

TRIAL MONITORING ON THE CASES OF VIOLENCE AGAINST WOMEN, DOMESTIC VIOLENCE AND HATE CRIMES

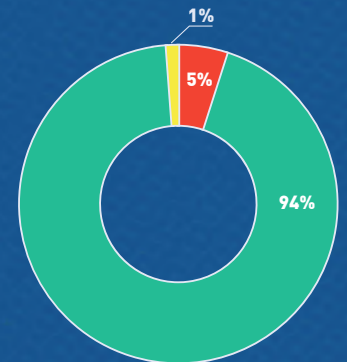
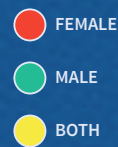
KEY FINDINGS

- It is a challenge for Prosecution to prove the motive of gender discrimination in cases of domestic offence, violence against women and domestic violence.
- It is a challenge for prosecutors to identify intolerance by discrimination component in hate crimes.
- Article 53¹ of the Criminal Code is not appropriately applied in cases of hate crimes, domestic offence, violence against women and domestic violence and the prosecution does not underline the discriminatory reason even when it is possible depending on the case circumstances.
- The number of prosecutors specialized in domestic offence, violence against women and domestic violence is not sufficient causing the specialized prosecutors to be overloaded.
- Considering the fact that the workload of the specialized prosecutors and investigators is not properly evaluated and special criteria and procedure are not developed, the workload of the prosecutors specialized in hate crimes is impossible to be determined.
- Comprehensive substantiation of the objective part of the composition of the act under charged article in case of domestic offence and its corroboration with in-depth and evidence-based arguments remains a challenge for the prosecution.
- Substantiation by the prosecution is revealed as a challenge when requiring imprisonment/leaving the remand detention in force as a measure of prevention.
- The passive role of the prosecutors during the questioning of witnesses and weak communication with victims that was evident during the trials, is a significant challenge.

KEY FIGURES

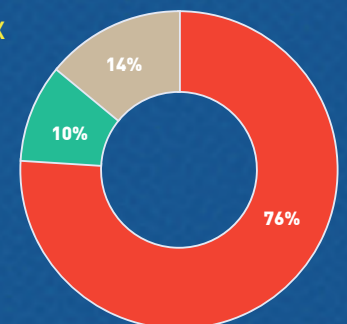
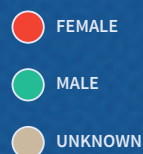
Observation of the court trials revealed that out of 84 cases monitored, a woman was accused in five cases and a man was accused in 80 cases. In addition, in 17% of the cases a juvenile was involved out of which in nine cases, the crime was committed in attendance of a minor, in five cases the crime was committed against a minor.

STATISTICS OF ACCUSED PERSONS BY SEX



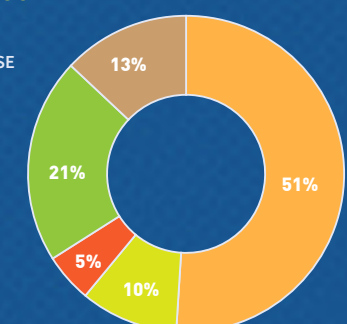
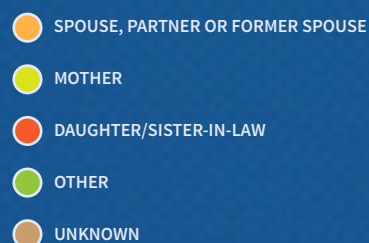
In 64 cases the victim was a woman, in eight cases – a man, in 12 cases it was impossible to identify the sex of the victim during the observation of the trial.

STATISTICS OF VICTIMS BY SEX



In majority of the cases, the affected women were spouses, partners or former spouses of the accused (51%), mothers of the accused (10%) or daughters/sisters-in-law of the accused (5%).

STATISTICS OF VICTIMS ACCORDING TO THEIR RELATIONSHIP WITH THE ACCUSED



RECOMMENDATIONS

1

The PSG should take into account the specific nature of the domestic offence, domestic violence and violence against women and consider the gender perspective in prosecution in order to contribute to the gender-sensitive justice;

2

Article 53¹ should be given more use in practice and, in case of violence against women, hate crimes or where there are indications of gender-based discrimination or other forms of intolerance, the prosecution shall pay more attention to the discriminatory motive;

3

The PSG shall continually improve the qualification of prosecutors and continue to specialize prosecutors in the areas of hate crime, domestic offence, domestic violence and violence against women, with the aim of ensuring adequate number of prosecutors and, consequently, eliminating excess workload of specialized prosecutors;

4

The PSG shall ensure the establishment of a comprehensive monitoring system for the workload of specialized prosecutors for the purpose of implementation of effective criminal prosecution;

5

For the purpose of quick and efficient administration of justice, it is important that specialized prosecutors only work on the categories of crimes for which they are trained;

6

The prosecution shall provide a comprehensive substantiation of the motion for both the objective part of the composition of the act under charged article and the use of detention/leaving the remand detention in force as a preventive measure, not on the basis of the template grounds but on plausible factual circumstances;

7

Prosecutors should have more intense communication with victims;

8

Given the intensity of hate crime, domestic offence, domestic violence and violence against women and outlining combatting this category of crime as one of the priorities in the strategic document of the PSG, for establishing unified approach to fighting discriminatory crimes the Prosecution Service of Georgia should ensure that comprehensive guidelines are available and applied in practice.