



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Views adopted by the Committee under article 7 (3) of the Optional Protocol, concerning communication No. 140/2019<sup>\*,\*\*</sup>

*Communication submitted by:* H.H., I.H. and Y.H. (represented by counsel, Marine Kurtanidze and Babutsa Pataraiia, Union Sapari, Mariam Zakareishvili, Human Rights Centre, and Philip Leach, Joanna Evans, Jessica Gavron, Joanne Sawyer, Kate Levine and Ramute Remezaite, European Human Rights Advocacy Centre, Middlesex University)

*Alleged victim:* Khanum Jeiranova

*State party:* Georgia

*Date of communication:* 19 September 2018 (initial submission)

*References:* Decision taken pursuant to rule 69 of the Committee's rules of procedure, transmitted to the State party on 5 February 2019 (not issued in document form)

*Date of adoption of views:* 25 October 2021

\* Adopted by the Committee at its eightieth session (18 October–12 November 2021).

\*\* The following members of the Committee participated in the examination of the present communication: Gladys Acosta Vargas, Hiroko Akizuki, Tamader Al-Rammah, Nicole Ameline, Marion Bethel, Leticia Bonifaz Alfonzo, Louiza Chalal, Corinne Dettmeijer-Vermeulen, Naéla Gabr, Hilary Gbedemah, Nahla Haidar, Dalia Leinarte, Rosario G. Manalo, Aruna Devi Narain, Ana Peláez Narváez, Bandana Rana, Rhoda Reddock, Natasha Stott Despoja, Genoveva Tisheva and Franceline Toé-Bouda. In accordance with rule 60 (1) of the Committee's rules of procedure, Committee members Lia Nadaraia and Elgun Safarov did not participate in the examination of the communication.



1. The communication is brought on behalf of Khanum Jeiranova, a national of Georgia born in 1984 and deceased in 2014, by H.H., I.H. and Y.H., her husband, daughter and son, respectively, born in 1973, 2006 and 2003, also nationals of Georgia. They claim that Ms. Jeiranova is a victim of a violation of her rights by Georgia under articles 1, 2 (b)–(f) and 5 (a) of the Convention. The Optional Protocol entered into force for Georgia on 1 November 2002. The authors are represented by counsel, Marine Kurtanidze and Babutsa Patararaia of Union Sapari; Mariam Zakareishvili of Human Rights Centre; and Philip Leach, Joanna Evans, Jessica Gavron, Joanne Sawyer, Kate Levine and Ramute Remezaite of the European Human Rights Advocacy Centre, Middlesex University.

#### **Facts as submitted by the authors**

2.1 On 16 September 2014, Ms. Jeiranova met A.I., with whom she was in love. They were seen together by three relatives of Ms. Jeiranova's husband, H.H. Assuming that she was being unfaithful, they decided to follow them and lie in wait for them at the village entrance. Later that day, in Iormughanlo, two cars approached A.I.'s car. The occupants forced Ms. Jeiranova and A.I. out. About 15 people started beating and throwing stones at A.I., who managed to escape. I.H., Y.H. and others witnessed the three relatives beating Ms. Jeiranova. The three relatives drove her to Kvemo Lambalo, where they beat and insulted her.<sup>1</sup> While doing so, they carried her, barefoot, to several locations in the village, where they called her relatives and told them that she was cheating on H.H. and had brought shame to her family. They continued to beat her and she lost consciousness several times. Her father arrived, slapped her and took her with him by her hair.

2.2 At around midnight, the village governor was called to the residence of Ms. Jeiranova's father, where police officers were already present. She was crying and, showing him a jar of rat poison, told the village governor that her family members were telling her to take it and kill herself, but that she did not want to die, and she asked him for help. She stated that her parents would not let her leave H.H. for the man whom she loved and told her that she had to die with him. Together with the police, the village governor took her to his own house, where she called A.I. for help. The next morning, her mother returned her to her parents' house. With the village governor and a police officer present, Ms. Jeiranova, an ethnic Azerbaijani, asked them in Azeri why they were not bringing the perpetrators to justice. However, the village governor did not translate that to the officer, who did not speak Azeri.

2.3 On the morning of 18 September 2014, Ms. Jeiranova's mother found her body hanging by a rope in the garden shed, with her left hand placed between the rope and her neck. Her mother told the village governor that Ms. Jeiranova had committed suicide. The police opened an investigation and reported that she had been found hanging but did not conduct a forensic examination because the family refused it. Ms. Jeiranova's body remained at her parents' house. The mullahs who prepared her body for burial described that her clothes were covered with blood and that her whole body had been "beaten to a pulp" and was covered with black and blue bruises, including on her face, below her chin and around her breast. She also had a deep wound and scratches around her neck.

2.4 On 24 September 2014, Ms. Jeiranova's parents wrote to the Chief Prosecutor of Georgia, the General Inspection of the Ministry of Internal Affairs, the Signaghi District Prosecutor, the Chairperson of the Parliament of Georgia, the Committee on Human Rights and Civil Integration of the Parliament and the Public Defender of

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<sup>1</sup> The authors refer to witness statements in the criminal case file of Ms. Jeiranova, including by her children, confirming that she was screaming and crying while being beaten and insulted by the three men.

Georgia. They described the violence that Ms. Jeiranova had suffered and requested a criminal investigation. On 26 September 2014, the Public Defender replied that initiating an investigation was within the competence of the Prosecutor's Office. On 28 September 2014, the investigation was terminated, based on the conclusion that Ms. Jeiranova had committed suicide because of her "shameful" behaviour and faithlessness towards her husband. On 2 October 2014, the parents submitted a complaint to the Signaghi District Prosecutor about the delay in the investigation. On 6 October 2014, the Kakheti Regional Prosecutor sent the complaint to the Signaghi District Prosecutor.

2.5 On 9 October 2014, the investigation was reopened, following a television broadcast about the case. The same day, the Signaghi District Prosecutor forwarded the parents' complaint to the Head of the Sagarejo District Administration, requesting that he ensure a timely and effective investigation. On 30 November 2014, the Committee on Human Rights and Civil Integration of the Parliament responded that it had forwarded the parents' letter to the Kakheti Regional Prosecutor. On 4 November 2014, the Deputy Prosecutor of Kakheti provided the parents with an account of the police interviews, which was focused exclusively on Ms. Jeiranova's alleged infidelity, omitting the beatings. The Deputy Prosecutor noted that an investigation was ongoing and that a decision would follow the gathering of evidence.

2.6 On 14 December 2014, H.H. was sentenced to seven years of imprisonment for a shooting incident. During the trial, there was a witness statement that Ms. Jeiranova had been beaten. The President of Georgia pardoned H.H. on 16 September 2016 because of the public interest in and specificity of his case.

2.7 On 18 June 2015, Ms. Jeiranova's parents wrote to the Chief Prosecutor, complaining about the delay in the investigation and that witnesses had not been interviewed. On 15 July 2015, the Chief Prosecutor requested the Signaghi District Prosecutor to conduct an effective and timely investigation. On 3 August 2015, the Signaghi District Prosecutor informed the parents that witnesses had been interviewed, numerous investigative actions had been taken and they would be informed of the final decision. On 20 October 2015, the Chief Prosecutor sent a follow-up request.

2.8 On 22 December 2015, the parents requested the Kakheti Regional Prosecutor to include in the investigation's scope article 144 of the Criminal Code of Georgia, on inhuman and degrading treatment, concerning the violence endured by Ms. Jeiranova. They requested that she be considered a victim of an "honour" crime and of gender- and ethnicity-based discrimination. H.H. filed a request with the same wording on 23 February 2017.

2.9 On 29 January 2016, the parents again complained to the Chief Prosecutor about the delay in the investigation. On 24 February 2016, they were informed that their letter had been forwarded to the Kakheti Regional Prosecutor. On 29 July 2016, the Chief Prosecutor responded to a status inquiry that the query had been forwarded to the Kakheti Regional Prosecutor.

2.10 On 7 September 2016, the parents wrote to the Telavi District Prosecutor, reiterating, among other things, their request to expand the investigation. On 15 and 21 September 2016, they reiterated their request for an effective and timely investigation. H.H. filed the same request and an application for victim status, on 19 and 20 December 2016, following his release from prison. The Kakheti Regional Prosecutor responded on 6 October, 18 November and 22 December 2016 that an investigation remained ongoing, under article 115 of the Criminal Code of Georgia, into inducement to suicide.

2.11 On 6 and 30 January 2017, H.H. requested the Chief Prosecutor to respond to the failure to investigate the case. On 7 February, the Chief Prosecutor informed him that his letter had been forwarded to the Kakheti Regional Prosecutor, requesting a prompt and effective investigation. On 7 and 23 February 2017, H.H. requested the Ministry of Internal Affairs and its General Inspection to launch disciplinary proceedings against the police officers who had failed to investigate the case. On 27 February and 1 March 2017, he was notified that the investigation was ongoing and that his letter to the Chief Prosecutor had been forwarded to the Kakheti Regional Prosecutor.

2.12 On 13 March 2017, H.H. sought an update from the Public Defender. On 14 March 2017, he requested information on the names of those interviewed and the measures taken to investigate the case and resolve difficulties. On 15 March 2017, the Kakheti Regional Prosecutor responded that it had already provided the information. On 20 March 2017, the Chief Investigator confirmed that, as a witness, H.H. was not allowed access to investigation materials. On 29 March 2017, H.H. and the parents requested access to relevant investigation materials in a language that they, as members of an ethnic minority, could understand. On 3 April 2017, the Chief Investigator expressed her readiness to meet with H.H. and the parents.

2.13 On 8 August 2017, H.H. addressed the Chief Prosecutor, noting the authorities' failure to investigate the case and prosecute the perpetrators despite numerous requests and complaints. On 26 September and 1 November 2017, he was informed that witnesses had been interviewed, that representatives had accessed the file, that he had been granted victim status, that the investigation was ongoing and that the final decision remained pending. On 23 October 2017, the Chief Prosecutor notified H.H. that his letter had been forwarded to the Kakheti Regional Prosecutor. On 7 and 11 November and 15 December 2017, H.H. asked the Kakheti Regional Prosecutor who had been interviewed and whether Ms. Jeiranova's body had been examined, enquiring as to its state and the abuses recorded. He also requested access to the case file and copies of relevant decisions. On 22 November and 8 and 22 December 2017, the Kakheti Regional Prosecutor responded that H.H.'s representatives had already accessed the case file twice. On 26 January 2018, the latter were granted access to the case file, being allowed only to take notes.

2.14 To date, the investigation remains pending and no one has been charged. Having claimed repeatedly that Ms. Jeiranova's treatment involved discriminatory attitudes on the part of her relatives, the community and law enforcement agencies based on her gender and ethnicity, the authors conclude that they have exhausted all available domestic remedies. They state that the same matter has not been examined under another procedure of international investigation or settlement.

### **Complaint**

3.1 The authors claim a violation of article 2 (b) of the Convention. They argue that the Law on the Elimination of Domestic Violence and Protection and Support of Victims of Domestic Violence of 2006 did not cover violence against women by extended family members when Ms. Jeiranova was beaten and died.<sup>2</sup> Nevertheless, it did apply to her immediate family members. The authors submit that the authorities were aware that she was unsafe at her parents' house and that she was subjected to psychological violence and coercion to commit suicide.

3.2 The authors claim a violation of article 2 (c) and (e) of the Convention, as the State party's law enforcement authorities failed to take reasonable measures to protect

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<sup>2</sup> The authors note that the legislation was subsequently amended to cover domestic violence by extended family members.

Ms. Jeiranova. As her father had approached the Iormughanlo police on 16 September 2014, an investigator had interviewed her, the village governor had taken her to his house, where she had asked him why the police were not responding to her allegations of the beatings, and she had several visible injuries, the authorities knew or should have known about her vulnerability. The authors claim that the classification of her behaviour as “dishonourable” by the Kakheti Regional Prosecutor in a letter to the Committee on Human Rights and Civil Integration shows that her ill-treatment was perceived as punishment for her infidelity. Given the “honour”-based communal values, it must have been evident to the local authorities that Ms. Jeiranova had been subjected to gender-based violence.

3.3 The authors note that the police did not offer Ms. Jeiranova support or information on her rights, undertook no risk assessment and took no preventive or operational measures. Furthermore, the village governor allowed her mother to return her to her parents’ house. Her visible injuries and traumatized state were not recorded, no witnesses were interviewed initially and the police report of 16 September 2014 was focused only on her extramarital relationship, omitting the beatings. The police apparently decided to ignore the incident and did not consider the foreseeable threat to her life.

3.4 The authors also claim a violation of article 2 (c) and (e) of the Convention, referring to the failure to investigate, prosecute and punish those who had beaten Ms. Jeiranova. Her case was transferred to the Kakheti Regional Prosecutor on 13 August 2015 and contained numerous testimonies and evidence. Nevertheless, the investigation was closed on the grounds that she had committed suicide because of “her shameful behaviour” and was reopened only following a television report.

3.5 The authors claim that the State party violated article 2 (c) and (e) of the Convention as the authorities failed to investigate impartially and effectively the cause of Ms. Jeiranova’s death. The investigation has still not identified the perpetrators or her cause of death. The police “instantly” accepted the presumption of suicide and failed to exclude any causes despite evidence of her fear of being killed, her vulnerability and the existence of an “honour”-based motive for a forced suicide or murder, including comments by relatives and members of the community that her suicide absolved them of shame. The authors emphasize that it has not been investigated why her hand was found placed between the rope and her neck, suggesting resistance to the hanging. Moreover, the case file reveals no detailed report of the crime scene or forensic autopsy identifying her wounds and the time of infliction. There were only photographs of her body and a cursory, external visual description of her wounds. The police acquiesced to the family’s wish not to release her body despite their potential involvement in her death and the absence of a law precluding an autopsy where it is refused by a close family member.

3.6 The authors claim that the State party’s authorities breached article 2 (d) of the Convention by discriminating against Ms. Jeiranova. They assert that the Prosecutor demonstrated a patriarchal attitude in his termination decision by accepting the “honour”-based justification for her death, placing responsibility entirely on Ms. Jeiranova’s own actions. Similarly, the police failed to consider her beatings to be a law enforcement issue by omitting them from the record of Ms. Jeiranova’s statement taken after the beatings. They either encouraged her to diminish the facts or deliberately “sanitized” the record to reflect that her father’s beatings “did not hurt”. The witness records, too, reveal the discriminatory attitudes of the police officers who drafted them, as they are focused almost exclusively on the apparent love affair. Similarly, the village governor displayed a discriminatory attitude, as he emphasized that she was “a betrayer”, ascribed her suicide to her own shame and denied that she had any wounds. He subsequently changed his statement, admitting that she had bruises and that her family was putting pressure on her to commit suicide.

Nevertheless, his only action was to remove her for one night. The authorities thus failed to address and demonstrated gender-based stereotypes and “honour”-based practices.<sup>3</sup>

3.7 The authors add that the State party’s authorities failed to consider whether Ms. Jeiranova’s beatings and death were motivated by gender-based and “honour”-based discrimination, violating article 2 (c), (d) and (e) of the Convention. Despite the evidence and the authors’ letters claiming an “honour” crime, the Prosecutor subscribed to the “honour”-based value system in his decision to terminate the investigation. The perpetrators, too, demonstrated discriminatory behaviour through their self-perceived entitlement to control and punish Ms. Jeiranova on the grounds that she was their relative’s wife. Referring to literature on femicides and their links with “honour”-based violence,<sup>4</sup> the authors submit that Ms. Jeiranova should have been considered a femicide victim.

3.8 The authors lastly claim a breach of articles 2 (f) and 5 (a), read in conjunction with article 1, of the Convention, taking into consideration the Committee’s general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19. They assert that Ms. Jeiranova was the victim of patriarchal, traditionalist and religious attitudes manifest in control of her life through gender-based violence. They submit that the root cause of her kidnapping, the public beating by H.H.’s male relatives, her presumed suicide and the denial of an autopsy and effective investigation show the failure of the authorities to take all appropriate measures to modify social and cultural patterns of conduct, in particular in ethnic communities such as Kvemo Lambalo and concerning stereotyped and discriminatory attitudes towards women in Georgia.<sup>5</sup> Referring to an expert report on “honour”-based violence<sup>6</sup> and the statements on her infidelity, the authors submit that Ms. Jeiranova’s public beating exemplifies entrenched “honour”-based social norms and the prevalence of stereotypes perpetuating gender-based violence in Georgia.<sup>7</sup>

#### **State party’s observations on admissibility and the merits**

4.1 By a note verbale of 19 September 2019, the State party submitted its observations on admissibility and the merits. It argues that the communication is inadmissible for a lack of the authors’ consent to their legal representation. It notes that H.H. signed all the authorizations and that the signatures do not resemble one another nor those on his statements taken by the Georgian authorities. Moreover, on 28 June 2019, H.H. stated before the authorities that he did not know the lawyers representing him, that he wished to withdraw the communication and that he would never have filed it without his lawyer’s request to do so. The State party concludes

<sup>3</sup> The authors add that Ms. Jeiranova was also discriminated against on the basis of her Azerbaijani ethnicity, as the Georgian police officer present on 16 September 2014 did not understand Azeri, and the village governor failed to translate Ms. Jeiranova’s words to him.

<sup>4</sup> Marcela Lagarde y de los Ríos, “Por la vida y la libertad de las mujeres: fin al feminicidio”, in Aida Concha and Leonor and Gabriela Laballe, *Resistencia y Alternativas de las Mujeres Frente al Modelo Globalizador*, Red Nacional de Género y Economía, Mexico, pp. 114–126.

<sup>5</sup> The authors refer to the report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia (A/HRC/32/42/Add.3), paras. 10–16, 19–22 and 76–77, and the concluding observations on the combined fourth and fifth periodic reports of Georgia (CEDAW/C/GEO/CO/4-5), paras. 20–21.

<sup>6</sup> Aisha K. Gill, “*Jeiranova v. Georgia*: a report on the socio-cultural context of ‘honour’-based violence”, 11 March 2018.

<sup>7</sup> The authors refer to statistics on gender-based violence in Georgia, including from the 2014 and 2016 reports of the Public Defender of Georgia. They also refer to the report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia (A/HRC/32/42/Add.3).

that there has been no valid exercise of the authors' right to file a communication and submits that their intentions should be clarified.

4.2 The State party observes that the communication is inadmissible owing to a lack of victim status. H.H. took no action with respect to the facts until December 2016. He stated repeatedly that he had no complaints against anyone, that Ms. Jeiranova had not mentioned the beatings and that she had committed suicide out of shame.<sup>8</sup> He also stated that he was unaware of who was representing him before the Committee and that he wished to withdraw the communication. He thanked his relatives who were allegedly responsible for "saving him from shame", kissing them on the forehead in gratitude. The State party concludes that H.H. has no interest in the criminal proceedings.

4.3 The State party submits that the authors have not exhausted domestic remedies. Noting that complaints were filed by various family members, the State party submits that only those filed on behalf of the authors are relevant for the exhaustion of domestic remedies. It notes that only 1 of the 10 letters filed on H.H.'s behalf claimed discrimination against Ms. Jeiranova. Furthermore, the authors' claims, including the failure of the police and the Prosecutor to protect her, the authorities' discrimination and the prevalence of stereotypes, were not raised in substance before the national courts. Moreover, most of the information accompanying the communication, including testimonies and videos, was submitted to the State party's authorities for the first time in the context of the communication.

4.4 The State party notes that a civil action would have been an adequate and appropriate domestic remedy. Under the Law on the Elimination of All Forms of Discrimination of 2014, anyone identifying as a victim of discrimination may bring a court action and claim damages. Furthermore, the Law on the Elimination of Domestic Violence and Protection and Support of Victims of Domestic Violence of 2006 provides for compensation for the damage caused by domestic violence. The State party notes that the European Court of Human Rights has held that applicants had not exhausted remedies in Georgia for a lack of recourse to civil remedies.<sup>9</sup> The State party further notes decisions by which national courts granted non-pecuniary damages in domestic violence cases, including one involving suicide, also on the grounds of non-discrimination legislation. It submits that the authors have failed to avail themselves of such remedies.

4.5 The State party adds that the authors have not exhausted criminal remedies. First, they were inactive for two years after the incident and, apart from the present communication, they never complained about the ineffectiveness of the investigation. The State party refers to *O.K. v. Latvia* (CCPR/C/110/D/1935/2010, para. 7.4), in which the Human Rights Committee considered that the author had not complained about the ineffectiveness of remedies following a police complaint. Second, the criminal investigation remains pending before the Prosecutor's Office. The State party contests the assertion that no charges have been brought despite evidence of

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<sup>8</sup> The State party refers, inter alia, to European Court of Human Rights, *Kaburov v. Bulgaria*, application No. 9035/06, decision of 19 June 2012, paras. 56–57.

<sup>9</sup> See European Court of Human Rights, *Shavishvili v. Georgia*, application No. 21519/05, decision of 9 November 2010; and *Saghinadze and others v. Georgia*, application No. 18768/05, judgment of 27 May 2010, paras. 95–96.

Ms. Jeiranova having been beaten, noting that the authors misrepresent the witness statements.<sup>10</sup>

4.6 The State party observes that the Kakheti Regional Prosecutor has questioned 43 individuals and that the ongoing criminal case is extremely complex, as many people are involved, most witnesses do not speak Georgian and the interviews require translators. Of those 43 individuals, only Ms. Jeiranova's minor children stated that they had seen H.H.'s relatives beating her. Five witnesses mentioned that her beatings were generally known in the village, but that they had not witnessed the beatings themselves. Others refuted the allegations or stated that she had no visible injuries. Neither does her own interview report mention beatings, and she did not mention them when she called H.H. on 16 September 2014.

4.7 The State party notes that the investigation was reopened as soon as information about the alleged beatings surfaced. Several scenarios are being explored, including the possible degrading treatment of Ms. Jeiranova by H.H.'s relatives, cruel treatment by her family members, a combination of factors that may have "influenced" her suicide and gender-related aspects of the alleged crimes.

4.8 The State party notes the "huge resistance" to a forensic-medical examination on the part of Ms. Jeiranova's relatives for religious reasons and because they blamed no one. A forensic expert conducted a comprehensive external examination. The State party notes that the European Court of Human Rights has held that States must find a due balance between the requirements of an effective investigation and the protection of the right to respect for private and family life.<sup>11</sup>

4.9 The State party observes that the investigation into incitement to suicide covers the alleged beatings. The Prosecutor has widened the scope of the investigation, determining that the materials in the communication reveal possible inhuman treatment of Ms. Jeiranova based on her gender. The State party submits that the criminal procedure is not unreasonably prolonged given the complexity of the case.

4.10 The State party adds that the communication constitutes an abuse of the right to submit a communication, as the authors filed their submission four years after the alleged violations, providing no explanation for the delay, and because it has no bearing on the interest of H.H., who has demonstrated a frivolous attitude to the communication through his indifference and disregard.

4.11 On the merits, the State party argues that the facts reveal no violation of the Convention. The authorities had "absolutely no knowledge" that H.H.'s relatives were plotting against Ms. Jeiranova. Even if she were exposed to intimidation, to which the police responded with measures, positive obligations to take preventive measures arise only in exceptional circumstances, based on a known risk of a real, direct and

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<sup>10</sup> The State party notes that, in the case of one couple, the husband heard that Ms. Jeiranova was being beaten but did not see by whom, and his wife heard about it from him. The authors claimed that another witness heard her shouting for help, but that that witness stated only that he had seen a woman shouting without hearing what exactly she was saying. Another witness said that she had not seen anyone beating Ms. Jeiranova. Furthermore, the people interviewed for the television broadcast later stated that the journalists had modified their statements. The State party notes that an expert who saw Ms. Jeiranova's body immediately after her death noted that her skin colour had changed owing to post-mortem lividity. It also had small haemorrhages that could have been inflicted with a blunt instrument. Another witness named a relative of H.H. who he said was the only one to have hit Ms. Jeiranova. According to yet another statement, there was no screaming or arguing when Ms. Jeiranova came out of the car with the three relatives.

<sup>11</sup> European Court of Human Rights, *Solska and Rybicka v. Poland*, applications Nos. 30491/17 and 31083/17, judgment of 20 September 2018, paras. 121 and 127.

immediate threat to life,<sup>12</sup> which did not arise in the present case. Ms. Jeiranova's and her father's witness records do not mention mistreatment by H.H.'s relatives. Her father reported that Ms. Jeiranova had been left with the relatives who had caught her, but he was screaming and left the police station very soon, precluding the police from questioning him. On the night of 16 September 2014, the village governor and his wife noted that Ms. Jeiranova was nervous, however, she did not mention abuse by H.H.'s relatives. The governor learned that Ms. Jeiranova had asked why those who had beat her were not being arrested only when her father mentioned it to him.

4.12 Moreover, the authorities were unaware of any risk to Ms. Jeiranova's life, as no medical examination was conducted aside from the post-mortem. The State party underlines that, for a violation of a positive obligation to arise concerning self-harm, it must be established that the authorities knew or ought to have known of the existence of a real and immediate risk to the life of the person concerned, and that they failed to take measures within the scope of their powers that reasonably might have been expected to avoid that risk.<sup>13</sup> The State party submits that the measures taken sufficed. The police interviewed Ms. Jeiranova as soon as they were notified. She did not mention abuse by H.H.'s relatives and stated that her father's beatings did not hurt. Her father had not used any weapon and had not planned the attack on her. Therefore, the police did not initiate an investigation. Nevertheless, to defuse tensions, the police and the governor took her to the latter's house, where she was taken care of. Subsequently, having spoken with her mother, she agreed to return, and her mother took her back on the written condition that she would not be harmed. The next day, police officers checked on her.

4.13 The State party notes that, according to the European Court of Human Rights, "the positive obligation to protect is to be interpreted in such a way as not to impose an excessive burden on the authorities"<sup>14</sup> and that positive obligations relate to causality by omission, implying a speculative analysis. The State party's actions could not have overturned the circumstances that may have led to Ms. Jeiranova's suicide. Pending the investigation, the State party submits that it has not failed in its due diligence obligations under article 2 (c) and (e) of the Convention.

4.14 The State party refutes the authors' claim of a breach of article 2 (d) of the Convention. It submits that investigating domestic violence is a top priority for its authorities and observes progress made. On the termination decision, the State party notes that only Ms. Jeiranova's children corroborated the allegations of the beatings. Several witnesses did not cooperate with the prosecutor or did not present the same account to investigators as to journalists. Moreover, the investigation was reopened immediately upon receipt of further information and its scope was widened to include gender-based discrimination. The police urged the witnesses to mention everything that they knew and informed them of their criminal liability in case of an incorrect testimony. The translator confirmed the fullness and precision of his translations. The State party denies any discriminatory behaviour by the village governor, who put no emphasis at all on Ms. Jeiranova being a "betrayor".

4.15 Contesting the claim under articles 2 (f) and 5 (a) of the Convention, the State party lists measures taken to combat violence against women and gender inequality,

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<sup>12</sup> European Court of Human Rights, *Volodina v. Russian Federation*, application No. 41261/17, judgment of 9 July 2019, para. 77.

<sup>13</sup> European Court of Human Rights, *Younger v. United Kingdom*, application No. 57420/00, decision of 7 January 2003.

<sup>14</sup> European Court of Human Rights, *O'Keeffe v. Ireland*, application No. 35810/09, judgment of 28 January 2014, para. 144.

including with regard to ethnic and national minority communities such as Iormughanlo.<sup>15</sup>

4.16 The State party disputes the claim under article 2 (b) of the Convention, observing that it has adopted comprehensive gender equality and sex discrimination frameworks, including to implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The State party underlines that it has enhanced legislation to effectively prohibit and sanction all forms of discrimination against women. It notes, inter alia, that the Law on the Elimination of All Forms of Discrimination of 2014 covers discrimination on the grounds of sex and gender in the public and private sectors, and mandates domestic monitoring.

### **Authors' comments on the State party's observations on admissibility and the merits**

5.1 On 14 February 2020, the authors provided their comments on the State party's observations. They refute that H.H.'s signatures differ significantly and provide a written statement by him dated 20 December 2019 confirming his authorization of his representatives and that he never requested the communication to be suspended.

5.2 The authors state that H.H.'s "apparent inaction" until December 2016 was attributable to his prison sentence from 15 December 2014 to 16 September 2016. Ms. Jeiranova's parents communicated with the authorities through the non-governmental organizations that continue to represent H.H. Letters were sent on H.H.'s behalf to the authorities from December 2016. In addition, H.H. filed complaints against Ms. Jeiranova's relatives. His interest stems from the lack of a proper investigation into the ill-treatment and death of his wife and the mother of his children. The authors argue that the *Kaburov v. Bulgaria* test does not apply, as the European Court of Human Rights stated in that case that it restrictively approached next-of-kin cases not concerning the right to life. Moreover, the State party has not challenged the interest of I.H. and Y.H.

5.3 The authors argue that a civil action is insufficient in cases concerning the right to life. The compensation awarded in such cases, 20,000 to 25,000 lari, is inadequate in cases of femicide, and the European Court of Human Rights has awarded much higher non-pecuniary damages in such cases.<sup>16</sup> Furthermore, the result of civil femicide cases is usually based on the outcome of the criminal trial, which has not occurred in the present case. Moreover, courts in civil cases have no power to hold individuals accountable. The authors argue that a civil remedy cannot compensate for the ineffectiveness of an investigation and punishment of perpetrators.<sup>17</sup> They note that their 19 letters requesting prompt and thorough investigations and disciplinary proceedings against police officers have remained unanswered.

5.4 The authors argue that article 10 of the Law on the Elimination of All Forms of Discrimination of 2014 is irrelevant to their case, including because they would not

<sup>15</sup> The State party submitted to the Committee, inter alia, a 43-page appendix entitled "Measures taken by domestic authorities to combat domestic violence/violence against women".

<sup>16</sup> See European Court of Human Rights, *Halime Kılıç v. Turkey*, application No. 63034/11, judgment of 28 June 2016; *Civek v. Turkey*, application No. 55354/11, judgment of 23 February 2016; *Opuz v. Turkey*, application No. 33401/02, judgment of 9 June 2009; and *Durmaz v. Turkey*, application No. 3621/07, judgment of 13 November 2014.

<sup>17</sup> See *Vienna Intervention Centre against Domestic Violence and Association for Women's Access to Justice on behalf of Akbak et al. v. Austria* (CEDAW/C/39/D/6/2005); and European Court of Human Rights, *Maiorano and others v. Italy*, application No. 28634/06, judgment of 15 December 2009; and *Öneryildiz v. Turkey*, application No. 48939/99, judgment of 30 November 2004.

have standing as the article requires a complaint by the direct victim and because a finding of discrimination cannot result in the accountability of those responsible.

5.5 The authors reject the State party's claim of new evidence in the communication, asserting that the video evidence cited presumably refers to footage submitted to the authorities in 2014. They note that, on 22 December 2015 and 23 February 2017, they claimed to the Kakheti Regional Prosecutor that Ms. Jeiranova was the victim of an "honour" crime and discrimination based on her gender and ethnicity.

5.6 The authors argue that the regular basis of their correspondence with the authorities distinguishes their case from *O.K. v. Latvia*. They refer to the Committee's jurisprudence describing delays in criminal proceedings of over three years as unreasonable.<sup>18</sup>

5.7 The authors dismiss as vexatious the State party's observation that the communication is an abuse of the right to submit a communication.

5.8 On the merits of their claim under articles 2 (f) and 5 (a) of the Convention, the authors note that the measures cited by the State party are irrelevant to the present case as they were taken after Ms. Jeiranova's death. They note that patriarchal attitudes and gender stereotypes were the root cause of her beatings and death and that they remain entrenched in Georgia.<sup>19</sup>

5.9 Invoking their claim under article 2 (c) and (e) of the Convention, the authors argue that the test of the European Court of Human Rights is whether the authorities "knew or ought to have known ... of a real and immediate risk to ... life",<sup>20</sup> a test that should be applied in a gender- and context-sensitive way.<sup>21</sup> The authors note that the State party fails to reflect that, according to the witness records, H.H.'s relatives seized Ms. Jeiranova, her father hit her and she had bruises and scratches and blood on her body and torn clothes. The records also state that she wanted to be away from her relatives, that she feared that her father would kill her and that an aunt told her to take rat poison. The authors argue that the State party omits H.H.'s question to the police as to why his account of Ms. Jeiranova's beatings had been excluded from the record. They submit that her removal and return on the condition of no harm reflects the authorities' awareness of a risk, including of forced suicide, to Ms. Jeiranova. They also note that the authorities failed to interview Ms. Jeiranova alone, as her father and aunt repeatedly entered the interview room. They further submit that the authorities must have been aware of the gender-based violence inflicted on her, given the community's "honour" norms.

5.10 The authors also assert that the authorities failed to initiate criminal proceedings over Ms. Jeiranova's forceful capture, removal and abuse. The emphasis on her statement that her father's beatings did not hurt minimizes the gender-based violence. Her removal to the residence of the village governor was insufficient, given that she was later returned to her relatives. The warning letter issued to the mother was equally insufficient.<sup>22</sup>

5.11 The authors argue that a failure to investigate cases, to prosecute and punish perpetrators and to provide reparations provides tacit permission or encouragement

<sup>18</sup> See *A.T. v. Hungary* (CEDAW/C/32/D/2/2003); and *O.G. v. Russian Federation* (CEDAW/C/68/D/91/2015).

<sup>19</sup> See, inter alia, CEDAW/C/GEO/CO/4-5, paras. 18–19; and A/HRC/32/42/Add.3, paras. 76–77.

<sup>20</sup> European Court of Human Rights, *Osman v. United Kingdom*, application No. 23452/94, judgment of 28 October 1998, para. 116.

<sup>21</sup> *Volodina v. Russian Federation*, paras. 19, 92 and 111.

<sup>22</sup> A/HRC/32/42/Add.3, para. 92.

to perpetrate acts of gender-based violence against women,<sup>23</sup> and they claim that such a failure followed the authorities' inadequate assessment. They dispute that the complexity of the case justifies the delays in the criminal proceedings, noting that the identities of those involved are well known.

5.12 The authors submit that the present case differs from *Solska and Rybicka v. Poland*, as it concerns a death preceded by assault, and the family refused an autopsy because they "blamed" no one, not for religious reasons, which they invoked only a year later. They argue that the failure to conduct an autopsy or to otherwise investigate Ms. Jeiranova's cause of death underscores the failure to effectively and impartially investigate her death.

5.13 The authors argue that the material disclosed includes detailed evidence of Ms. Jeiranova's beatings, including nine witness statements. They emphasize that the mullahs who washed her reported bruises over her whole body and bloodied clothes, and one reported that he "regretted having gone there, as the deceased was in such a state that I got scared and felt ill for several days". They argue that the mullahs are acquainted with corpses and that post-mortem lividity would not have shocked them. Furthermore, the forensic expert concluded that some of the injuries were "developed by the impacts of a hard blunt object, possibly caused by a physical assault".

5.14 The authors argue that the State party seeks to discredit the witnesses, including the children, on the basis of their age and family affiliation. Several witnesses were investigated years after the facts and important questions, including regarding ill-treatment, were initially not posed. The authors argue that the State party undermines Ms. Jeiranova's pain in trying to justify the non-commencement of an investigation into her beatings, reflecting a reliance on "prompted" exculpatory denials of pain in cases of violence against women. They dispute the State party's reliance on the relatives' account of suicide despite the threat posed by them and file an expert opinion arguing that Ms. Jeiranova's death should be investigated as murder.

5.15 Referring to article 2 (d) of the Convention, the authors submit that the State party deliberately minimizes and omits key evidence, thus endorsing the failures of its authorities. They note that the State party has made no submission concerning their claim under article 2 (c), (d) and (e) of the Convention.

## **Issues and proceedings before the Committee**

### *Consideration of admissibility*

6.1 In accordance with rule 64 of its rules of procedure, the Committee is to decide whether the communication is admissible under the Optional Protocol. In accordance with rule 72 (4), it must do so before considering the merits of the communication.

6.2 The Committee notes H.H.'s written statement confirming that he authorizes his representatives to act on his behalf and that he never requested the communication to be suspended. Accordingly, the Committee is satisfied that the representatives are acting with the authors' consent, in accordance with article 2 of the Optional Protocol.

6.3 The Committee notes that the State party contends that the communication is inadmissible because of H.H.'s behaviour and attitude with respect to the facts of the case. It also notes the authors' comments that H.H. was unable to pursue the case earlier, as he was serving a prison sentence until September 2016, that letters have been sent on his behalf since December 2016 and that his interest in filing the communication stems from the lack of a proper investigation into the ill-treatment

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<sup>23</sup> See general recommendation No. 35, para. 24 (b); [A/HRC/31/57](#), para. 55; and Inter-American Commission on Human Rights, *Maria da Penha Maia Fernandes v. Brazil*, case No. 12.051, report No. 54/01 of 16 April 2001, para. 56.

and death of his wife and the mother of his children. The Committee notes, however, that he repeatedly denied having any complaints against anyone and that he stated that Ms. Jeiranova had not mentioned the beatings and that she had committed suicide out of shame. It also appears to be undisputed that he thanked the relatives who were allegedly responsible for “saving him from shame” and that he kissed them on the forehead in gratitude. In the light of these circumstances, the Committee considers that H.H. cannot justify, in good faith, his interest in acting on behalf of Ms. Jeiranova and that the communication is therefore inadmissible under article 2 of the Optional Protocol insofar as it was brought by H.H. The Committee notes, however, that the State party has not challenged the interest of Ms. Jeiranova’s children, and consequently finds that article 2 of the Optional Protocol does not constitute an obstacle to the admissibility of the communication with regard to the children.

6.4 The Committee notes the State party’s observation that the authors have not exhausted domestic remedies. The Committee notes, however, that the documentation on file shows that the authors had claimed an “honour” crime and gender- and ethnicity-based discrimination before the national authorities. That, in the Committee’s view, could have been considered as giving sufficient grounds to permit the authorities to open a prompt and comprehensive investigation into the matter and prevent further violations of Ms. Jeiranova’s rights. The Committee further notes the authors’ argument that a civil remedy cannot compensate for the ineffectiveness of an investigation and punishment of perpetrators in cases concerning the right to life, and that the result in civil femicide cases usually depends on the outcome of the criminal trial, which has not yet occurred. The Committee also notes that it does not result from the jurisprudence cited by the State party<sup>24</sup> that authors must exhaust civil and criminal remedies where both are available. Noting the State party’s observation of the complexity of the criminal investigation, the Committee is concerned that the latter has been pending for more than six years even though the identities of those involved were never contested. The State party’s authorities have furthermore been confronted with complaints of delays many times. In the circumstances, the Committee finds that the criminal remedy is unreasonably prolonged. In the light of the above considerations, the Committee considers that it is not precluded by virtue of article 4 (1) of the Optional Protocol from examining the communication.

6.5 In accordance with article 4 (2) (a) of the Optional Protocol, the Committee has ascertained that the same matter has not been and is not being examined under another procedure of international investigation or settlement.

6.6 The Committee sees no other objections to the admissibility of the communication. It considers that, in addition to the claims raised explicitly by the authors, the communication also raises issues under article 3 of the Convention. Therefore, the Committee declares the communication admissible insofar as it was brought by I.H. and Y.H., as raising issues under articles 1, 2 (b)–(f), 3 and 5 (a) of the Convention, and proceeds with its consideration of the merits.

#### *Consideration of the merits*

7.1 The Committee has considered the present communication in the light of all the information made available to it by the authors I.H. and Y.H. and by the State party, as provided for in article 7 (1) of the Optional Protocol.

7.2 The Committee notes the authors’ claim of a violation of Ms. Jeiranova’s rights under article 2 (c) and (e) of the Convention, as the State party’s law enforcement

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<sup>24</sup> European Court of Human Rights, *Shavishvili v. Georgia*, application No. 21519/05, decision of 9 November 2010; and *Saghinadze and others v. Georgia*, application No. 18768/05, judgment of 27 May 2010, paras. 95–96.

authorities failed to take reasonable and effective measures to protect her. The Committee recalls its general recommendation No. 19, in which it addresses the question of whether States parties can be held accountable for the conduct of non-State actors in stating that “discrimination under the Convention is not restricted to action by or on behalf of Governments” and that “under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.

7.3 The Committee also recalls that, in accordance with its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, States parties have a due diligence obligation to prevent, investigate, prosecute and punish acts of gender-based violence (para. 19). Where discrimination against women also constitutes an abuse of other human rights, such as the right to life and physical integrity in, for example, cases of domestic and other forms of gender-based violence, States parties are obliged to initiate criminal proceedings, bring the perpetrator or perpetrators to trial and impose appropriate penal sanctions (para. 34). The Committee also considers that impunity for such offences contributes significantly to the entrenchment of a culture of acceptance of the most extreme forms of gender-based violence against women in society, which feeds their continued commission.

7.4 The Committee notes the State party’s contention that its authorities had no knowledge of Ms. Jeiranova’s relatives’ plotting against her, but that they nevertheless removed her to the village governor’s house on 16 September 2014, from where, having spoken with her mother, she returned to her parents’ house, on the written condition that she would not be harmed. Police officers also came to check on her. The Committee notes that, according to the file, Ms. Jeiranova’s mother testified that the governor did not translate Ms. Jeiranova’s question to the police as to why they had not arrested those who had beaten her. Furthermore, the governor testified that Ms. Jeiranova had said to him that her relatives had told her to take rat poison and kill herself. She had asked him to get her out so that she would not be killed. Having been brought to his residence, she and her mother had a “major argument”. The governor then instructed the police to return Ms. Jeiranova to her relatives, on the condition that she would not be harmed, because of calls from the same relatives. The Committee considers that the facts disclose a situation of extreme danger to Ms. Jeiranova, which was maintained by the authorities’ decision to have her returned to her relatives, who were known to have told her to take her own life the previous night. In that regard, the Committee notes that “warning letters”, such as the one issued in the present case, are devoid of legal value and do not provide protection for victims.<sup>25</sup> The Committee further notes the authors’ contention of the operation of an “honour”-based system in the present case. Thus, the Committee considers that the State party’s authorities failed to offer effective protection against, and to take all appropriate measures to eliminate, discrimination against Ms. Jeiranova as a woman. It deplores the reliance by the State party’s authorities on “honour”-based considerations and considers that they failed to protect her right to life.<sup>26</sup> Accordingly, the Committee finds that the State party violated her rights under article 2 (c) and (e), read in conjunction with article 3, of the Convention.

7.5 The Committee notes the authors’ claim of a violation of article 2 (b), (c) and (e) of the Convention on the grounds of the State party’s failure to investigate, prosecute and punish those responsible for the beatings and death of Ms. Jeiranova. It also notes

<sup>25</sup> A/HRC/32/42/Add.3, para. 92.

<sup>26</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, paras. 29–30.

the State party's observation of the complexity of the case and the reasons for not conducting a forensic examination. The Committee considers that the State party's reference to the involvement of several individuals cannot be considered as justifying the duration of the investigation, in particular given that the identities of those involved appears never to have been contested. Furthermore, given the circumstances and recalling that the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, including ethnicity,<sup>27</sup> the Committee considers that a need for translations cannot be considered as justifying the pending state of the investigation for more than six years. The Committee further notes that the authorities decided, following Ms. Jeiranova's death, not to conduct a forensic examination because of objections from her relatives, who they knew had told her to take her own life. The Committee notes that the State party does not contest that the Law on the Elimination of Domestic Violence and Protection and Support of Victims of Domestic Violence of 2006 did not cover violence against women by extended family members when Ms. Jeiranova was beaten and died. Nor does it contest the absence of a legislative provision precluding forensic examinations on such grounds or the necessity of such an examination to determine whether Ms. Jeiranova's injuries were inflicted before or at the time of her death. In the circumstances, and recalling its recommendation to the State party to ensure the effective investigation of cases of gender-based violence against women, to prosecute and punish perpetrators with sanctions commensurate with the gravity of the crime and to provide victims with adequate compensation for damages suffered,<sup>28</sup> the Committee finds that the State party's authorities have not fulfilled their obligation to investigate and punish those responsible for the treatment inflicted on Ms. Jeiranova and her death. Accordingly, it finds violations of her rights under article 2 (b), (c) and (e), read in conjunction with article 3, of the Convention.

7.6 The Committee notes the authors' claim of a violation of articles 2 (f) and 5 (a), read in conjunction with article 1, of the Convention and in the light of general recommendations No. 19 and No. 35. It also notes the State party's observation on measures taken to combat violence against women and gender inequality, including with regard to ethnic and national minority communities. The Committee further notes that the State party has not explained how the measures taken have benefited Ms. Jeiranova. It considers that the infliction of ill-treatment on Ms. Jeiranova, the basis of the denial of an autopsy on the objections of relatives known to have posed a threat to her, the Kakheti Prosecutor's qualification of her behaviour as "dishonourable" and the decision to terminate the investigation based on the conclusion that she had committed suicide because of her "shameful" behaviour and faithlessness confirm that Ms. Jeiranova was the victim of intersecting discrimination related to her ethnicity and the stereotypical attitudes of the police and judicial authorities. Accordingly, the Committee finds violations of Ms. Jeiranova's rights under articles 2 (f) and 5 (a) of the Convention, read in conjunction with articles 1 and 3 of the Convention and in the light of general recommendations No. 19 and No. 35.

7.7 In view of the above-mentioned findings, the Committee finds that, as a result of the attitude of its authorities, the State party permitted and condoned the treatment inflicted on Ms. Jeiranova. Accordingly, it finds violations of her rights under article 2 (d), read in conjunction with articles 1 and 3, of the Convention.

8. In accordance with article 7 (3) of the Optional Protocol, the Committee is of the view that the facts before it reveal a violation of the rights of Ms. Jeiranova under

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<sup>27</sup> General recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, para. 18.

<sup>28</sup> CEDAW/C/GEO/CO/4-5, para. 21 (b).

articles 2 (b)–(f) and 5 (a), read in conjunction with articles 1 and 3, of the Convention, in the light of general recommendations No. 19 and No. 35.

9. The Committee makes the following recommendations to the State party:

(a) Concerning Ms. Jeiranova and the authors I.H. and Y.H. of the communication:

(i) Ensure that the investigation into the treatment and death of Ms. Jeiranova be carried out promptly, thoroughly and independently to permit the identification of those responsible; and thereafter take appropriate measures to prosecute them and have them sanctioned;

(ii) Provide appropriate reparation, including adequate compensation, to the authors I.H. and Y.H., commensurate with the gravity and the ongoing consequences of the violations of the rights of Ms. Jeiranova; and take an appropriate custody decision concerning the younger author, taking into consideration the outcome of the criminal proceedings and her best interests;

(iii) Issue an official apology to the authors I.H. and Y.H., including an acceptance of responsibility for the State party's violations of the Convention;

(b) In general:

(i) Combat impunity and ensure that claims concerning gender-based violence against women and “honour”-based violence are addressed promptly and thoroughly and that perpetrators are investigated, prosecuted and sanctioned;

(ii) Provide mandatory training for the police officers, prosecutors, members of the judiciary and other law enforcement personnel, as well as State officials and local authorities, with respect to combating gender-based violence against women and “honour”-based violence, including training on gender sensitivity, intersecting discrimination and the handling of complaints of gender-based violence against women in a gender-sensitive manner, as well as training with regard to the Convention, its Optional Protocol and the Committee's jurisprudence and general recommendations, in particular general recommendations No. 19, No. 28, No. 33 (2015) on women's access to justice and No. 35;

(iii) Define and include “honour”-related violence and gender-based violence as aggravating circumstances in criminal law;

(iv) Bring national legislation and policies into line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, to recognize explicitly that “honour”, along with culture, custom, religion and tradition, should not be regarded as a justification in criminal proceedings concerning the commission of gender-based violence against women;

(v) Ensure that all legislation, policies and measures aimed at addressing domestic violence encompass “honour”-based violence, including such violence perpetrated by in-laws and extended family; effectively and proactively prevent, appropriately sanction and protect women from “honour”-based violence;

(vi) Ensure that an assessment of the danger to the life of the victim, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities at all stages of the investigation and the procedures under the Law on the Elimination of Domestic Violence and Protection and Support of Victims of Domestic Violence of 2006, in order to mitigate the risk and provide immediate protection and support to victims and their children,

especially in communities with entrenched “honour”-based values, social norms and practices and direct them to appropriate services;

(vii) Strengthen appropriate, specialized services, including early warning systems, with trained personnel, for cases of domestic violence and human rights violations in communities that are isolated, closed and/or where “honour”-based norms apply, including by facilitating access to such services and ensuring the swift, competent and specialized handling of such cases;

(viii) Strengthen measures to respect, protect and fulfil the right to life of women and the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment, with specific attention to communities that are isolated, closed and/or where “honour”-based norms apply;

(ix) Avoid the issuance of and reliance on warning letters in cases of violence against women;

(x) Implement monitoring mechanisms to ensure that evidentiary rules, investigations and other legal and quasi-judicial procedures are impartial and not influenced by gender stereotypes or prejudice in taking seriously the testimony of women, in line with the Committee’s general recommendation No. 33;

(xi) Collect data and statistics on femicides and induced or forced suicides of women as a result of gender-based violence against women and analyse them to enhance protection against gender-based violence against women;

(xii) Ensure the availability and accessibility of adequate translation into all languages for women at all stages of procedures to ensure adequate protection and access to justice for women;

(xiii) Enhance awareness about gender-based violence against women and “honour”-related violence, its risks and consequences for women and children.

10. In accordance with article 7 (4) of the Optional Protocol, the State party shall give due consideration to the views of the Committee, together with its recommendations, and submit to the Committee, within six months, a written response, including information on any action taken in the light of those views and recommendations. The State party is requested to publish the present views and recommendations and to have them widely disseminated in order to reach all relevant sectors of society.