

ოჯახში ძალადობის, ოჯახური დანაშაულისა და ქაღთა მიმართ ძალადობის საქმეები

თბილისის, ქუთაისის,
ბათუმის, გორისა და თელავის
სასამართლოების
მონიტორინგის ანგარიში



GYLA presented the results of trial monitoring on the cases of domestic violence, domestic crimes and violence against women

On 27 March 2017, the Georgian Young Lawyers' Association held a presentation on

the topic of **“Domestic Violence, Domestic Crimes and Violence against Women,”** where the results of GYLA’s monitoring of criminal cases in Tbilisi, Kutaisi, Batumi, Gori and Telavi City Courts and Tbilisi and Kutaisi Appellate Courts were presented.

The monitoring is conducted by GYLA with financial support of USAID through the Promoting Rule of Law in Georgia (PROLoG) Activity implemented by the East-West Management Institute (EWMI). The project aims at increasing the transparency of criminal proceedings in Georgian courts and improving the standards of protection of human rights by monitoring the proceedings at court hearings and analysing collected factual information.

GYLA previously presented nine court monitoring reports that covered the period from October 2011 to July 2016. GYLA’s report №10 covers the period from August 2016 to January 2017. In this reporting period, GYLA set apart the cases of violence against women and domestic violence in the form of a separate report and prepared an individual, topic-based paper.

The specific examples in the report refer to the cases of males beating females, violence perpetrated by a husband against a pregnant wife, burning a woman with petrol, serious psychological abuse and threatening by murder and other cases of violence perpetrated in families.

The monitoring revealed the following findings:

- In most cases, judges fail to adequately assess existing threats in cases of domestic violence, domestic crimes and violence against women, and they impose unreasonably lenient preventive measures on defendants. This poses a potential threat to the life and health of victims of violence. In comparison to the previous reporting period, the percentage of inappropriately applied preventive measures in such cases significantly increased;
- The adequacy of punishment with respect to such crimes remains a problem. Despite the judgments of conviction and the gravity of crimes, judges are reluctant to impose imprisonment on perpetrators of violence;
- Investigation and assessment of gender motivated crimes is still a significant challenge for the prosecution and the judicial authorities. In none of the cases related

to violence against women that were identified as a result of the monitoring, were the crimes classified as committed on discrimination grounds (no reference was made to Article 53(3¹) of the Criminal Code of Georgia). Despite circumstances indicating a gender-based discrimination motive, the prosecution and judges do not address such motives in the consideration of cases;

-There are cases of violence against women and domestic violence that were given incomplete and lenient classification, indicating ineffective and neglectful activities by the prosecution.

GYLA remains hopeful that the recommendations prepared and conclusions made by GYLA will be taken into consideration by the representatives of the judicial authorities. In addition, the report contains data that are interesting to the Prosecutor's Office. We hope that the authorities mentioned above will pay an appropriate attention to our findings and recommendations and contribute to the existence of gender sensitive justice and to improving proceedings on cases of violence against women.