

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



#ილაპარაკე



The case of incitement to suicide of a woman was filed with the European Court

On August 9, 2018, the Georgian Young Lawyers' Association (GYLA), in cooperation with the European Human Rights Advocacy Centre (EHRAC) filed the application with the European Court of Human Rights. The case is one of the other cases of incitement to suicide of a woman as a result of domestic violence during the recent years. GYLA and EHRAC argue that incitement to suicide of a woman is the form of a femicide and the state is obliged to prevent it and investigate it through gender perspective.

Prior to death, the victim of domestic violence has applied to police 16 times and asked for protection from her spouse/ex-spouse. However, the state authorities has not provided her with proper assistance. Eventually, the woman was found hung and the injuries were found on her body inflicted by her ex-spouse shortly before. The abuser was charged under Article 115 of the Criminal Code of Georgia - incitement to suicide.

In the European Court, GYLA and EHRAC argue violation of Article 2 (Right to Life), Article 3 (Prohibition of Inhuman Treatment) and Article 14 (Prohibition of Discrimination): - the State failed to prevent the death of the woman despite the fact that the victim has applied to police 16 times;

- the state has failed to protect woman from continuous physical and psychological violence by the spouse/ex-spouse;

- the State has not investigated the incitement to suicide through gender perspective, has not taken into consideration gender sensitive approaches and aggravating circumstances of the case during the investigation and punishment.

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Inadequate response and prevention of gender violence issue is a form of discrimination against women. The case indicates the need for the effective implementation of the legislative changes and gender equality policy on violence against women in recent year to reach substantial equality.