109 - 28 persons, Article 117 (2) - 1 person, Article 115 - 1 person, respectively.

The criminal persecution has not been launched in 9 cases, as the investigation in 8 cases could not establish the identity of the perpetrator of the crime, whereas in 1 case it did not start the process due to the death of the person. The criminal persecution against two persons was terminated due to the insanity of the accused, the prosecution of 1 case was terminated due to the death of the accused and the investigation of 5 cases was terminated due to the absence of signs of crime. Investigation of 3 cases is still pending.

**The territorial distribution of the crime is as follows:** Tbilisi – 19 cases, Samtskhe-Javakheti – 12 cases; West – 8 cases; Kvemo Kartli – 5 cases; Shida Kartli – 10 cases, Kakheti – 6 cases, Adjara – 4 cases, Samegrelo-Zemo Svaneti – 4 cases, Abkhazia – 2 cases, Mtskheta-Mtianeti – 1 case.

**The age of the victims is as follows:** under 18 years - 9 women; From 18 to 30 years - 7 women; 30 to 40 years - 9 women; 40 to 50 years - 12 women; 50 to 60 years - 8 women; 60 to 70 years - 9 women; Above 70 - 17 women.

**As for the ties between the accused and the victim** - in 25 cases the murder was committed by an acquaintance, in 5 cases by a neighbor, in 15 cases by a stranger, in 1 case - by a former partner, in 1 case by a cousin, in another case by an intimate partner, in 2 cases - by a partner, in 2 other cases by the alleged partner, in 12 cases by an unidentified person by the investigation, and in 1 case the minor was brought to a suicide by a man.

Attempted murder of women on other grounds (23 cases)

Persecution against 10 persons was launched under Article 19.108 of the Criminal Code; persecution against 8 persons started under Article 19.109, respectively.

The persecution was terminated on 2 cases due to the insanity of the accused, whereas in 1 case it was terminated due to the death of the accused. The persecution of 2 cases have not been launched because the identity of the perpetrator could not be established.

**The territorial distribution of the crime is as follows:** Tbilisi – 5 cases, West – 1 case, Kakheti – 1 case, Shida Kartli – 5 cases, Adjara – 6 cases, Kvemo Kartli – 2 cases, Samegrelo-Zemo Svaneti-1 case, Samtskhe-Javakheti – 1 case, Imereti – 1 case.

**The age of the women victims is as follows:** up to 18 years – 1 woman, 18 to 30 years – 7 women; 30 to 40 years – 5 women; 40 to 50 years – 2 women; 50 to 60 years – 6 women; 60 to 70 years - 2 women.

**As for the ties between the accused and the victim** - in 5 cases attempted murder was committed by an acquaintance, in 6 cases by a neighbor, in 7 cases by a stranger, in 2 cases by a partner, in 1 case by a cousin and in 2 cases by an unidentified person by the investigation.



