

**GEORGIA – Beijing +20**  
**National Review of the Implementation**  
**of the Beijing Declaration and Platform for Action**

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## Section I: Overview Analysis of Achievements and Challenges Since 1995

Georgia became an independent state in 1991. Since independence, Georgia has made efforts to improve the situation of women, but these efforts must be reviewed against the larger political context. For more than 15 years, Georgia has been struggling with the challenges and difficulties of the transition period on its way towards building a democratic state. Freedoms and opportunities brought by the independence were followed by the political and economic uncertainties, struggling with widespread unemployment, the emergence of structural poverty, lack of electricity, and the collapse of social safety nets, increasing migration, civil war and internal displacement after two unresolved ethnic conflicts that have affected both women and men in Georgia.

Georgia expressed its readiness to fight discrimination against women and support gender equality by signing and ratifying the **Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)** without reservations in 1994. Under Article 6<sup>1</sup> of the Constitution, as an international treaty, CEDAW prevails over national legislation, making the Convention legally binding and enforceable by Georgia's courts. In 1995, at the Fourth World Conference on Women, Georgia was among the 189 Member States of the United Nations who adopted the **Beijing Declaration and Platform for Action (BPfA)**. The Declaration was a statement of the political commitment by governments to work toward equality between men and women and toward women's empowerment. Georgia is expected to fulfill obligations endorsed by the **UN Security Council Resolution 1325 on Women, Peace and Security** for increasing women's role in peace-building and conflict transformation and the **Millennium Development Goal #3 (MDG) on Promoting Gender Equality and Empowering Women**, by 2015.

Significant progress has been made by the Government of Georgia in ensuring a proactive implementation of the gender equality commitments laid out by CEDAW, BPfA, MDGs, International Conference on Population Development (ICPD) Programme of Action in particular in **1) designing national legislation and policy frameworks to guarantee women's human rights 2) prevention and response to violence against women and 3) addressing women's issues in conflict** and some attempts were also made to put in place measures for **4) increasing number of women in power and decision-making**.

### **1) National legislation and policy frameworks to guarantee women's human rights**

The **Georgian Constitution, Article 14**, contains an equality clause, which reads: "Everyone is born free and is equal before the law, regardless of race, skin color, language, sex, religion, political and other beliefs, national, ethnic and social origin, property and position, or place of residence". All other provisions of the Constitution use gender-neutral terms towards both sexes such as "person," "citizen" or "individual."

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<sup>1</sup> Article 6 of the Constitution states: "The legislation of Georgia corresponds with universally recognized norms and principles of international law. International treaties or agreements concluded with and by Georgia, if they do not contradict the Constitution of Georgia, take precedence over domestic normative acts."

Numerous pieces of legislation contain equality provisions, most of them explicitly including sex as a category on the basis of which discrimination is unacceptable. According to the article 21.1 of the Constitution, “the right to property and inheritance shall be recognized and guaranteed. The abrogation of the universal right to property, of the right to acquire, alienate and inherit property shall be impermissible”. The Civil Code of Georgia regulating private property, family and personal relations is based on the principle of equality (article 1). According to the article 22 of the Constitution of Georgia, “everyone is free by birth and is equal before law ...” The article 6.1 of the Law on Common Courts of Georgia further determines that “justice shall be administered based on the equality of all persons participating in the case before the law and the court... “

Labor relations in Georgia are regulated by the Labor Code.<sup>2</sup> The Labor Code includes anti-discrimination and protection clauses. The Labor code prohibits concluding a labor contract with pregnant or breastfeeding women for performing hard, hazardous, and dangerous work.<sup>3</sup> Same prohibitions apply to the work during night hours and overtime work, unless there is consent from the employee.<sup>4</sup> The Labor Code also considers it unlawful to dismiss on the grounds of pregnancy, maternity leave or marital status.<sup>5</sup> Georgia, in general, suffers from high unemployment rates for both men and women as well as from low economic activity rates that are higher for women than men. Retirement age for men and women is differentiated in Georgia. Women officially retire and receive an old-age pension from age 60. The respective age for men is 65. The legal framework for women’s political participation and the right to vote is ensured by the Constitution<sup>6</sup> and respective laws of Georgia.

In September 2013, upon the initiative of the Parliamentary Healthcare Committee, amendments to the Labor Code have been adopted (and will enter into force from 1 January 2014) about official leave during pregnancy, child-birth, and child-care. These amendments implicate the increase of the leave from existing 477 calendar days to 730 calendar days out of that paid leave increased from existing 126 calendar days to 183 calendar days. Also, the state compensation for all the paid 183 calendar days has increased to GEL 1,000 (USD 625) in comparison to GEL 600 (USD 375) for the previous 126 calendar days.

Gender equality (*genderuli tanastsoroba*) has been first defined by the *Georgian State Concept on Gender Equality* in Georgia in 2006, the 2010 **Law of Georgia on Gender Equality** defined it as “a part of human rights referring to equal rights and obligations, responsibilities and equal participation of men and women in all spheres of personal and public life.”<sup>7</sup> **There is room for improvement in the Gender Equality Law as it defines discrimination solely on the basis of sex.**<sup>8</sup> In this regard, the Non-discrimination Law adopted with the first hearing on 17 April 2014, clearly states unacceptability of discrimination on the basis of one’s gender identity and sexual orientation along with race, color, language, national, ethnic or social belonging, sex, pregnancy or maternity,

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<sup>2</sup> Labor Code of Georgia; Adopted in 2006

<sup>3</sup> Ibid., Article 4; paragraph 5

<sup>4</sup> Ibid., Article 18 and 17; paragraph 2

<sup>5</sup> Ibid., Article 2 and 37

<sup>6</sup> Constitution of Georgia; Article 28

<sup>7</sup> Giorgi Gogiberidze, *2010 tslis 26 martis saqartvelos kanoni genderuli tanasworobis shesakheb: gzamkvlevi* [March 26, 2010 Law of Georgia on Gender Equality: Guide] UNDP, UNIFEM, (Tbilisi, 2011), Article 3. Definitions, 48.

<sup>8</sup> “‘Discrimination’ shall mean any distinction, exclusion and/or restriction made on the basis of sex, expressed in dissimilar recognition of human rights and basic freedoms which has the effect of impairing or nullifying the recognition of opportunities through direct or indirect discrimination.” *Gender Equality Law*, 2010, Article 3/c.

marital or health status, disability, age, nationality, origin, place of birth, place of residence, internal displacement, material or social status, religion or belief, political or any other ground (Article 2, of the draft Law).

General oversight on protection of human rights and freedoms, *inter alia* prohibition of discrimination, is vested to the Public Defender (Ombudsperson) of Georgia and the latter is observing that existing legislation or public authorities do not discriminate individual on any prohibited grounds. In May 2013 a Gender Equality Department has been established as a standing unit in the structure of the Public Defender's Office that has elaborated its action plan for 2013-2015 as well as strategy for mainstreaming gender into the PDO's work with technical support from the UN.

In order to implement the international commitments and obligations taken under the Beijing Declaration and Platform for Action and to support and improve conditions of women in Georgia, the Order #48 of the President of Georgia was issued on February 20, 1999, which established the **State Commission on Elaboration of State Policy on the Advancement of Women** within Georgia's National Security Council. It consisted of 27 high-level members, including ministers, deputy ministers and representatives from local and international NGOs and the media. Under the auspices of this Commission, the President issued the following policy documents, which were strongly influenced by CEDAW and the Beijing Platform for Action:

1. **Decree 511 about the Measures on Strengthening the Protection of Human Rights of Women in Georgia (1999)** - Decree 511 contains 16 provisions and charges 13 governmental bodies with different tasks associated with the protection of women's rights. These tasks were highly influenced by the strategic objectives and actions addressing critical areas of concern from the Beijing Platform for Action. It calls for, among other things, Parliament to establish quotas to ensure women's equal participation in politics; for the Ministry of Healthcare to reduce infant and maternal mortality rates; the Ministry of Education to conduct a gender analysis of textbooks; the Ministry of Justice to carry out a gender analysis of Georgian legislation and make relevant suggestions about how to improve the existing legislation to meet international legal norms; the Ministry of Agriculture to develop special programmes for women in rural areas as well as to pay special attention to the participation of women in agricultural programmes; the Ministry of Internal Affairs and the Prosecutor-General's Office to collect and to process data on incidents of violence against women. These few examples show the wide range of issues covered by this policy document.
2. **National Plan of Action for Improving Women's Conditions (1998 – 2000) and (2000-2004)** - The Action Plan (hereinafter referred as the "NAP") sets forth seven priorities followed by relevant objectives, implementation strategies, and timelines. The priorities were based on the *Beijing Platform for Action* -- this gave it high conceptual relevance, but due to lack financial resources allocated for its implementation from the state budget the provisions of the NAP did not fully materialize.
3. **Three Year Plan to Combat Violence Against Women (2000 – 2002)** - The Plan aimed to reveal and study the cases of violence against women, develop statistics in this field, elaborate special programmes for potential perpetrators, create new laws, fight trafficking, and combat discrimination on the basis of sex at the workplace -- 12 objectives altogether. In 2004, NGO

Sakhli undertook the monitoring of the implementation of this plan, concluding that not only had the plan not been implemented, but also that it “was destined to fail from the start”<sup>9</sup> due to limited financial and institutional support rendered from the state at that time.

4. **Action Plan to Combat Trafficking (2002 – 2005)** - The plan contained the following five major tasks: ratifying legislative amendments for protecting the rights and interests of victims of trafficking, in particular, of females and children; preventing trafficking in human beings; assisting victims of trafficking; criminal prosecution and punishment for the persons found guilty of trafficking; and monitoring the activities performed.

After the Rose Revolution, the Commission for Elaboration of State Policy for the Advancement of Women ceased to exist. Both executive and legislative branches of the governments of Georgia took further actions and the government of Georgia established the **Governmental Commission for Gender Equality (GCGE)** on June 28, 2005 with one year mandate in the executive branch and with the purpose to design a national concept and plan of action for gender equality. Furthermore, the Parliament issued a Decree #105/3 on October 27, 2004 and established the **Gender Equality Advisory Council (GE Council)** under the Speaker of the Parliament in the legislative branch of the government. Scholars wrote already in 2006 that “financial support rendered by donor organizations [predominately UN agencies] plays an instrumental role in the sustainable functioning of both institutional structures,”<sup>10</sup> the lack of resources allocated from the state budget for the operation of gender equality mechanisms remains an issue to date.

In February 2006, the GCGE and GE Council established a joint working group that received financial and technical support from the UN. After a series of working meetings and broader consultations with civil society, governmental and development organizations, the working group put together the **Gender Equality Strategy of Georgia (GES)**, consisting of three interlinked documents: 1. **State Concept on Gender Equality** (adopted by the Parliament in July 2006); 2. **National Action Plan for Implementation of the Gender Equality Policy in Georgia (2007-2009)** (adopted with significant alterations in September 2007) and 3. **A package of recommendations to the legislative and executive branches of the government for the establishment of permanent gender equality institutional mechanisms to monitor and coordinate gender equality issues.**<sup>11</sup> Soon after the presentation of the first draft of the Action Plan to the Cabinet of Ministers in the fall of 2006, the GCGE was dismantled.

Prior to 2006, one agreed-on definition of what constituted gender equality in the Georgian language did not exist. **Gender equality** has been first defined by the **Georgian State Concept on Gender Equality** in Georgia in 2006 “an integral part of human rights [referring] to an equal presentation, rights, responsibility and participation of women and men in all spheres of private and public life.”<sup>12</sup>

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<sup>9</sup> Sakhli, MamaCash, *Monitoring of the Plan of Action for Combating Violence against Women*, 90.

<sup>10</sup> Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer, *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, Tbilisi: Polygraph, 2006, 9.

<sup>11</sup> More on this process could be found in Irma Aladashvili, Ketevan Chkheidze, *Monitoring of the Progress Implementation of the National Action Plan on Gender Equality in Georgia*, Tbilisi, 2009.

<sup>12</sup> Parliament of Georgia, *The State Concept on the Gender Equality*, 2006, 2. Definition of Terms, accessed March 5, 2011, <http://www.parliament.ge/files/gender/Conc.pdf>.

In addition the ***State Concept on Gender Equality***, introduced definitions in Georgian for "gender," "direct and indirect discrimination," "equal opportunities," "equal treatment" and other important terms based on CEDAW and Council of Europe definitions. "The Concept recognizes the principles of gender equality in all spheres of public and social life and provides for the relevant measures for prevention and elimination of all forms of discrimination on the ground of sex as well as for the advancement [of] gender equality."<sup>13</sup> The document outlines the major directions of work as well as identifies priorities for the state's intervention in political, economic, and social fields. The Concept sets up a framework for the executive branch of government to further policymaking and action in the field of gender equality. "The Georgian Government will elaborate and implement the government strategy based on the main directions determined by this Concept."<sup>14</sup> Respectively, the parliament assigned the government of Georgia with adopting the Plan of Action for the implementation of the *State Concept on Gender Equality* by January 2007. Soon after the presentation of the first draft of the Action Plan to the Cabinet of Ministers, in the fall of 2006, the GCGE was dismantled. The GCGE was formally abolished on July 5, 2007 by Decree #138 of the government.<sup>15</sup>

Responsibility for coordination of gender equality issues in the executive branch of the government was transferred to the State Minister for Reforms Coordination at that time. The government reviewed the draft Plan of Action and assigned the Office of the State Minister for Reforms Coordination to elaborate it further. Due to these dynamics, the Action Plan that was finally adopted in September 26, 2007 by the governmental Decree #539<sup>16</sup> was much more modest, than the initial draft created by the joint working group of the GCGE and GE Council that united also representatives of civil society. The latter included a focus on women's political and economic empowerment; these two main directions of work were taken out of the final version of the Action Plan.

The ***2007-2009 Plan of Action for the Implementation of the Gender Equality Policy in Georgia*** focused on a) creating a relevant legal framework for gender equality, b) raising awareness with regard to gender equality, c) substituting gender related stereotypes with new gender equality oriented views in the education system and d) creating an inter-ministerial commission on gender equality issues in the executive branch of the government (as a substitute for the GCGE).

The inter-ministerial commission foreseen by the Plan of Action was established in September 2007,<sup>17</sup> bringing together ten governmental officials including deputy ministers from the ministries for Internal Affairs, Economic Development, Education and Science, Foreign Affairs, and Labor, Health and Social Affairs as well as the deputy Prosecutor General of Georgia. However, after the January 5 Presidential elections of 2008, the State Ministry for Reforms Coordination was abolished making the fate of the Commission that was established under the auspices of this State Ministry uncertain. The commission did not manage to convene even once from the time of its establishment in September 2007 until March 2008 (the time of the abolition of the State Ministry

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<sup>13</sup> Parliament of Georgia, *The State Concept on the Gender Equality*.

<sup>14</sup> Ibid., 2.

<sup>15</sup> Aladashvili, Chkheidze, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality in Georgia*, 19.

<sup>16</sup> Ibid.

<sup>17</sup> Decree no.211 of the Government of Georgia, *on the Establishment of the Inter-Ministerial Commission for the Elaboration of Gender Equality Policy*, September 26, 2007. Irma Aladashvili, Ketevan Chkheidze, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality in Georgia*, 19.

and consequently of the Commission),<sup>18</sup> which in itself is indicative of the lack of commitment from the side of the Commission's leadership to its mandate and effective functioning.

The policy documents listed above, while intended to guide work in this field, were framed in overly general terms. They did not provide for clear division of authority and jurisdiction, and most critically, the necessary budgetary allocation for their successful implementation.<sup>19</sup> In addition, these documents assigned to NGOs and the media certain tasks despite the fact that neither fall under the control of the executive branch. The lack of coordination among government agencies and between the government and civil society has been an additional obstacle to the successful implementation of the Action Plans according to international organizations and experts.<sup>20</sup>

**The Gender Equality Council in the Parliament (GEC)** proved to be quite an effective mechanism, especially for gender sensitive law-making; the Council has successfully created and lobbied for the adoption of **Law on Combating Trafficking** in 2006, the **Law of Georgia on the Elimination of Domestic Violence, Protection and Assistance to the Victims of Domestic Violence** in 2006, and the **Gender Equality Law of Georgia** in 2010. **The current Gender Equality NAP 2014-2016 was also developed by the GEC leadership and adopted by the Parliament on January 24<sup>th</sup>, 2014.** The GEC invited all Ministries to draft individual sections, where within the assigned funding the agencies could include gender equality considerations or implement activities in support of promoting women's rights. The eight sections of the NAP cover the main areas of work in line with the Beijing Platform of Action. Furthermore, the GEC deemed it important to recognize the need for higher involvement of women at the local level and devoted a special section to Regional Development. For the first time, the judiciary agreed to participate in the development of the NAP and provided input on disaggregating court data by sex and introducing gender mainstreaming. The commitment of the Ministry of Finance to include gender considerations in the programs outlined in the state budget was an achievement itself.

## 2) Prevention and response to violence against women

With the active collaboration and involvement of the OSCE Mission in Georgia another **Action Plan to Combat Trafficking in Human Beings for 2005-2006 (Presidential Decree № 623)** was developed and approved. In order to ensure the efficient implementation of the aforementioned action plan, an Interim Interagency Commission on Combating Trafficking in Human Beings was set up substituted later by an Interagency Coordination Council. The Inter-agency Coordination Council was chaired by the Minister of Justice of Georgia and included the representatives of different state institutions<sup>21</sup>, as well as representatives of international organizations<sup>22</sup> and local non-

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<sup>18</sup> Aladashvili, Chkheidze, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality 2007-2009 in Georgia*, 32-33.

<sup>19</sup> Report of Georgia on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)

<sup>20</sup> ABA/CEELI, *CEDAW Assessment Tool Report: Georgia*, 2003.

<sup>21</sup> Minister of Labor, Health and Social Protection of Georgia, the Prosecutor General, the Deputy Minister of Education and Science of Georgia, the Deputy Minister of Interior of Georgia, the Deputy Minister of Economy and Sustainable Development of Georgia, the Deputy Minister of Foreign Affairs of Georgia, the Deputy State Minister for Diaspora Issues, the Public Defender of Georgia, and the Director of the State Fund for the protection and assistance of (statutory) victims of human trafficking

<sup>22</sup> Council of Europe, the European Commission, the US Embassy in Georgia, the USAID, the UN Children's Fund, IOM



governmental organizations.<sup>23</sup> The Council drafted unified standards and regulations for identifying victims of human trafficking, adopted the composition of the permanent commission affiliated to the Coordination Council and the rules for its activities, the standards and requirements providing services to victims of trafficking, approved operational instructions for protecting victims of trafficking in human beings (a national referral mechanism) and regulations for providing compensations. In addition a strategy for rehabilitation and reintegration of victims/complainants of trafficking in human beings was adopted on July 19, 2007 and **Action Plan to Combat Trafficking for 2007-2008 (Presidential Decree #23)**.

Parallel to above mentioned actions to combat trafficking Georgia ratified several major international treaties dealing with combating human trafficking. In particular, the Parliament of Georgia has ratified the United Nations (UN) Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Council of Europe Anti-Trafficking Convention on Combating Trafficking in Human Beings (in force since February 1, 2008);

According to **Trafficking in Persons Report** issued by the [U.S. State Department](#) Georgia was placed among Tier 2<sup>24</sup> countries since 2001 due to not having the anti-trafficking law, resources to combat human trafficking and no articles related to victim protection.<sup>25</sup> In 2007 Georgia was upgraded to Tier 1<sup>26</sup> due to the efforts made by the Government of Georgia to fully comply with the minimum standards for the elimination of trafficking. The US Department of State report for 2007 states *“the government made considerable progress in the prosecution and punishment of traffickers, protection and assistance for victims, and prevention of trafficking. Georgia developed and implemented a victim-centered national referral mechanism, provided a building for the country's first trafficking victims' shelter, dedicated on-going funding for victim assistance, passed comprehensive trafficking legislation, aggressively prosecuted and toughened penalties for traffickers, and initiated multiple proactive prevention programs.”*<sup>27</sup> Georgia maintained this position both in 2008 and 2009.

**Law on Combating Trafficking** was adopted on April 28, 2006 and enacted on June 16, 2006. The law determines legal and organizational framework for the prevention of trafficking and combating it, in addition legal status of victims of trafficking and the guarantees for their social protection, the coordination of anti-trafficking measures of state authorities is determined by the law. The State Fund for the Protection and Assistance to the (Statutory) Victims of Human Trafficking (hereinafter the “State Fund”), a legal entity in public law, was established in June 2006.<sup>28</sup> The aim of the Fund is effective implementation of activities aimed at supporting trafficking victims - their protection, support and rehabilitation. The Fund coordinates activities to be implemented by the state and also cooperates with NGOs. Progress in the fight against trafficking in Georgia is indeed evident.

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<sup>23</sup> Georgian Young Lawyers' Association and the following NGOs: "Tanadgoma", "Civil Development Agency," and "The National Network for Protection against Violence"

<sup>24</sup> Tier 2 Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards

<sup>25</sup> <http://www.state.gov/j/tip/rls/tiprpt/2001/3928.htm>

<sup>26</sup> Tier 1 Countries whose governments fully comply with the TVPA's minimum standards.

<sup>27</sup> <http://www.state.gov/j/tip/rls/tiprpt/2007/82805.htm>

<sup>28</sup> <http://www.atipfund.gov.ge/index.php/en/about-us/regulations>

**The Law of Georgia on the Elimination of Domestic Violence, Protection and Assistance to the Victims of Domestic Violence** adopted in 2006, establishes administrative legal mechanisms for the response to the instances of domestic violence by authorized agencies and their representatives. These mechanisms are protective orders (issued by the first instance courts) and restrictive orders (issued by the police and subject to endorsement by the first instance courts) and are aimed at the protection of the DV victims/survivors and temporary restriction of certain acts of the perpetrator of domestic violence against the victim/survivor and thus prevent further instances of violence from occurring. The restrictive and protective orders are approved and issued through administrative legal proceedings. The law further provides for criminal and administrative liability for the failure to abide by the requirements of the protective and restrictive orders. Since the adoption of domestic violence law the number of restrictive and protective orders has increased. According to the Ombudsman's Report on the status of Human Rights and Freedoms in Georgia, 2010 the number of protective orders increased from 2 in 2007 to 30 in 2009 and number of restrictive orders from 94 in 2007 to 110 in 2009.<sup>29</sup> The number of restrictive and protective orders kept increasing from 2010 as follows: in 2010 - 44 protective orders and 182 restrictive orders; in 2011 – 257 restrictive orders and 52 protective orders; in 2012 301 restrictive orders and 54 protective orders; in 2013 – 250 restrictive orders and 57 protective orders.<sup>30</sup>

It should further be noted, that in July 2012 amendments to the Criminal Code of Georgia have been endorsed by the Parliament of Georgia **criminalizing the offence of domestic violence**. As a result, in addition to the restrictive and protective orders issued in 2012 and 2013, 395 criminal cases (47 in 2012) have been initiated on domestic violence crimes, inter alia 236 prosecutions that resulted in 170 convictions<sup>31</sup>, which constituted a 75% increase in the number of reported DV cases in 2013 as compared to 2012.

The Government of Georgia has also been regularly adopting **National Action Plans on the Measures to be implemented for Combatting Domestic Violence and Protection of and Assistance to the Victims of Domestic Violence** (DV NAP) since 2008. The current DV NAP has been adopted for the period of 2013-2015 and aims at the enhancement of the existing mechanisms and legislation on the elimination of domestic violence and protection of and assistance to the victims of domestic violence; protection, assistance to and rehabilitation of the victims of domestic violence; capacity building of law enforcement and service providers to DV victims/survivors; and increase of public awareness on the prevention of domestic violence and on the issue of domestic violence. It should further be noted that the Government of Georgia committed to ratify the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence (the Istanbul Convention) as per the DV NAP 2013-2015.

Additionally, in January 2009 the State Fund on Trafficking has been tasked with working on domestic violence issues and regulating them. Institutional progress achieved by the end of 2008 facilitated the effective implementation of the state policy on domestic violence in Georgia. The

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<sup>29</sup> <http://ombudsman.ge/uploads/other/0/84.pdf>, 486

<sup>30</sup> Source: Supreme Court of Georgia

<sup>31</sup> Source: Ministry of Justice of Georgia

State Fund on Trafficking started provision of the services determined by the DVL for the victims/survivors of domestic violence, such as shelters, psychological and medical assistance, legal aid, and nation-wide hotline as of 2010 with great support from UN Women. These services are now operational - one hotline and two (out of existing three DV shelters) are fully funded by the state budget. It is expected that the State will take over the findings of two more shelters from UN in 2015. In total, 3423 women and children were provided with hotline consultations, shelter services, emergency medical, psychological and legal aid services.

### **3) Addressing women's issues in conflict**

The National Action Plan (NAP) on UN SCR 1325 was adopted by the Georgian Parliament on 27 December 2011, with the special decree signed by the Chairman of the Parliament. A national Working Group established by the Gender Equality Council (GEC) of the Parliament of Georgia produced the NAP after nine months of intensive work. The group was composed of representatives of several ministries, such as: Ministry of Foreign Affairs, Ministry of Labour, Health and Social Affairs, Office of the National Security Council of Georgia, Ministry of Defense, Office of the State Minister for Reintegration, Ministry of the Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation, Ministry of Internal Affairs, Ministry of Education and Science, Ministry of Economic Development, as well as civil society representatives.

It is noteworthy that NAP on 1325 Resolution is the first document in South Caucasus, which contributes to implementation of UNSCR 1325 Resolution. The main objectives of the NAP are grouped according to the four main pillars of the UNSCR 1325 as follows: 1) participation: the objective is to support women's participation in peace building and security sector; 2) prevention: the objectives are to incorporate the women's needs in conflict prevention and to eliminate the all forms of violence against women in conflict and post conflict period; 3) protection: the objective is to protect women from all forms of threats including physical, social, economic and political; and 4) relief and recovery: the objective is to address the specific needs of women in conflict and post-conflict situations.

The NAP sets out some very important objectives, such as supporting increase of participation of women in decision making at all levels; considering women's issues in conflict prevention mechanisms and early warning systems; eliminating gender based violence and sexual violence; promoting zero tolerance towards sexual violence against women and girls; ensuring political, economic, social and physical safety of conflict affected women; ensuring participation of internally displaced and conflict affected women in determining their priorities and special needs; providing psycho-social and healthcare programs for internally displaced, refugees and conflict affected women; promoting UN SCR 1325 Resolution; promoting, coordinating, monitoring implementation of National Action Plan on UNSCR 1325 etc.

With UN Women support, the GEC established the National Coordination Group (NCG) on implementation of the NAP. The NCG meets once in two months. The goal of the NCG is to ensure effective coordination among various government institutions, which, according to the NAP, are responsible for its implementation, as well as to collect information on policies and programmes within relevant ministries that are in compliance with the objectives and activities of the NAP. The

NCG is comprised of 25 representatives of the government<sup>32</sup> and two representatives from civil society organizations (CSOs), as well as one NGO representative from regions close to the administrative borderline (ABL) in the breakaway territories of Abkhazia and South Ossetia was also chosen to participate on a rotational basis. As a result of these meetings, representatives of the ministries responsible for NAP implementation inform the NCG of internal progress towards NAP implementation.

#### **4) Women in power and decision-making**

Analysis of the election law and election results suggests that it has been extremely hard for women to be elected to Parliament, the supreme legislative body of Georgia.<sup>33</sup> In the parliaments elected in 1995, 1999, and 2003 women comprised respectively 7 per cent, 6 per cent, and 9 percent of the total number MPs.<sup>34</sup> The Presidential Decree 511 of August 28, 1999 called the Parliament of Georgia “to consider temporary special measures for improving women’s representation in decision-making processes including quotas in the area of political participation.”<sup>35</sup> Unfortunately, this call did not translate into actions; the Parliament of Georgia did not introduce any temporary special measures to improve women’s political participation. According to 2005 data, women chaired only two of 13 parliamentary committees; among the 26 deputy chairpersons of the committees there were only five women (i.e. women occupied roughly 18 per cent of high-ranking and middle-ranking positions in the parliament of Georgia).<sup>36</sup> This situation did not improve with the parliament elected in 2008. However, during the period of 2004-2008 a female MP, was the Speaker of the Parliament. Despite some progress made through legislative initiatives, the number of women in local self-governance bodies has decreased from elections to elections. From 14 per cent after the local elections of 1998, the percentage of women dropped to 12 per cent in 2002. As a result of the October 5, 2006 elections, only 195 out of 1,750 elected individuals, i.e. 11 per cent, were women.

The 2012 elections have been organized at a better starting point, from the women’s empowerment perspective. Following long-standing and persistent advocacy by the UN and other international organizations, including Venice Commission, in 2011, the parliamentary Gender Equality Council has made a significant step and successfully advocated amendments to the Election Code of Georgia and the Law on Political Parties introducing the first voluntary quota for advancing women in politics. The changes encompassed an additional 10% in budgetary financing

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<sup>32</sup> Ministries of Foreign Affairs, Defence, Labour, Health and Social Affairs, Internally-Displaced Persons from the Occupied Territories, Refugees and Accommodation, Internal Affairs, Education and Science, Economy and Sustainable Development, State Minister’s Office for Reintegration, Security Council of Georgia, Public Defender’s Office, State Fund Against Trafficking and Domestic Violence, Georgian Statistics Department and several members of the Parliament of Georgia.

<sup>33</sup> The parliament elected in 1995 during Shevardnadze’s presidency adopted a new constitution on August 24 of the same year. As long as the internal conflicts that took place in Georgia in the early 1990s remain unresolved, the bicameral Parliament, provided by the Constitution and consisting of the Supreme Council and the Senate, will not be fully formed. The elected membership of the Senate requires territorial integrity of the country, which is pending until the final resolution of Abkhazia and South Ossetia internal conflicts.

<sup>34</sup> Ministry of Economic Development of Georgia, *Women and Men in Georgia*, 2008, 55.

<sup>35</sup> President Shevardnadze, decree 511, *About the Measures on Strengthening the Protection of Human Rights of Women in Georgia*, August 28, 1999, Sabedashvili, *Women in the Decade of Transition*, 76.

<sup>36</sup> The Ministry of Economic Development, State Department of Statistics, *Woman and Man in Georgia*, 2005, 63.

for a party that included at least 2 different sex representatives in every 10 of the election party list. The quota did not affect the nominations for the single-mandate districts<sup>37</sup>.

As a result, around 15 % of single mandate nominations from all parties were women, compared to 12% in 2008. Major parties – the United National Movement (UMN) and Georgian Dream nominated 3 and 8 females in different districts respectively (out of 73 districts in total). It should be noted, however, that these two major parties did not find it important to respect voluntary gender quota either, while the 2 parties, that did, could not collect votes enough to secure seats in the parliament. At the end, only 11 women became MPs from party nominations and 7 won single mandate districts. At present there are 17 female MPs (two women had to withdraw their mandates, due to their appointment at ministerial positions in the government). This is still almost doubling of the previous women participation rate, mostly attributed to the Georgian Dream nominating more women in the higher positions in the party list as well as nominating women in those single-mandate districts that were in winnable positions.

In the area of women's political empowerment, on the outlook of the Local Elections 2014 the gender quotas remained a priority for the Gender Equality Council, which closely worked with the Inter-faction Working Group on Elections to further improve legislative assurance for women's political involvement. As a result, voluntary quota were increased from 20% to 30% inclusion of different sex representatives on party lists with financial incentive rising from 10% to 30% additional budget funding for parties complying with the requirement. The Local Elections are scheduled in June 2014.

Nevertheless, major challenges remain in the achievement of gender equality and the empowerment of women, **in particular 1) lack of institutional mechanism for the advancement of gender equality within the executive branch of government; 2) lack of resources allocated from the state budget for gender and limited application of GRB and 3) poverty among women.** It is however noteworthy, that these are the challenges greatly acknowledged by the government and the ways for addressing them have been foreseen among others in the Gender Equality Action Plan of Georgia (2014-2016) adopted in January 2014.

### **1) Institutional mechanism for the advancement of women**

If reviewed against the necessary conditions for the functioning of a national mechanism for the advancement of women spelled out by the *Beijing Platform for Action*, significant improvements are needed in Georgia. The establishment of the Gender Equality Council of the Parliament with a permanent mandate has been clearly a positive step with regard to gender-sensitive lawmaking. However, the Council needs to be strengthened with sufficient resources in terms of funding and human capacity and the main support for its functioning comes from the UN agencies rather than from the state budget as requested by the *Beijing Platform for Action*. In addition, the lack of a complementary mechanism in the executive branch of the government makes it, yet, impossible to ensure mainstreaming gender considerations in budgeting or policy-making processes. CEDAW committee in its most recent Concluding Observations to Georgia (August 2006) has welcomed the

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<sup>37</sup> The Parliament in Georgia is single chamber and consists of 150 Members. 77 are elected by proportional system through party lists and 73 majoritarians are elected by single-mandate districts.

establishment and work of the Council, but expressed concerns that it may not have the resources (both human and financial) and political authority needed to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention.<sup>38</sup>

Very limited progress has been made in terms of establishing institutional mechanisms in local governments. Limited implementation of Gender Equality NAP for 2007-2009<sup>39</sup> and Gender Equality Advisory Council to be only institutional body on gender equality in Georgia calls for strengthening and improvement of the institutional set-up especially in the executive branch that constitutes a priority for the current government. To address this challenge, the government plans to establish a Working Group on Gender at the level of Deputy Ministers as part of broader human rights architecture in the country under the Prime Minister and the Cabinet i.e. Human Rights Council that is also yet to be established.

## **2) Lack of resources allocated from the state budget for gender and limited application of GRB**

As it was discussed above, the lack of resources allocated from the state budget for the operation of gender equality institutional mechanisms and for the implementation of relevant policies was an issue. Work in the direction of gender budgeting in Georgia has been launched in 2004 when the first monitoring activity was carried out to evaluate the implementation of social programs. The attitude toward gender budgeting was neutral. Obstacles were sometimes encountered, such as a lack of gender-segregated statistics, the absence of gender-segregated data in the ministries, removal of gender budgeting components from the action plan for gender equality. Misunderstanding about gender responsible budgets as *additional funds* allocated for women led to refusal, based on the needs to fund for *more important priorities*. There was no share or percentage allocated annually in the national budget for the investment in the promotion of gender equality and the empowerment of women.

In 2006, the UN through different initiatives raised awareness on gender responsive budgeting at central and local levels in Georgia, this way promoting more open and participatory democratic processes in the country and supporting the development of gender policies, to build capacity of women in decision-making positions and facilitate a dialogue on gender issues within political structures. The initiatives focused on gender budget analysis of 2007, 2008 and 2009, 2010 State Budgets and gender analysis of the state educational and social programmes along with local municipality budgets. New indicators for gender-disaggregated data were developed and shared with the Statistics Department of Ministry of Economic Development and this institution was sensitized about the importance of sex disaggregated data; the recommendations to the Law on Statistics submitted to the Parliament were prepared with the new clause that obligates the Statistics Department to disaggregate data by sex. Statistical publication "Women and Men" (2005, 2006, 2008) were published and distributed among stakeholders.

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<sup>38</sup> Committee on the Elimination of Discrimination against Women, *Concluding Comments of the Committee on the Elimination of Discrimination against Women: Georgia*, Thirty-Sixth Session, 7-25 August, 2006, paragraphs 15-16.

<sup>39</sup> Aladashvili, Chkheidze, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality 2007-2009 in Georgia*, 39.

At local level, the GRB Component engaged in reviewing and analysing local municipality budgets and programmes of the seaport Poti and cities of Rustavi and Kutaisi. In the seaport Poti and cities of Rustavi and Kutaisi needs assessment of local population was performed to identify different needs and requirements of men and women at local levels in order to underline the effectiveness of public funds expenditure from gender point of view.

Until 2008, the budget policy in the country was strikingly masculine, in that 35 percent of the budget was allocated for defense and maintenance of public order, which seriously affected the implementation of socially oriented policies in the country. Economic reforms and the macroeconomic policy were fully built upon the principles of liberal economy, focusing only on the development of large businesses.

### **3) Poverty among women**

Labor market in Georgia is gender-segregated. In many impoverished families, women have taken on the role of breadwinners by not refusing low-paid jobs. This has given them a certain degree of empowerment through economic independence, but has not altered the traditional gender division of labor. Women have remained primary caregivers, responsible for household work and feeding and caring for their children and elderly. The majority of women who remained employed in the formal sector worked in the low-paying fields of agriculture, education, healthcare, and light industry.<sup>40</sup> The vertical and horizontal gender segregation of the labor market was obvious from the high concentration of women in lower positions in the less profitable sectors of economy. In 2009, the share of employed women constituted 47.0 percent. The most of households in Georgia are led by men and this trend remains unchanged. The number of such families is twice higher than the number of female-headed households.<sup>41</sup> The income per household as well as per person is growing. At the same time, those households whose heads are males have higher incomes. In 2008, the average income of households headed by males was higher by 34% than that of female-headed households. This difference slightly declined in 2009 to 32%.<sup>42</sup>

**The nationalization of Millennium Development Goals (MDGs) took place in 2004. MDG 3 – promotion of gender equality and empowerment of women, has been adjusted to the Georgian context through two key targets (i) ensuring gender equality in employment and (ii) ensuring equal access to activity in the political domain and at all levels of management. Progress towards the implementation of the MDGs has been uneven and much remains to be achieved especially in the areas of women’s political and economic empowerment.**

**Achieving gender equality on the way to building a democratic state has been challenging for Georgia. Although the Georgian government has made some positive attempts to elaborate and implement gender equality policies and has translated international obligations, it clearly**

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<sup>40</sup> According to 1989 data, women comprised 50 per cent of those employed in agriculture, 77 per cent in healthcare and 70 per cent in light industry. Gender Development Association, *Status of Women in Georgia* (Tbilisi, 1999), 7. According to 2007 data, women comprised 51 per cent of all the employees in agriculture, 83 per cent in education, 85 per cent in healthcare and 48 per cent of all the employees of the trade sector. Ministry of Economic Development of Georgia, State Department of Statistics, *Women and Men in Georgia: Statistical Booklet* (Tbilisi: 2008), 41.

<sup>41</sup> Women and Men in Georgia; Statistical Booklet; Georgia; 2008

<sup>42</sup> Women and Men in Georgia; Statistical Booklet; Georgia; 2011

**understands that greater commitments are needed to implement these policies and legal frameworks in order to meet country's international obligations including Beijing Platform for Action.**

## **Section II: Progress of Georgia in the Implementation of the Critical Areas of Concern of the Platform for Action since 2009**

### **A. Woman and poverty**

The Millennium Development Goals (MDGs) are eight goals to be achieved by 2015 that respond to the world's main development challenges. They form a blueprint agreed upon by the absolute majority of the world countries and all the world's leading development institutions to address issues such as poverty, hunger, and education for the world's poorest. Eradication of extreme poverty and hunger is the first goal among eight Millennium Development Goals.

The Millennium Development Goals Report 2013, launched on July 1, 2013 by the UN Secretary-General Ban Ki-moon in Geneva, finds many positive results for the Caucasus and Central Asia region, which includes Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.<sup>43</sup> According to the report, the Caucasus and Central Asia region has almost met the target of halving hunger by 2015.

The CEDAW Committee issued a recommendation on August 15, 2006 during the hearing of the second and third periodic reports of Georgia and “requested the government to ensure that all poverty alleviation programs and strategies are gender-sensitive and to take into account the needs of particularly vulnerable groups, including rural women, elderly women, and women-headed households.” The Committee called upon Georgia, to undertake relevant measures for the improvement of economic conditions for particularly vulnerable groups of the population. An analytical study conducted by the Public Defender’s Centre for the Rights of Women and Children in 2012 revealed, that the failure to foresee gender aspects of the social assistance and social protection system may become direct source of discrimination against women, which is prohibited by the Constitution and other legislative acts.<sup>44</sup>

Social assistance issues are regulated by the Governmental resolution #145 of 28 July 2006 on Social Protection, which determines that subsistence allowance may be granted to families, who are registered in the unified database for socially vulnerable families in accordance to the regulations and whose ranking score is lower than the average score established by the government of Georgia (57 001). For the aim of receiving allowance, family members placed in state institutional

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<sup>43</sup> [http://www.ungeorgia.ge/eng/millennium\\_development\\_goals/MDGs\\_and\\_georgia#.U0vOwfmSzal](http://www.ungeorgia.ge/eng/millennium_development_goals/MDGs_and_georgia#.U0vOwfmSzal)

<sup>44</sup> The annual Report of the Public Defender of Georgia: The Situation of Human Rights and Freedoms in Georgia; available at: <http://www.ombudsman.ge/uploads/other/1/1350.pdf>



establishments and receiving state assistance will not be considered as family members.<sup>45</sup> It is noteworthy, that allowances assigned to families may be revised if there are changes in family composition; e.g., if one member of the family leaves the household, moves to a different place for residence.<sup>46</sup> The same rule applies in cases, where the person receiving allowance moves to a shelter for the victims of domestic violence. In this scenario, the victim/survivor of domestic violence (as well as a child/juvenile, if he/she moves to live in the shelter with a parent) does not receive social assistance anymore. Socially vulnerable victims of violence are deprived of the right to receive the subsistence allowance because of placement in a shelter. Unfortunately, this factor sometimes represents the reason for refusal by the victims/survivors of domestic violence to move to shelters, which places the victims under threat. In shelters victims are provided with minimal conditions for living (housing, food, medical assistance) while the existing legislation does not foresee provision of financial assistance because of victim status, which could have been applied for satisfying basic needs of the victim/survivor (transportation of child to school, purchase of books etc.).

The existing social assistance system needs to be further enhanced to meet the needs of socially vulnerable victims/survivors of domestic violence, especially women and children. The system creates dilemma for a socially vulnerable victim/survivor – whether to ensure personal safety and safety for children and flee from the perpetrator or to keep the social assistance as the only source of income, but refuse to protect personal rights and safety, thus risking the life. For the time being there takes place the review of the state programme on targeted assistance for social protection and the above mentioned concern will be given a special consideration in this review process.

The most vulnerable group is single mothers. There are no state programs targeted towards the assistance of vulnerable single mothers. The concept of single mother is defined in the decree of the Minister of Health, Labor and Social Assistance “on approval of the assessment system of socio-economic conditions of socially vulnerable families”, according to which a single mother is a person who has never had a spouse, or is a widow and who has a child (children) below the age of 18. According to the information of the Ministry of Justice, 1382 newly born children in 2013 have no name of father indicated in the birth certificate, which means that the number of single mothers in 2013 increased by 1382. The wedding or death certificate of a spouse in case of widows and child’s birth certificate is mandatory in order to receive the social assistance. This definition regulates only the issues related to the social allowance programs. It is also noteworthy that the tax code starting January 1, 2014 exempts the single mother from the payment of income tax.<sup>47</sup> (In the past, single mother was exempt from the payment of income tax in case her annual income did not exceed 3000 GEL). Local non-governmental organizations together with Gender Equality Council of the Parliament are working on a new more comprehensive legal definition of the term of single mother, to enhance registration and more importantly policymaking towards vulnerable single mothers.

The state provides free legal aid for the socially vulnerable. Representation in the courts is provided to the people in socially vulnerable categories in criminal cases, where mandatory defense

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<sup>45</sup> Order #225 of 22 August 2006 of the Ministry of Labor, Health and Social Assistance adopting the Rules of Assigning and Providing Subsistence Allowance

<sup>46</sup> *ibid*

<sup>47</sup> Tax Code, Article 82; part 2

requirement applies free of charge. Free consultation on civil and administrative cases is available to all. The service is equally accessible for both men and women.

Starting from July 2014, the Government of Georgia is planning to support the third and subsequent children by introducing child benefits that does not differentiate between poor and non-poor children but are universal within a category – families in the mountainous regions will receive 200 GEL and non-mountainous 150 GEL on a monthly basis until a child turns two years. In this regard, it will be critical to ensure that the allowance is provided in the best interests of a child, thus the Ministry is considering making mothers primary recipients of this allowance.

On April 4, 2014 UN Women organized a consultation meeting with civil society advisory group around Beijing +20 review process in which over 20 the most leading women’s rights NGOs participated. The NGO representatives underlined that women are at high risk of poverty and feminization of poverty is a reality in Georgia. State social assistance programs do not provide women and their families with minimum income to rear children and provide them with adequate living conditions. Women are primary caregivers for disabled members of their families that further hinder their employability. According to NGO representatives, state needs to take more proactive steps to help women overcome poverty.<sup>48</sup>

## **B. Education and Training of Women**

The Georgian legislation, as well as international standards guarantee equal access to education. Literacy and school enrollment rates are high in Georgia which is related to the fact that the culture values education, especially for women. Levels of education vary little by sex. Boys more frequently leave school early to work in support of the family. Girls may also be required to leave school but are more often engaged in unpaid work at home.

Primary education is free in Georgia. The General Education which is presented by the three levels of primary (1-6 grades), basic (7-9 grades), and secondary (10-12 grades) education is free for all children. Primary and basic education is compulsory for all children while secondary education is selective by the students. Different sources emphasize inequality in access to education. According to *the Reproductive Health Survey (RHS)* of 2010, around 20,000 primary school-age children were not enrolled in primary school.<sup>49</sup> Around a quarter of six-year old boys (29%) and girls (24 %) do not attend primary school.<sup>50</sup> Overall, the gender parity indexes for primary and secondary school Net Attendance Ratios are 1.01 and 1.02 respectively, indicating that only slightly more girls than boys attend primary or secondary school at the proper age.<sup>51</sup>

The quality of education has been a major challenge in Georgia since gaining independence. In 2012, the Ministry of Education and Science (MoES) initiated revision of the national curriculum and textbooks for all primary grades. The new curriculum should be more outcome-oriented and is intended to improve learning achievements for Georgian primary school children. This process is supported by the revision of national standards and programs for teachers on the new curriculum.

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<sup>48</sup> Minutes of the Meeting of April 4, 2014

<sup>49</sup> NCD, MoLHSA, National Statistic Office, DRH/CDC, UNFPA, USAID, UNICEF, *Reproductive Health Survey Georgia 2010: Final Report*, 2012, 39-40

<sup>50</sup> UNICEF, *An update of the situation of children in Georgia*, 2011, Tbilisi, 17.

<sup>51</sup> *Reproductive Health Survey 2010*, 43.

The 2010 *Reproductive Health Survey (RHS)* reported a Net Attendance Ratio (NAR) of 86%. Girls are more likely to attend secondary school than boys (88 % as compared to 85 %).<sup>52</sup> In 7 – 12 grades of basic and secondary education, boys in the bottom wealth quintile are significantly more likely to have dropped out of school than their peers in the highest wealth quintile (85% compared to 97%). Wealth status does not seem to have an impact on levels of school attendance amongst girls (94% compared to 95%).<sup>53</sup> However, the 2010 RHS reveals that the Secondary NAR varies according to ethnic identity of a child making 91% for ethnically Georgian girls, 85% for ethnic Armenian girls and 65% for ethnic Azerbaijani girls.<sup>54</sup> It also reveals that secondary NAR is 88% for Georgian boys, 80% for Armenian boys and 63% for Azerbaijani boys.<sup>55</sup>

According to the Public Defender's Report on the Human Rights Situation in Georgia (2012), 7,367 girls dropped out of school at the level of basic education (7-9<sup>th</sup> grades, ages 12-15) during 2011 October-2013 January. Although the reasons of the school dropout are not mentioned explicitly in the MoES data, it is assumed, that the main reason is early marriage.<sup>56</sup> The Public Defender provided a recommendation to the Ministry of Education and Science of Georgia, the Ministry of Labor, Health and Social Affairs (MoLHSA) and the Ministry of Internal Affairs to ensure that preventive, as well as other relevant measures are in place, in order to protect girls from any kind of violence or coercion. During 2013, special attention was paid to Kvemo Kartli region, where the school dropout rate for girls is the highest.<sup>57</sup> Among ethnic Azerbaijan communities living in Georgia, parents may place less emphasis on the education of girls and in cases of early marriage, girls could leave school as early as age 13 or 14. It should be noted that this community itself has recognized the problem and civil society groups are advocating against the practice of early marriage as well as assisting young women to obtain further skills and training.

The gender analysis of textbooks carried out by an NGO with the support from OSCE in 2012 showed that existing curriculum in schools is not providing sufficient materials to promote gender equality ideas and oftentimes reinforce discriminatory gender stereotypes.<sup>58</sup> Teachers at schools hold conservative notions of the "appropriate" roles of men and women; textbooks perpetuate stereotypes. The CEDAW Committee has recommended that the Government of Georgia eliminate gender stereotyping and mainstream gender perspectives in curricula and textbooks (CEDAW committee, 2006). A 2012 year study<sup>59</sup> of history and civic education textbooks for schoolchildren (10 textbooks were studied) revealed that men are represented better regarding quantity – more pictures, more characters and quality - more positive discussion, more praise of their activity. In addition, most textbooks contain stereotypical information on gender roles and responsibilities. In terms of quantity, 70% of pictures in textbooks depicted men only, 7% of pictures – women only and 16% of pictures depicted both men and women. In the analysed 10 textbooks, there were

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<sup>52</sup> *Reproductive Health Survey 2010*, table 3.3.4

<sup>53</sup> Ibid.

<sup>54</sup> Ibid., 21.

<sup>55</sup> UNICEF calculations based on RHS 2010 data.

<sup>56</sup> UNFPA has launched the study on Early Marriages in September 2013 to assess the situation and generate evidence to provide policy and programme recommendations.

<sup>57</sup> Public Defender Annual Report 2013 pg. 504

<sup>58</sup> Center for Civil Integration and Inter-Ethnic Relations, OSCE High Commissioner on National minorities, *Gender equality Issues once Teaching Social Sciences: Gender Analysis of Textbooks*, Tbilisi, 2012.

<sup>59</sup> Ibid

about 10 times more men pictures, than those of women.<sup>60</sup> The gender segregation of elementary school textbook authors is the following: male authors compose 22.5% and female authors 77.5%. The male authors mainly write for mathematics, Georgian literature and language, geography and our homeland and the authors of all other subjects' textbooks are women.<sup>61</sup> The study of the textbooks in history and civic education at the secondary level (grades 7 and 8) revealed that majority of authors of history text books are men and compose 66% and 77% of illustrations depict only men, only 7% depict women and both genders are represented in 16% of pictures. Vice-versa, women are in majority among the authors of the text books in civic education and comprise 82%, but despite this women are only represented in 15% of pictures of the textbook when number of male illustrations is significantly more and composes 43%.<sup>62</sup>

Also with UN/EU support the *National Concept on Healthy and Harmonious Education* concerning youth reproductive health and rights education was developed in 2007 through an inclusive and participatory process, based on the findings and recommendations of the number of analytical papers and the Youth Reproductive Health Survey. Despite the fact, that the recommendations for the National Education Plan, developed jointly by UN and USAID according to this National Concept, have been submitted to the Ministry of Education and Science for consideration in 2010.

A Georgian nationwide study in 2013 showed that 20% of the population still regards school education as more important for boys than girls, and 26% say the same about University education.<sup>63</sup> According to the information provided by the Education Management Information System (EMIS) the total number of pupils both in public and private schools in Georgia is 553,016 out of which 47% (261,860) are girls. At the vocational and technical education levels the number of female and male students on average, are equal. Women have slightly greater representation in institutions of higher education (55.5% of the enrolled are women as compared to 44.5% men).<sup>64</sup> There may be some connection to the fact that men have greater opportunities to find viable work in fields that require vocational training or secondary education. Women predominate in the fields of education, arts and humanities. Women are represented disproportionately in the teaching profession; there are greater numbers of women working at the public primary and secondary school levels and fewer professors at the university level.<sup>65</sup> The difference between the number of male and female faculty members is higher for full professor and associate professor level and is lower for assistant professor level; The higher the professor's position and all the corresponding material and psychological benefits, as salary, teaching load, prestige and power are, the more men are found.<sup>66</sup>

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60 ibid

61 Study of Intercultural Education Aspects at the Elementary School Level in Georgia, Tbilisi; 2013; implemented by Center for Civil Integration and Inter-Ethnic Relations (CCIIR) funded by USAID and JEWMI G-PAC

62 The research was conducted by The Center for Civil Integration and Inter-Ethnic Relations (CCIIR) within the project "Supporting Multilingual Education Reform in Georgia". The project is funded by the OSCE High Commissioner on National Minorities. 2012

63 Studies of Labor Demand, Barriers to Participation in STEM Education Programs and Occupations in Georgia; *Tbilisi, Georgia; 2014*; Millennium Challenge Account – Georgia; pg.11

64 Women and Men in Georgia: Statistical Booklet

65 USAID/GEORGIA Gender Assessment; Elisabeth Duban, DevTech Systems, Inc.

66 Studies of Labor Demand, Barriers to Participation in STEM Education Programs and Occupations in Georgia; *Tbilisi, Georgia; 2014*; Millennium Challenge Account – Georgia; pg. 38

The charts below show that since 2010 number of women registered for the national unified examination exceeds number of men and in addition women are more successful in passing the unified national examination and receive the right to continue to study at the institution of higher education.

Chart 1: Number of Women and Men Registered for the Unified National Examination<sup>67</sup>

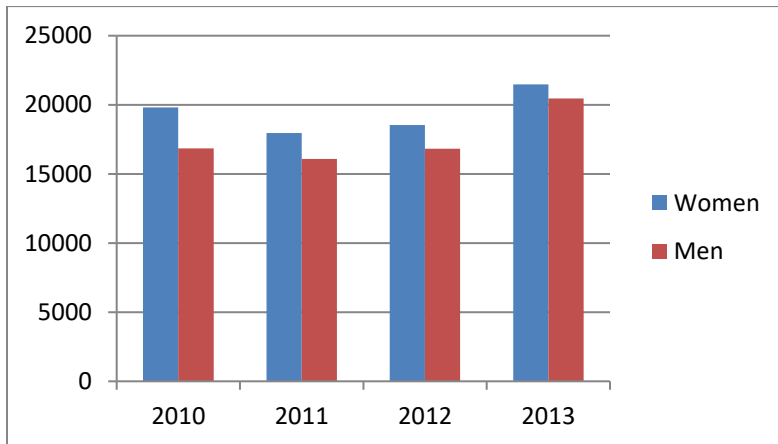
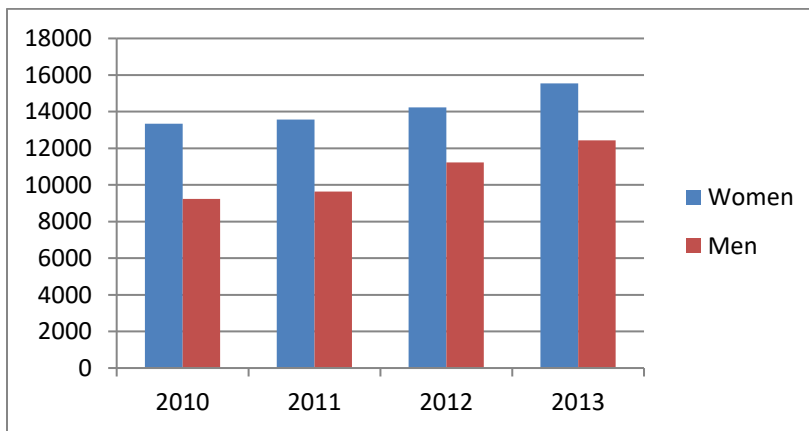


Chart 2: Number of Women and Men who passed the Unified National Examination<sup>68</sup>



In 2009 more boys received scholarships, than girls; in contrast, in 2010 more girls received scholarship, than boys. In general, there is no gender difference in receiving scholarship and it does not create any barrier in access to bachelor's, master's and doctoral programs.<sup>69</sup>

The Government of Georgia has identified low quality of human capital in general and specifically a shortage of skilled technicians and professionals in the areas of science, technology, engineering and mathematics (**STEM**) as binding constraints to Georgia's long-term economic growth and development. In addition, it was determined that despite of their superior performance in school

<sup>67</sup> Information received from the Ministry of Education and Science; National Examination Center

<sup>68</sup> Ibid

<sup>69</sup> Ibid pg. 56

mathematics and science – a smaller share of young women than young men are applying to and graduating from post-secondary STEM programs, which deprives Georgia of the benefits of these highly performing students<sup>70</sup> Currently, many European countries celebrate increasing opportunities for women in science, technology, engineering and mathematics but, unfortunately, Georgia still has a long way to go. Stereotypes create threats for vulnerable groups, in this case, for women, to perform well. Stereotype threat is described as a social psychological predicament<sup>71</sup> rooted in the prevailing images for women as intellectually inferior in STEM.

### **C. Women and Health**

Life expectancy at birth differs for men and women in Georgia; women outlive men by almost nine years. While life expectancy for both men and women has increased over the last decade, life expectancy for men has improved at a slower rate.<sup>72</sup> Fifty-seven percent of all males over age 15 are tobacco consumers as compared to only 6% of the same age female population. Smoking is generally considered a risk factor for tuberculosis (TB) infection, as well as other chronic diseases, and Georgian men represent 75% of all registered TB cases.<sup>73</sup>

Since 2013, a new state programme on “Universal Healthcare” has been launched providing health insurance to all citizens of Georgia who have been without medical insurance before and includes free-of charge delivery and C-section medical care. This programme also covers costs for oncology related medical care, including surgery, chemotherapy, radiotherapy (80% co-funding; limit per year – 12,000 GEL).

A critical issue for women’s health is violence against women which is a serious health concern for Georgia, leading to short-term and long-term consequences to both physical and mental health. There are important links between domestic violence and maternal and child health. Medical services (mainly emergency and primary care services) for victims/survivors of domestic violence, who reside in the government/donor co-funded shelters, are provided by the state.<sup>74</sup>

The Georgian National Referral Mechanism (NRM) on Domestic Violence identifies health care institutions as entities that can have initial interactions with the alleged victims of domestic violence. Furthermore, according to the NRM, the Ministry of Health, Labor and Social Protection, as well as the healthcare institutions (primary healthcare institutions, hospitals, psychiatric services, etc.), along with other institutions, are responsible for identifying and preventing the cases of domestic violence, providing primary medical and psychological assistance and social services; Comprehensive recommendations on Health System Response to Intimate Partner Violence and Sexual Violence against Women and Children have been developed with UNFPA support. The government endorsement and piloting in the health system is planned in 2014.

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<sup>70</sup> Ibid

<sup>71</sup> Aronson, J., Fried, C.B., Good, C.(2002) Reducing the Effects of Stereotype Threat on African American College Students by Shaping Theories of Intelligence. *Journal of Experimental Social Psychology* 38, 113–125

<sup>72</sup> Sumbadze, Nana, *Gender and Society: Georgia*, p. 98.

<sup>73</sup> USAID/GEORGIA Gender Assessment; USAID/GEORGIA; Elisabeth Duban, DevTech Systems, Inc.

<sup>74</sup> Domestic violence shelters as well as the nation-wide hotline are administered by the State Fund for the Protection and Assistance of the Victims of Trafficking in Human Beings and Domestic Violence.

The target of reducing maternal mortality to 3/4 is especially significant in achieving the Millennium Development Goals. In order to meet this goal, the maternal mortality rate needs to be reduced by 5.5% annually. According to the recent UN estimates, the percentage of decrease is twice less. The national target for this indicator is 16 to 100,000 life births by 2015.<sup>75</sup>

Addressing HIV/AIDS in Georgia is another priority area. The epidemic is largely localized to specific risk groups, predominantly injecting drug users, female commercial sex workers and the community of men who have sex with men.<sup>76</sup> In the early years of the HIV epidemic in Georgia, as in most Eastern European countries, injecting drug use was the major transmission mode. The epidemic remains to be located among male population (73 % vs. 27%). The Percentage of young women aged 15-24 who are HIV infected in Georgia equals to 0.002%. Georgia is categorized as having a low-prevalence HIV epidemic. According to official statistics, in 2012, 86% (47,105) of pregnant women covered by Antenatal Care services have been tested on HIV. Out of tested pregnant women 0.02% of women (11 cases) have been HIV positive. Out of these 11 cases only 2 cases were among the pregnant women below the age of 25 years.<sup>77</sup>

Georgia has developed National HIV/AIDS Strategic Plan of Action for 2011-2016 (NSPA) and its main goal is to achieve universal access to HIV/AIDS prevention, treatment, care, and support in Georgia. NSPA outlined policy and programmatic priorities with 4 major strategic objectives: 1) Surveillance; 2) Prevention; 3) Treatment, care and support; and 4) National commitment. The Georgia National HIV/AIDS Monitoring and Evaluation Framework was adopted in 2011.

The Georgian legislation, including the state law on HIV/AIDS do not discriminate by gender, the law on HIV/AIDS (2009) warrants all citizens of Georgia, regardless of their age, sex, social status, or sexual orientation equal access to HIV/AIDS prevention, treatment and care services.

Youth sex education has not been institutionalized; such interventions have sporadic character and are mostly implemented in informal settings by NGOs and international organizations and UN.

Contraceptive Prevalence Rate (total) is 53%.<sup>78</sup> According to the RHS 2010, the use of contraceptive methods among married women aged 15-44 has increased from 41% in 1999 to 53% in 2010. Use of modern methods of contraception among married women increased to 35% in 2010 (compared to 26% in 2005 and 20% in 1999).<sup>79</sup> Overall, the *2010 Reproductive Health Survey* found that 39% of all women had a potential demand for contraception.

In Georgia, abortion is available without restrictions during the first 12 weeks of gestation. Beyond this gestational age, abortion is available only on medical or selected social grounds. The medical and social grounds are not specified in the law, the medical conditions are defined by the Ministry of Labour, Health and Social Affairs, social conditions are defined by the legislation of Georgia. Abortion is only permitted if performed by a doctor in a licensed medical facility. Family planning

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<sup>75</sup> [http://ncdc.ge/uploads/statistics/cnobar/yearbook\\_2011.pdf](http://ncdc.ge/uploads/statistics/cnobar/yearbook_2011.pdf) pg. 8

<sup>76</sup> USAID/GEORGIA Gender Assessment; USAID/GEORGIA; Elisabeth Duban, DevTech Systems, Inc. pg. 21

<sup>77</sup> NCDC, Health Care Statistical Yearbook, 2013.

<sup>78</sup> *Reproductive Health Survey Georgia 2010: Final Report*, Tbilisi, 2012

<sup>79</sup> *Ibid.*

counselling around the time of the abortion procedure is mandated as part of the Georgian healthcare law. According to the Georgia Reproductive Health Survey 2010, only one in three (33%) respondents with a history of at least one abortion on request in the last five years reported receiving contraceptive counselling (10% before and 13% after, the rest at both times).

The political and socioeconomic changes in Georgia over the last 20 years have made an impact on the reproductive behavior of the population resulting in a dramatic decline in the total fertility rate (TFR) to 1.6 in 2005 according to the Georgia Reproductive Health Survey results. However, the TFR calculated from 2010 survey, of 2.0 births per women for the period 2007-2010, is the highest survey-based TFR ever reported for Georgia.<sup>80</sup> According to the official statistical data, since the 1990s the departure from the natural average sex ratio at birth (SRB) of 105 boys for 100 girls has been observed.

The Parliamentary Assembly of the Council of Europe (PACE) Resolution 1829 (2011) on prenatal sex selection mentioned Georgia among the other few Council of Europe member countries, where the skewed sex ratio at birth “has reached worrying proportions” (111 boys for 100 girls in Georgia).<sup>81</sup> The assembly emphasized the possible social consequences of this phenomenon, which are likely to create difficulties for men to find spouses, lead to serious human rights violations such as forced prostitution, trafficking for the purposes of marriage or sexual exploitation, and contribute to a rise in criminality and social unrest.

The National Screening Program was initiated by the Georgian National Council of the Reproductive Health, which brings together the representatives of the Ministry of Health, Health Committee of the Georgian Parliament, major health institutions of the country and international Donor Organizations, among them the UN Population Fund (UNFPA) plays the most important role. UNFPA Georgia office with the co-funding from the Municipality of Tbilisi has been implementing the Reproductive Tract Cancers Prevention and Early Detection Project since 2006. Based on the analysis of the data and accumulated experience, at the beginning of 2008 under patronage of the First Lady of Georgia, the project has been redesigned to focus on breast and cervical cancers screening for the targeted population of Tbilisi. The remarkable achievements of the project, contributing to the reduction of morbidity and mortality, made the government decide to replicate the project at the national level - cancer screening programme has been launched in all regions of Georgia and the National Screening Centre (NSC) has been selected to implement this project.<sup>82</sup>

Since 2011, the National Screening Programme includes Breast Cancer Screening, Cervical Cancer Screening, Bowel Cancer Screening, Prostate Cancer Risk management services. This innovative project is one of the first of its kind among the countries of Eastern Europe and Central Asia that aims at increasing detection of cancers at early stages, in order to reduce the early mortality of women and men caused by these diseases. These services are free of charge for all residents of Georgia, who belong to the screening programme target age groups.

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<sup>80</sup> Reproductive Health Survey Georgia 2010: Final Report, 2012, NCDC, MoLHSA, DHR/CDC, UNFPA, USAID, UNICEF

<sup>81</sup> Parliamentary Assembly, Council of Europe, Resolution 1829, 2011, paragraphs 3 & 9, available on-line at: <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta11/ERES1829.htm>

<sup>82</sup> <http://gnsc.ge/?act=page&id=49&lang=en>



The National Program of Breast Cancer Screening provides free breast screening every two years for all women in Georgia aged 40 to 70. The National Program of Breast Cancer Screening is an effective part of the Georgia's efforts to reduce the death toll from breast cancer. The World Health Organization's International Agency for Research on Cancer concluded that there is a 35 per cent reduction in mortality from breast cancer among screened women in Georgia.<sup>83</sup>

The National Program of Cervical Cancer Screening provides free cervical screening every three years for all women in Georgia aged 25 to 60. The programme aims to reduce the number of women who develop invasive cervical cancer (incidence) and the number of women who die from it (mortality). It does this by regularly screening all women at risk so that conditions which might otherwise develop into invasive cancer can be identified and treated.<sup>84</sup>

In the framework of the State Universal Healthcare Programme, launched in July 2013, treatment of cancer diseases is funded by the state (with yearly limit of 12,000 GEL, 80% co-payment by the State). The cervical cancer screening coverage is approximately 7%, data on accessing treatment when required is not available currently. Cervical cancer prevalence per 100,000 females in 2012 is 71.2 and incidence per 100,000 females is 8.0.<sup>85</sup>

It should be also noted that *Health Care Strategy of the Government of Georgia for 2011-2015 – “Affordable and Quality Healthcare”* summarizes strategic goals and objectives targeted at improving health and access to health for all citizens, with a special consideration of needs of mothers and children.

#### **D. Violence against Women**

Violence against women not only causes physical and psychological harm but also has serious consequences for women's ability to participate fully in the social, political and economic life of the country. The Government of Georgia has undertaken noteworthy efforts to address domestic violence, with the adoption of the *Law of Georgia on Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence* (2006), and subsequent amendments in 2009; the elaboration of national Action Plans; the inclusion of domestic violence in the mandate of the State Fund for Protection and Assistance of Victims of Human Trafficking in 2009; routine training for law enforcements; criminalization of domestic violence and marital rape in 2012.

With the support of international and local non-governmental organizations,<sup>86</sup> the Ministry of Interior Affairs conducts professional skills trainings of its officials in order to create effective platform for combating domestic violence in Georgia and increase the efficiency of responses on the cases of domestic violence. In every year, certain number of practicing police officers has been trained to enhance their knowledge in the topic and to keep them updated about legislative

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<sup>83</sup>Standard Progress Report GEORGIA – Breast and Cervical Cancer Screening Programme; available at: [http://gncs.ge/upload/files/SPR\\_GEO2R21A\\_2011\\_F.pdf](http://gncs.ge/upload/files/SPR_GEO2R21A_2011_F.pdf)

<sup>84</sup> Ibid

<sup>85</sup> NCDC, Health Care Statistical Yearbook, 2013.

<sup>86</sup> Bureau of International Narcotics and Law Enforcement Affairs; US Embassy; UN Women; Open Society Georgia Foundation; Georgian Young Lawyers Association, Anti Violence Network of Georgia; Fund “Taso”; NGO “Sakhli”

amendments. In 2013, around 294 police officers were trained through different programs on domestic violence in Georgia.<sup>87</sup>

The Police Academy of Georgia has special training courses on domestic violence and human trafficking issues in its curriculum for the following groups: patrol-inspector, district inspector, border guards, detective-investigators, and special programs for the promotion of patrol police officers. Despite these positive efforts, the response of the police to DV cases still needs to be strengthened. When called to the site, police tends to qualify domestic violence as a family conflict; in this case, all they are required to do is just to give out a verbal warning and get a written undertaking from the offender.<sup>88</sup>

The Government of Georgia has also been regularly adopting *National Action Plans on the Measures to be implemented for Combatting Domestic Violence and Protection of and Assistance to the Victims of Domestic Violence* (DV NAP) since 2008 (2007-2008; 2009-2010; 2011-2012 and 2013-2015). The current DV NAP has been adopted for the period of 2013-2015 and aims at the enhancement of the existing mechanisms and legislation on the elimination of domestic violence and protection of and assistance to the victims of domestic violence; protection, assistance to and rehabilitation of the victims of domestic violence; and increase of public awareness on the prevention of domestic violence and on the issue of domestic violence.

The Code of Administrative Offences of Georgia prescribes administrative responsibilities, for the non-compliance and violation of protective and restrictive orders, envisages administrative detention for up to 7 days, or corrective labor for up to one month.<sup>89</sup> Non-compliance with requirements and obligations prescribed by the protective order leads to administrative detention for up to 30 days, or corrective labor for up to three months. In addition, the Criminal Code of Georgia defines criminal responsibilities for non-compliance and obligations prescribed by protective and restrictive orders by the person accused of an administrative offense according to Article 1752 of the Code of Georgia on Administrative Offences. In such case the offender might be punished with corrective labor or detention for up to one year.

In June 2012, domestic violence was criminalized by the decision of the Parliament of Georgia. On this basis domestic violence was recognized as a criminal offense. In particular, Articles 111 and 1261 were incorporated into the Criminal Code of Georgia in order to determine domestic violence as criminal offence and define the responsibility measures. Domestic violence is determined by the Criminal Code of Georgia as “violence, systemic insult, blackmail, humiliation which causes physical pain or torture”.<sup>90</sup> The punishment for the commission of domestic violence is socially useful work from 80 to 150 hours. The same act committed towards “a pregnant, juvenile or vulnerable person, in presence of a juvenile, towards two or more persons, by a group of people and repeatedly” is punished by socially useful work from 100 to 200 hours or imprisonment for up to 1 year”.<sup>91</sup> After the criminalization of domestic violence in 2012, according the articles 126<sup>1</sup> and 11<sup>1</sup> of Criminal Code of Georgia,<sup>92</sup> criminal investigation was launched in 395 criminal cases (47 in 2012 and in 2013

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<sup>87</sup> <http://police.ge/ge/projects/odjakhshi-dzaladoba>

<sup>88</sup> Public Defender’s Annual Report for 2011; <http://www.ombudsman.ge/uploads/other/1/1346.pdf> pg. 196

<sup>89</sup> Administrative Offence Code of Georgia; Article 1752

<sup>90</sup> Criminal Code of Georgia; Chapter XIX; Article 126<sup>1</sup>.1

<sup>91</sup> Ibid; Article 126<sup>1</sup>.2

<sup>92</sup> Information provided by the MIA on April 24, 2014

348) inter alia 236 prosecutions that resulted in 170 convictions.<sup>93</sup> In addition, in 2013, 57 protective orders (54 in 2012)<sup>94</sup> and 241 approved restrictive orders (294 in 2012)<sup>95</sup> were issued. As a result, the number of total reported DV cases increased by 75% as compared to 2012.

The Criminal Code of Georgia criminalizes rape including marital rape. However, the notion of rape is defined narrowly to only imply forced sexual intercourse between a man and a woman. Article 138 of the Criminal Code of Georgia further foresees “coercive acts of sexual nature” implying rape through homosexual intercourse or by using objects. For the time being, the Ministry of Justice in partnership with NGOs is working on a new broader definition rape. Due to stigma, the disclosure rate of sexual violence crimes remains low, according the GEOSTAT there were registered the following number of rape cases 84 in 2009, 82 in 2010 and 78 in 2012, as for the data of conviction there were convicted 40 in 2009, 45 in 2010 and 26 in 2011 men of the rape crime.<sup>96</sup> In addition to the legislative protection guarantees against rape, special services for the victims of sexual violence have been established in December 2012 according to the Presidential Order #1143 on the amendments to the charter of the State Fund for the Protection and Assistance to the Victims of Human Trafficking (State Fund), the mandate of the State Fund has been expanded to also provide shelter, medical and psychological assistance, legal aid and rehabilitation services to the victims/survivors of sexual violence both during conflict and peace. The State Fund is the main statutory institution providing assistance to the victims/survivors of domestic violence and human trafficking which effectively ensures performance of state obligations within its powers. As per the Presidential Decree No.625 of 26 December 2008, the Inter-Agency Council Implementing Measures to Eliminate Domestic Violence in Georgia (DV Council) has been established as a policy-making body in the area of elimination of domestic violence and protection and support to the DV victims/survivors tasked with the coordination and monitoring of the government agencies involved in the NRM. In addition, the DV Council includes a number of CSOs as observer members.

The State Fund started provision of the services determined by the DVL for the victims/survivors of domestic violence, such as shelters, psychological and medical assistance, legal aid, and nation-wide hotline as of 2010 with great support from UN Women (with funding from Sweden). These services are now operational - one hotline and two shelters (one in Tbilisi and one in Gori) are fully funded by the state budget. It is expected that the State will take over the findings of two more shelters (Kutaisi and Kakheti region) from UN in 2015. In the period of 2010-2013, in total, 3,423 women and children were provided with hotline consultations, shelter services, emergency medical, psychological and legal aid services. In addition, the State Fund operates two shelters (in Tbilisi and Batumi) and a nation-wide hotline for the victims/survivors of human trafficking.

Methods to identify cases of domestic violence were strengthened in 2012. According to the Ministry of Internal Affairs the total number of calls received by the 112 (emergency service) in 2013 regarding the family conflicts is 5,447 out of which 358 cases were identified as domestic violence and in 250 cases restrictive orders were issued out of which 241 were approved by the courts. The following forms of violence were identified among the registered cases: physical – 139;

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<sup>93</sup> Data provided by the Ministry of Justice upon request of the DV Council in January 2014.

<sup>94</sup> Data provided by the Supreme Court of Georgia upon request of the DV Council in January 2014.

<sup>95</sup> Ibid.

<sup>96</sup> GEOSTAT, Criminal Justice Statistics, available on-line at: [http://www.geostat.ge/index.php?action=page&p\\_id=602&lang=eng](http://www.geostat.ge/index.php?action=page&p_id=602&lang=eng)

psychological – 188; economical – 18 and coercion -13 cases. No cases of sexual violence were identified in 2013.<sup>97</sup> The most severe form of violence, such as murder was revealed in 21 cases towards women in 2013 out of which in 8 cases the crime was committed by a husband and in one instance by a son.<sup>98</sup> The independent expert group that is granting the status of domestic violence victim heard 30 cases in 2013 out of which 27 (25 women and 2 men) persons received the status of victim in 2013.<sup>99</sup> Operating under the Inter-Agency Council Implementing Measures to Eliminate Domestic Violence in Georgia (DV Council), the group identifying the status of domestic violence victim is an alternative mechanism for granting the status of DV victim/survivor beyond restrictive and protective orders. Only victims/survivors with the legal status of the DV victim/survivor are eligible for the statutory services provided by the state.

Particular attention should be given to the preparation work towards the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). A UN Women / UNICEF supported working group analyzed the Georgian legislation in terms of compatibility and harmonization with the convention and prepared the relevant legislative amendments in 2013. The amendments are pending before Parliament for adoption.

The study of the Perceptions and Attitudes towards Violence against Women and Domestic Violence conducted by UN Women reveals that violence is considered a violation of human rights and 51% of respondents believe that women are more oppressed than men. It is noteworthy, that 57% of respondents consider all instances of violence against women and domestic violence a crime. Physical abuse is considered the most severe form of violence according to 97% of respondents. It is followed by sexual violence (94%), restriction of relationships (91%), restrictions on mobility (89%), economic control (89%) and verbal abuse (83.5%). Comparison of the study findings with other studies carried out in previous years in the country clearly show an increase of intolerance towards violence against women and domestic violence, respondents increasingly perceive it as a criminal offence, rather than a family matter. For instance, according to the UNFPA/ACT National Research on Domestic Violence against Women in Georgia (2009), 78.3% of respondents believed that domestic violence is a family matter and 34.1% believed that violence in the family can be justified, while according to the present study, only 25% believe DV is a family matter, while 69% believe DV is a crime and 17% believe it can be justified in certain cases.

The role of the civil society sector in assisting victims of domestic violence and raising public awareness domestic violence and human trafficking has been and still is very important; in 2012 the women's consultation service "Sakhli" elaborated the "Model for functioning of the crisis centre for domestic violence victims;" NGO "National Anti-Violence Network of Georgia" printed 18,000 leaflets in the Georgian, Russian, Armenian and Azerbaijani languages and booklets in the Russian and Azerbaijani languages on domestic violence issues, including the nation-wide DV hotline Number which was distributed with the help of the Ministry of Internal Affairs across various regions of Georgia, including those compactly populated with national minorities.

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<sup>97</sup> Ibid

<sup>98</sup> Ibid

<sup>99</sup> Ibid

Trafficking is one of the forms of gender based violence. In recent years, Georgia has made an important commitment to reforming how trafficking in persons cases are identified and prosecuted in the country and assistance provided to victims, and the U.S. State Department considered the government response to be wholly in compliance with minimum standards on the punishment of trafficking offenders, the protection of victims and prevention efforts until 2012 and Georgia was placed among Tier 1 countries in the US Department of State Trafficking in Persons Report. The situation has changed in 2013 and Georgia moved to the group of Tier 2 countries due to the fact that “Government of Georgia did not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. . . , law enforcement efforts decreased, with fewer suspected trafficking offenders being investigated and prosecuted than in the previous years. Moreover, victim identification remained a challenge, with slightly fewer trafficking victims officially recognized by the government as compared to the previous reporting period, and only limited efforts undertaken to identify victims proactively among vulnerable populations”.<sup>100</sup>

The State Fund operates two shelters for trafficking victims one in Tbilisi and another in Batumi. The statistics for the use of shelters by the victims of human trafficking since its establishments in 2006 is the following:

Chart 3



Source: <http://www.atipfund.gov.ge>

### E. Women and Armed Conflicts

The Resolution of the Parliament of Georgia of 27 December 2011 no. 5622 approved the 2012-2015 National Action Plan on Women, Peace and Security for the Implementation of the United Nations Security Council Resolutions Nos.1325, 1820, 1888, 1889, and 1960. The Minister of

<sup>100</sup>Trafficking in Persons Report, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State (2013); <http://www.state.gov/documents/organization/210739.pdf>

Defense issued decree # no. 577 on June 30, 2012. According to the Decree different activities were planned, such as:

- Georgian armed forces joint staff was instructed to re-evaluate existing physical standards and in case of need undertake necessary amendments with the aim to stimulate women's participation in the armed force and peacekeeping contingent.
- Joint Staff National Guard Department of the Georgian Armed Forces was instructed to cooperate with the Gender Equality Council, the Ministry of Education and Science and local self-governments with the aim to inform the population of the occupied territories on impending risks and threats, taking into account specific needs of women and children, as well as ensuring civil defense and safety education for the same group;
- The State Military Scientific-Technical Centre "Delta" was ordered to relay information to women living in the adjacent territories to the occupied territories regarding the clearance works to remove the explosive remnants of war and the reports prepared in accordance with the UN obligations.

On 16 March 2012, with the aim to implement the UN Security Council resolutions on women, peace and security #1325, #1820, #1888, #1889 and # 1960 civil society representatives prepared recommendations addressed to the government for 29 March 2012 Geneva Talks meeting: Ensure the possibility for visiting the graves in occupied territories (especially, during the days for commemoration of the dead); Providing Health Care - Emergency Medical Access (Tskhinvali region); Promotion of joint economic activities, especially with women's participation (trade, exchange); Cooperation in agricultural activities – knowledge and experience sharing in bio-farming, contributing to the exchange of information; Solving the problem of American butterflies in Abkhazia and Samegrelo regions; Providing information on threats, undertaking marking of provisional administrative borders

In 2012, there were four women representatives among Georgian delegation in the Geneva Talks out of ten participants, which is considered to be the highest female participation in such activities. But according to the Order №1594 of the Prime Minister of Georgia issued on December 7, 2012 women participation in this talks has decreased to two members again out of ten.

Starting from 2010 Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation, and Refugees of Georgia (MIDPOTAR) and UN Women (with funding from Norway) support functioning of Legal Clinics that provide IDPs and conflict-affected citizens, particularly women, with free of charge legal aid especially in relation to their property and housing rights during the process of the privatization of IDP Collective Centers; Five legal clinics have been established in total: one in Tbilisi and four more legal clinics were represented at the territorial units of the Ministry. The total number of legal advice beneficiaries was 14,945, of whom 63 percent were women. The Ministry also underwent a Participatory Gender Audit in the last quarter of 2013 again with technical support from UN Women. The Audit provided valuable information about gender mainstreaming at the MIDPOTAR and how it's policy can become more gender-sensitive and in compliance with national and international obligations such as meeting the needs of internally displaced, migrant and refugee women, men, girls and boys.

UN Women, with the support of the European Union (EU), conducted a study to assess the situation and needs of IDP and conflict affected women, with a focus on single, elderly and disabled women,

as well as female-headed households. The study was carried out in Samegrelo-Zemo Svaneti and Shida Kartli regions in July-December, 2013. The findings of the study revealed differences between the needs of local population and IDPs from Abkhazia and South Ossetia, as well as between women and men. Employment, access to health services, housing and education, were identified as most acute problems for all groups surveyed. Housing is a major problem for IDPs from Abkhazia. Poverty seems to be more acute for IDPs rather than for non-IDP but conflict affected population (27.6%), more so for IDPs from South Ossetia (50.3%) than from Abkhazia (45.3%). Respondents stated that they can hardly manage and often do not have money even for food.<sup>101</sup> Scarcity of employment opportunities prompt women to leave families and go abroad for finding an income source. Salary, pension and IDP allowances are the main sources of income. Only a small fraction sells own agricultural produce or receives assistance from others.<sup>102</sup>

The government of Georgia in 2012 adopted the regulation on providing internally displaced people with long term living. This regulation is in compliance with the UN Guiding Principles on Internal Displacement and allows the IDPs to have appropriate living conditions. The regulation has been amended in March 2013 and according to the amendments all family members, including women and juveniles become the co-owner of the property.

#### **F. Women and the Economy**

According to the “Global Gender Inequality Index”, Georgia has been ranked 64<sup>th</sup> among 136 countries. Georgia ranked 14<sup>th</sup> for the equal pay for equal job indicator, and 114<sup>th</sup> for the correlation of the annual income of women and men. Women’s economic activity is directly connected to the female employment rate.<sup>103</sup>

Employer-employee relations in the Georgian labor market are regulated by the “Labor Code”. In 2013, however, government of Georgia has introduced the first wave of changes to the Labor Code aiming to reach a greater balance between employer-employee relations. Overall, the Labor Code of Georgia includes an anti-discrimination clause, which applies to labor relations as well as pre-contractual relations<sup>104</sup> - prohibition of discrimination in pre-contractual relations is relatively new and is in force from 5 July, 2013. The Labor Code prohibits concluding a labor contract with pregnant or breastfeeding women for performing hard, hazardous, and dangerous work.<sup>105</sup> There are no job and wage comparison mechanisms. The Labor Code also considers it unlawful to dismiss on the grounds of pregnancy, maternity leave or marital status.<sup>106</sup> “An applicant shall inform an employer on any circumstances that may prevent him/her from performing the work, or may endanger the interests of the employer or a third person.”<sup>107</sup> Same prohibitions apply to the work during night hours and overtime employment, unless there is consent from the employee.<sup>108</sup> The

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<sup>101</sup> Needs and Priorities of IDP and Living at the Border Girls and Women; Association DEA, Institute for Policy Studies; UN Women / EU Project “Innovative Action for Gender Equality”; December 2013

<sup>102</sup> Ibid

<sup>103</sup> Public Defender’s Annual Report for 2013; pg. 495

<sup>104</sup> Labor Code of Georgia; Article 2

<sup>105</sup> Ibid Article 4;5

<sup>106</sup> Ibid Art. 2 and 37

<sup>107</sup> Ibid Art. 5/2

<sup>108</sup> Ibid Art. 18 and 17/2

Labor Code of Georgia does not include an explicit requirement for equal pay for the work of equal value. The Constitution of Georgia mentions only “just remuneration” without any further elaboration.<sup>109</sup>

The amendments initiated by the Parliamentary Healthcare Committee to the Labor Code were adopted in September 2013 and entered into force from 1 January 2014, about official leave during pregnancy, child-birth, and child-care. These amendments implicate the increase of the leave from existing 477 calendar days to 730 calendar days out of that paid leave increased from existing 126 calendar days to 183 calendar days. Also, the state compensation for all the paid 183 calendar days has increased to GEL 1,000 (USD 625) in comparison to GEL 600 (USD 375) for the previous 126 calendar days.

Georgia, in general suffers from relatively high unemployment and self-employment rates for both men and women. Women, however, are further disadvantaged at the labor market, as demonstrated by the gaps in labor force participation rate, employment rate and salaries. According to official data, as of 2012, only 57.4% of women are considered as economically active, while the respective indicator for men stands at 78.2 %. Accordingly, the percentage of employed women equals to 49.5 % of the total female population, while the respective figure for men is 65.6 %.<sup>110</sup>

The unemployment rate in urban areas (24%) is significantly higher than that in the rural areas (4%), but the higher employment rate in rural areas is influenced by the self-employed farmers who own certain size of land plots. In general, self-employed make 61% of the total employed population, while, slightly higher proportion of women are self-employed (62.4 % of employed women) than men (60% of employed men). At the same time, the majority of men are self-employed in the entrepreneurial sector (71% of self-employed men), while most of the women are self-employed in the agriculture sector (60 % of self-employed women).<sup>111</sup>

The CEDAW Concluding Comments to Georgia 2006, paragraphs 25-26, specifically underlined the lack of data about women in employment in formal as well as informal sectors. The Committee further recommended “to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increase in sectors dominated by women.”<sup>112</sup>

There is still significant difference between the distribution of average monthly incomes between men and women in Georgia. According to GEOSTAT data, the average monthly income per household tends to increase, but men-headed households always have more income than women-headed households. The average monthly income (both cash and non-cash inflows) of men-headed households was 42.3% higher than those for women headed households in 2010. This figure

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<sup>109</sup> Constitution of Georgia; ArticleArt. 30/4

<sup>110</sup> GEOSTAT, [http://geostat.ge/index.php?action=page&p\\_id=146&lang=eng](http://geostat.ge/index.php?action=page&p_id=146&lang=eng); cited 9 October, 2013.

<sup>111</sup> Ibid.

<sup>112</sup> CEDAW, Concluding Comments of the Committee on the Elimination of All Forms of Discrimination against Women: Georgia, 36<sup>th</sup> Session, 7-25 August 2006, CEDAW/ /C/GEO/CO/3, paragraphs 25-26.



decreased to 32.7% in 2012.<sup>113</sup> The average monthly incomes per capita in men-headed and female-headed households in Georgia show that the average monthly income per capita is almost the same in men-headed and women-headed households due to the fact that average size of women-headed households is relatively small. In addition, it should be noted that in 2012, the growth rate of per capita average monthly incomes of women-headed households was 0.7 percent higher than in men-headed households.<sup>114</sup>

Average monthly expenditures per household are higher in men-headed households. In 2010 expenditures of the men-headed household were 42.1% higher than of those headed by women. It should be noted that this difference was at its highest for the last 5 years. The growth rate of the average monthly expenditures in 2011-2012 was higher in women-headed households than in men-headed ones and the difference narrowed to 31.4%. The per capita average monthly expenditures are almost equal for women and men-headed households. The data of the last 5 years show that the expenditures of men-headed households were always higher; however in 2012 the per capita expenditures increased more in women-headed households and exceeded those of men-headed households by 1.7%.<sup>115</sup>

In 2012, in comparison to 2011, the average monthly nominal salaries of hired employees increased by 14.6 percent for women and by 18.5 percent for men. In 2012, the average monthly nominal salary of hired women is lower than that of hired men in every sector of the economy.<sup>116</sup>

The total number of persons employed in business sector amounted to 397.8 thousand persons in 2010, of which 39.0% were women and 61.0% - men. In 2012, this data increased and reached 504.5 thousand persons, of which 37.9% were women and 62.1% men.<sup>117</sup> Average monthly remuneration is highest in Tbilisi, Mtskheta-Mtianeti and Kvemo Kartli regions. The average monthly remuneration of employed women in Tbilisi amounted to 501.7 GEL, in Mtskheta-Mtianeti – 348.2 GEL and in Kvemo Kartli region – 316.9 GEL. Average monthly remuneration of employed men in above-mentioned regions accordingly amounted to 829.1, 600.3 and 697.9 GEL.<sup>118</sup> The data show that men earn almost twice more as women.

According to the 2010 data, the average monthly remuneration of employed men in business sector amounted to 708.8 GEL exceeding the remuneration of employed women by 293.9 GEL.<sup>119</sup> In 2012 this data for employed men in business sector amounted to 915.8 GEL, and the difference between female and male remuneration in business sector increased to 392.4 GEL. It is noteworthy that the above indicator is especially high in large businesses equaling 1,072 GEL for men and only 687.5 GEL for women.<sup>120</sup>

According to the 2010 data, “healthcare and social work” dominated in the total number of employed women; in 2011 the majority of women employed in business sector (24.2%) worked in

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<sup>113</sup> Woman and Men in Georgia; 2013; pg.60 [http://geostat.ge/cms/site\\_images/\\_files/english/health/women%20and%20men%202013-Analytical.pdf](http://geostat.ge/cms/site_images/_files/english/health/women%20and%20men%202013-Analytical.pdf)

<sup>114</sup> Ibid.

<sup>115</sup> Ibid pg. 65

<sup>116</sup> Ibid pg. 67

<sup>117</sup> Ibid pg.96

<sup>118</sup> Ibid pg. 70

<sup>119</sup> Ibid pg. 70

<sup>120</sup> Ibid pg. 92

enterprises of “trade, repair of motor vehicle and personal and household goods”. It has to be noted that large part of employed men (19.8%) worked in the same sector. The number of women employed in this field increased to 25.1% in 2012 and maintained the leading position and number of women working in health and social sector decreased to 19.4% in 2012.<sup>121</sup>

In 2012, the annual unemployment rate in Georgia declined slightly by 0.1 percentage point, amounting to 15.0 percent, which is lower as compared to 2009 data of 16.9%.<sup>122</sup> Women’s participation in the labor force grew slightly but remained low at 55.5%.<sup>123</sup> At present, Georgia has no guaranteed minimum income or wage. The subsistence minimum defined for a working age man is around 154.2 GEL during the first quarter of 2014.<sup>124</sup>

The Law on Gender Equality of Georgia is another piece of legislation providing certain warranties to women. In particular, it stipulates that “free choice of occupation or profession, career promotion, vocational training” is guaranteed without discrimination.<sup>125</sup> “Everyone has the right to freely choose the profession and specialty based on his/her abilities.”<sup>126</sup> The issue of sexual harassment at workplace at this stage is also covered by the *Law on Gender Equality*.<sup>127</sup> “In employment relations, the following is inadmissible: a) Discrimination, persecution or coercion of a person that is aimed at creating a threatening, hostile, belittling, or insulting environment; b) Any undesirable verbal, nonverbal or physical action of sexual character that is aimed at or results in the creation of a threatening, hostile, belittling, or insulting environment.”<sup>128</sup> This definition, however, remains as a stand-alone principle that is not yet included in the Labor Code or other legislation.

According to the International Center for Education Policy Planning and Management (EPPM)<sup>129</sup> study, the likelihood of employment for men with higher education is 1.2 times higher than likelihood of employment for women with higher education. This difference is calculated within various education spheres, the gender difference remains in all spheres, be this hard sciences, or humanities. In other words, the likelihood for women’s employment remains low compared to men.<sup>130</sup> IPM Research survey of 150 employers conducted for Millennium Challenge Account – Georgia showed that employers believe that their working conditions for females are either excellent or good (75.3%), yet 74.7% of them have no special benefits for pregnant women, no maternity benefits (80%) and according to the absolute majority they have no child day facilities. Also 92% saw no benefit in increasing their female representation in their work forces.<sup>131</sup>

Retirement age for men and women is differentiated in Georgia. Women are allowed to retire and receive an old-age pension (flat rate, GEL 150, equivalent to USD 91) from age 60. The respective age for men is 65. As per 2012 data, 26% of all female pensioners belong to the age group of 60-64. There is no study on the impact of this uneven pension-age policy on women and men.

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<sup>121</sup> Ibid pg. 94

<sup>122</sup> [http://www.geostat.ge/?action=page&p\\_id=127&lang=geo](http://www.geostat.ge/?action=page&p_id=127&lang=geo)

<sup>123</sup> [http://www.unicef.org/georgia/WMSFinal\\_Copy\\_for\\_web.pdf](http://www.unicef.org/georgia/WMSFinal_Copy_for_web.pdf)

<sup>124</sup> GEOSTAT [http://www.geostat.ge/?action=page&p\\_id=178&lang=geo](http://www.geostat.ge/?action=page&p_id=178&lang=geo)

<sup>125</sup> Law on Gender Equality of Georgia; Article, Art. 4/2/“f”

<sup>126</sup> Ibid Article 7

<sup>127</sup> Ibid Article 6

<sup>128</sup> Gender Equality Law, Article 6

<sup>129</sup> International Center for Education Policy Planning and Management (EPPM); 2012. Education and workforce in Georgia

<sup>130</sup> Ibid

<sup>131</sup> Millennium Challenge Account – Georgia Studies of Labor Demand, Barriers to Participation in STEM Education Programs and Occupations in Georgia; Georgia 2014; pg. 11

In terms of access/availability of pre-school institutions as one of the pre-conditions for women's employment, it is noteworthy that the establishment and maintenance of pre-school educational institutions fall under the competence of local self-government in Georgia (Organic Law on Local Self-Government, Art. 16/2/"o"). As per the legislative amendment of 12 July 2013, it is prohibited to introduce any payment in pre-school educational institutions for parents (Art. 46<sup>1</sup>), thus all public kindergartens are now free-of charge for parents.

On April 4, 2014 consultation meeting with NGO representatives conducted for the preparation of this report, it was suggested that state pays more attention to the development of rural women projects that will allow women with professional knowledge and education to find the job easier or become more effective in agricultural production. There are no specific state credit programs for women or micro-finance organizations that have women focused products, even though women are almost half of the MFI clients. NGOs also think that the concept of care economy needs to inform policymaking process more and the contribution of women's unpaid domestic work needs to be acknowledged.<sup>132</sup>

### **G. Women in power and decision making**

The legal framework for women's political participation and the right to vote is ensured by the Constitution and respective laws of Georgia. The recent studies show that on average, women make up more than 40% of parties' membership.<sup>133</sup> However, their participation in the party governing bodies is very limited.

One of the main challenges in the present society is attaining gender equality in political life of the country. Since the parliamentary elections in October 2012, 17 women won seats in Parliament out of 150 MPs, making 11% of the members. This is a rise, in comparison to the Parliament of 2008, where women made only 6.4%. Around 15% of single mandate nominations from all parties were women, compared to 12% in 2008. As a result, in the current Parliament there have been elected seven women as majoritarian MPs to represent single-madate election districts of different regions of Georgia, as compared to one in 2008 and two in 2004.

Despite the progress during 2012 Parliamentary elections, this data remain as a low indicator of engaging women in decision making as confirmed by the Global Gender Gap Index of 2012 that ranked Georgia 97 out of data of 136 countries in relation with the political participation (ranking 102 in terms of women in parliament).<sup>134</sup>

In 2011, the Parliament, after intensive advocacy from international community and upon initiative of the Gender Equality Council adopted voluntary quota for women's participation in political party lists. The voluntary quota constituted an additional 10% in budgetary financing for a party that included at least 2 representatives of different sex in every 10 candidates on the election party list.

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<sup>132</sup> Minutes of the Meeting of April 4, 2014

<sup>133</sup> Bagratia Tamar, Medea Badashvili, "Developing Intra-party democracy from a gender perspective", Intra-party Democracy and Local Governance, NIMD Georgia, 2012, 12 .

<sup>134</sup> Annual Report of the Public Defender; 2013; available at: <http://ombudsman.ge/uploads/other/1/1506.pdf> pg. 492

The quota did not affect the nominations for the single-mandate majoritarian districts.<sup>135</sup> Prior to the 2012 Parliamentary elections, parties made general commitment to include more women in their party lists, as well as nominate women in the single-mandate districts. However, the major competing parties – the United National Movement (UNM) and the Georgian Dream (GD) nominated three and eight women in different districts respectively out of 73 total nominations by each. In 2013, MPs and members of non-parliamentary parties agreed to maintain voluntary quotas with increased incentives (30% additional funding for including at least 3 representatives of different sex in each 10 of the party list).<sup>136</sup> The amendments to the Organic Law of Georgia on Political Unions of Citizens were adopted in July 2013.

In 2013, the Action Plan on the Implementation of Gender Equality Policy Measures for 2014-2016 was developed based on interagency cooperation, one of the goals of which is to support women political participation. The Action Plan was approved on January 24, 2014.

The number of women in local self-governance bodies has been decreasing from election to election. From 14% after the local elections of 1998, the percentage of women dropped to 12% in 2002, and then has remained 11% both in 2006 and 2010 elections. None of the five self-governing cities in Georgia have women as mayors and only 2 out of 64 chairs of *sakrebulo* (local representative bodies)- are women (i.e. 3%).<sup>137</sup> The female participation ratio is especially low in those local representative bodies where national minorities reside. Among 148 deputies elected to the local representative body of Tsalka, Akhalkalaki, Ninotsminda, Gardabani, Marneuli only 4 are women, which comprises only 2.7% of the total number of deputies.<sup>138</sup>

For the time being, women hold 4 ministerial positions (Education and Science; Justice; Foreign Affairs; Environment Protection) out of 19 members of the cabinet,<sup>139</sup> as compared to previous years (2011; 2012) the number of female ministers increased by one. Georgia is ranking 63 among 136 countries with regard to female representation in the executive government.<sup>140</sup> It is noteworthy, that in 2013, women were elected as Chair of the Central Election Commission and Chair of Energy and Water Supply Regulatory Commission. Women comprise about 45% of the judiciary, although, they rarely occupy senior positions within the court system. In Georgia, there is only one human rights ombudsperson / Public Defender. Since 2003, all three ombudspersons elected by the Parliament have been male. In 2013, the position of the Advisor on Human Rights and Gender Equality Issues was introduced into the office of the Prime Minister which is occupied by a woman.

Women are well represented in civil society organizations in Georgia and women oftentimes occupy senior positions within the Civil Society sector. Furthermore, the recent public perception study showed that working in an NGO, is a welcomed and encouraged career path for women in

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<sup>135</sup> The Parliament in Georgia consists of 150 members, out of them 77 MPs are elected by proportional system through party-lists and 73 majoritarian MPs are elected in single-mandate election districts.

<sup>136</sup> Organic law of Georgia on Political Unions of Citizens; Article 30; paragraph 7

<sup>137</sup> Official web-page of National Association of Local Authorities of Georgia, available on-line at: [http://nala.ge/list\\_of\\_members/](http://nala.ge/list_of_members/)

<sup>138</sup> Annual Report of the Public Defender; 2013; available at: <http://ombudsman.ge/uploads/other/1/1506.pdf>

<sup>139</sup> The Minister of Justice, the Minister of Education and Science, the Minister of Environment and Natural Resources Protection, and the Minister of Foreign Affairs are women.

<sup>140</sup> Annual Report of the Public Defender; 2013; available at: <http://ombudsman.ge/uploads/other/1/1506.pdf> pg. 492

Georgia.<sup>141</sup> Additionally, there are over 200 NGOs registered with the emphasis on gender or women's issues and a number of them engaging actively with the Gender Equality Council at the Parliament on wide range of gender equality issues.

In 2013, initiatives targeted towards the empowerment of women leaders in regions and their training have become more active in order to prepare women better for the local elections in 2014. The establishment of the Gender Equality Network and Coalition for Women's Political Participation as well as the work of women's clubs of the USAID Democratic Participation are very important. With the support of IFES, the Gender Equality Network created a database of women leaders that will be accessible for interested parties, including political parties. This will support women's political participation especially during 2014 local governance elections. In addition, in 2013 around 49 advisors into the local self-governance institutions were appointed with the joint efforts of the non-governmental organization Women's Information Centre and the Coalition for Women's Political Participation with the support of Oxfam.

#### **H. Institutional Mechanism for Advancement of Women**

With UN's and other development actors' efforts a high-level advocacy meeting was held in December 2012 at which the Prime Minister committed on behalf of his new government to appoint a Representative on Gender Equality Issues in the Prime Minister's Administration. Subsequently, an Assistant to the Prime Minister on Human Rights and Gender Equality Issues was appointed in February 2013. This can be considered as a significant step forward towards gender mainstreaming. In addition, the Assistant on Gender Issues of the Ministry of Regional Development and Infrastructure was appointed in the same year. In 2013, the Department of Gender Equality was established at the Public Defender's Office of Georgia, which will be responsible for strengthening gender equality in Georgia and integration of gender equality issues in the work of Public Defender. The Public Defender is the first state institution that established structural unit on gender equality issues. The same year, the Gender Equality Strategy and Action Plan for 2013-2015 of the Public Defender was developed with the help of UN Women. The Action Plan covers guiding principles on gender mainstreaming and determines concrete activities for the real achievement of gender equality.

The Gender Equality Council at the Parliament proved to be an effective mechanism, especially for gender sensitive law-making; the Council has successfully created and lobbied for the adoption of the *Gender Equality Law of Georgia* in 2010. Gender Equality Law strengthens the protection of rights determined under the Article 14 of the Constitution of Georgia. This piece of legislation consolidates the norms related to gender equality, their protection and application in real life. The law determines that enforcement of special measures aimed at rectifying discriminatory outcomes for the circle of persons in need of special protection because of gender peculiarities shall not be considered as sex based discrimination.<sup>142</sup> The Law brings innovation into the Georgian legislation and determines that discrimination, persecution and/or harassment of a person, which is aimed at or results in the creation of intimidating, hostile, humiliating, degrading or offensive atmosphere is prohibited in labor relations.<sup>143</sup> The law defines participation of the Public Defender in ensuring

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<sup>141</sup> UNDP/ACT Research, *Public Perception Study on Gender Issues in Politics and Business*, Tbilisi, 2013.

<sup>142</sup> Gender Equality Law of Georgia - Article 3, paragraph 1, subparagraph "p"

<sup>143</sup> Ibid Article 6; Paragraph 1

protection and monitoring of gender equality.<sup>144</sup> One of the most important regulations introduced by the Law is the establishment of an institutional mechanism - the Gender Equality Council at the Parliament as a standing body, tasking it with the overall national coordination and monitoring of gender equality policies and laws. As provided by the *Gender Equality Law*, the Council has the authority to involve representatives of the executive branch, civil society, and international organizations in its work as needed. The Council is authorized to develop and submit an action plan on ensuring gender equality to the Government of Georgia, and ensure coordination and monitoring of its implementation; carry out gender audit and develop proposals for overcoming existing gender disparities in the legislation; conduct gender review of draft laws; develop targeted programmes and plan separate activities for achieving gender equality and enjoyment of equal rights by women and men; develop and institutionalize the system of monitoring and evaluation of interventions for ensuring gender equality, as well as develop respective recommendations;<sup>145</sup>

After adoption of the Law on Gender Equality the Council developed the new Gender Equality NAP for 2014-2016 (with technical support from the UNDP) and Parliament of Georgia approved it on January 24, 2014. This NAP is focused on the following main directions, such as: establishment and strengthening of institutional mechanisms for gender equality and adoption of gender-sensitive legislation; gender equality mainstreaming and awareness raising in the field of education; equal participation of man and woman in the economic field; consideration of gender aspects in health and social protection sphere; considering gender equality aspects in the local self-governance policy; promotion of increased women's participation at a decision-making level; securing equal participation of men and women in environment protection issues; respect of gender aspects in law-enforcement and penitentiary spheres.

It is noteworthy that in 2011, again with significant support from UN Women the NAP on Women, Peace and Security (WPS NAP) 2012-2015 has been developed and adopted which is focused on women and girls in conflicts and post conflict situations and underlines the desire and responsibility to take care and provide effective assistance to those people who need it the most. NAP is also targeted towards the increase of women participation in decision making process, conflict resolution, peace building.

Very limited progress has been made also in terms of establishing institutional mechanisms in local governments. The *Gender Equality Law*, as it stands now, has no provisions on the establishment of institutional mechanisms in the executive branch at national or at local levels. For the time being, with the lobbying of local NGOs and international organizations, including the UN there have been appointed/identified gender focal points in few ministries as well as in 49 local administrations.

Thus, if reviewed against the necessary conditions for the functioning of a national mechanism for the advancement of women spelled out by the *Beijing Platform for Action*, significant improvements are needed in Georgia. The establishment of Gender Equality Council in the Parliament with a permanent mandate has been clearly a positive step with regard to gender-sensitive lawmaking. However, the Council needs sufficient resources in terms of funding and human capacity as requested by the *Beijing Platform for Action*. In 2014, the decision was made to

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<sup>144</sup> Ibid Article 14

<sup>145</sup> Ibid Article 12

allocate state budget for the Council to hire a support staff (one person) that is a significant step forward as until now the support staff of the Vice-Speaker of the Parliament (Chair of Council) was serving as the Council Secretariat. In addition, the lack of a complementary mechanism in the executive branch of the government makes it, yet, impossible to ensure mainstreaming gender considerations in budgeting or policy-making processes.

## I. Human Rights of Women

The Georgian Constitution article 14 mandates equality and states: “everyone is born free and is equal before the law, regardless of race, skin color, language, sex, religion, political and other beliefs, national, ethnic and social origin, property and title of nobility or place of residence.”

Georgia signed and ratified CEDAW without reservations in 1994, and, under Article 6 of the Constitution, as an international treaty it prevails over national legislation, making the Convention legally binding and enforceable by Georgia’s courts.

Georgia has adopted a number of laws that are targeted towards the protection of women’s rights and providing certain warranties to them.

The Law of Georgia on the Elimination of Domestic Violence, Protection and Assistance to the Victims of Domestic Violence of 2006 (DVL) establishes administrative legal mechanisms for the response to the instances of domestic violence by authorized agencies and their representatives. The same year Georgia adopted Law on Combating Human Trafficking. (for details see section “**D. Violence against Women**” above).

The Law of Georgia on Gender Equality adopted in 2010 defined “gender equality” as “a part of human rights referring to equal rights and obligations, responsibilities and equal participation of men and women in all spheres of personal and public life.”<sup>146</sup> The law prohibits all forms of discrimination in all spheres of social life and lays grounds for the enjoyment of equal rights, freedoms and opportunities by women and men. The law stipulates that “free choice of occupation or profession, career promotion, vocational training” is guaranteed without discrimination.<sup>147</sup> “Everyone has the right to freely choose the profession and specialty based on his/her abilities.”<sup>148</sup> The law addresses the issues of sexual harassment at workplace<sup>149</sup> and lists the inadmissible activities (for details see section “**D. Violence against Women**” above).

The Labor Code of Georgia was amended and women are entitled to increased maternity leave as well as increased paid leave due to the child delivery. In addition the compensation for the paid leave increased by 400 GEL. According to the Labor Code women are entitled to retire and receive old age pension from age 60. The respective age for men is 65. Concluding a labor contract with pregnant or breastfeeding women for performing hard, hazardous and dangerous work is

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<sup>146</sup> *The 2010 Law of Georgia on Gender Equality*, Article 3. Definitions

<sup>147</sup> *Law on Gender Equality of Georgia*; Article, Art. 4/2/“f”

<sup>148</sup> *Ibid* Article 7

<sup>149</sup> *Ibid* Article 6

prohibited. Labor Code also considers it unlawful to dismiss on the grounds of pregnancy, maternity leave or marital status.

According to the Civil Code of Georgia women and men as parents have equal rights and duties with respect to their children and determine all issues of rearing their children by mutual agreement. Parents enjoy equal rights and bear equal duties with respect to their children, even if they are divorced or live apart and the parent with whom the child lives with does not have the right to restrict other parent's rights and duties. Moreover, the Georgian legislation does not differentiate between men and women in terms of their rights and responsibilities as guardians or adoptive parents.

The Non-discrimination Law adopted with the first hearing on 17 April 2014, clearly states unacceptability of discrimination on the basis of one's gender identity and sexual orientation along with race, color, language, national, ethnic or social belonging, sex, pregnancy or maternity, marital or health status, disability, age, nationality, origin, place of birth, place of residence, internal displacement, material or social status, religion or belief, political or any other ground (Article 2, of the draft Law). The Law includes the principle of equality established by the UN Convention on the Elimination of All Forms of Discrimination against Women, according to which temporary special measures developed in order to achieve factual equality shall not be considered discrimination.<sup>150</sup> The draft law aims at equal enjoyment of rights already determined by the Georgian legislation. Ombudsman will oversee the elimination of discrimination and achievement of equality and he/she will be equipped with effective mechanisms to fight against discrimination.

General oversight on protection of human rights and freedoms, *inter alia* prohibition of discrimination, is vested to the Public Defender (Ombudsperson) of Georgia and the latter is observing that existing legislation or public authorities do not discriminate individual on any prohibited grounds. In May 2013 a Gender Equality Department has been established as a standing unit in the structure of the Public Defender's Office that has elaborated its action plan for 2013-2015 as well as strategy for mainstreaming gender into the PDO's work with technical support from the UN.

#### **J. Women and the Media**

The legal framework for media in terms of gender issues is defined by the Georgian Law on Broadcasting and the Code of Conduct for Broadcasters adopted by the Georgian National Communications Commission (GNCC). The Georgian National Communications Commission regulates and licenses the country's telecommunications and broadcast media and it consists of five members, out of which only one is a woman.

It should be noted that these norms are only applicable to broadcasting media. Such norms do not exist when it comes to print media.

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<sup>150</sup> Ibid; Article 2; paragraph 8



The Georgian Law on Broadcasting obliges Public Broadcasting “to reflect ethnic, cultural, linguistic, religious, age, and gender diversity in programs.”<sup>151</sup> According to the same law, broadcasting license holders shall avoid: “broadcasting programs containing material to incite ethnic or religious hatred and which are of a discriminatory nature to any group, broadcasting programs containing material to stir up hatred, discrimination, that is offensive to any person or group on the basis of ethnic background, religion, opinion, age, gender, sexual preference or disability, or any other feature or status.”<sup>152</sup>

Law on Broadcasting prohibits “television programs or advertisement including pornography, as well as obscenity and infringing a citizen’s dignity and his/her basic rights.”

The “Code of Conduct for Broadcasters” adopted by the Georgian National Communications Commission, (GNCC) obliges broadcasters to abide by broadcasting principles and” accommodate interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender.”<sup>153</sup>

Broadcasters shall refrain from publishing any material likely “to incite hatred or intolerance on the grounds of race, language, gender, religious convictions, political opinions, ethnic origin, geographic location, or social background.”<sup>154</sup>

The Code determines the guidelines for diversity, equality and tolerance and requires broadcasters “to avoid causing offence to any religious, ethnic or other groups by using, among others, certain terminology and images.”<sup>155</sup> Broadcasters are not prevented from promoting “informed and balanced discussions on intolerance or discrimination, or from reporting factual material or opinions prevalent in society”.<sup>156</sup> The Code obliges broadcasters to challenge and require from presenters to substantiate the views and offensive statements made in live broadcast or news programme which refer to “to ethnic origin, religious faith, sexual orientation, family status, social standing or any other factor as to a cause of the problem, or the use of offensive terminology” .<sup>157</sup>

The guidelines for reporting crime and anti-social behavior require from broadcasters “not to disclose the identity of victims of sexual abuse, unless victims give their consent and disclosure complies with the public interest.”<sup>158</sup>

Broadcasters shall be careful when making a decision to broadcast shocking images and shall make careful judgment about the use of offensive languages. <sup>159</sup> The code lists factors that broadcasters shall consider and take into account when deciding on portraying violence, these factors include: “violence in daily life: domestic violence, . . . ; Incidents where elderly, disabled people, women and

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<sup>151</sup> Law on Broadcasting Article 16;. Content Obligation “h”

<sup>152</sup> Ibid Article 56. Prohibitions; paragraph: ; 3

<sup>153</sup> Code of Conduct for Broadcasters; Article 3; paragraph 1

<sup>154</sup> Ibid Article 31. Principle of diversity, equality and tolerance

<sup>155</sup> Ibid Article 33

<sup>156</sup> Ibid

<sup>157</sup> Ibid; paragraph 4

<sup>158</sup> Ibid; Article 50; paragraph 5

<sup>159</sup> Ibid Article 56

children are the victims; verbal and physical aggression; sexual or any other violence should not be condoned”.<sup>160</sup>

The Law of Georgia on Advertisement determines that advertisement shall not encourage citizens towards “violence, aggression and chaos, or any other dangerous actions, that can damage the health or security”<sup>161</sup>

On December 4, 2009 around 139 journalists signed and approved common principles of professional conduct and by signing this statement they became the members of the Georgian Charter of Journalistic Ethics, a self-regulatory body. Currently there are 248 members in the Charter. The organizational administration is conducted by nine members Board, out of which 5 are women. The organization is managed by female executive director.

Article 7 of the Charter determines that journalist shall understand the importance of journalistic work and “shall take all efforts to avoid discrimination of any person by race, gender, sexual orientation, language, religious, political and other opinion, national or social origin or any other feature”.<sup>162</sup>

The Media Development Foundation (MDF) with the support from Open Society Georgia Foundation conducted media monitoring and the monitoring of coverage of women’s issues during the period of March 15 – April 15, 2011.

The monitoring results proved that stereotypical thinking and attitudes dominate in Georgian media. Coverage of women related issues strengthens traditional gender stereotypes. Men prevail among respondents and commentators on TV channels, as well as in print media. The frequency of appearance of respondent/commentator woman depends on the covered issue. For example, women respondents are in evident minority in stories on politics, economy, security, and defence. Women are often found commenting on education, medicine, social problems, psychological issues, and media. One of the reasons of the lack of women-respondents is the fact that there are fewer women in politics than men in Georgia. Violence against women and cases of women offenders are typically covered if such news occur. Such stories are limited to a scale of descriptive news reports.

The NGO representatives of April 4, 2014 meeting underlined that Georgian media does not create positive image of a woman, the approach is sexist and highlights only the physical appearance and not the mental, professional or other skills and abilities of women.<sup>163</sup>

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<sup>160</sup> Ibid

<sup>161</sup> Law on Advertisement, Chapter 2; Article 4; paragraph 11

<sup>162</sup> Journalist Ethic Charter; Article 7

<sup>163</sup> Minutes of the Meeting of April 4, 2014

## **K. Women and the Environment**

The National Action Plan for Implementation of Gender Equality Policy in Georgia for 2014-2016 which was adopted on January 24, 2014 includes a separate section on strengthening gender equality in the field of environment protection, the goal of which is to secure equal participation of men and women in environment protection issues. This includes keeping the gender balance in the decision-making process on the environmental issues and awareness raising. Under the Action Plan the government takes responsibility to promote gender balance in the process of discussion of environmental issues and participation in the relevant preventive measures, pursuant to the rule provided for by the legislation; to promote gender balance in the discussion process of issues that shall be considered within the frame of Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Issues and to conduct trainings/workshops on environmental matters for the different vulnerable groups of people (different trainings for different groups) in observing the gender balance. The state institutions responsible for the effective implementation of gender equality in the field of environment protection are the Ministry of Environment and Natural Resources Protection of Georgia and Local self-government authorities.

## **L. The girl-child**

In the sphere of girl's rights protection, child marriage represents one of the unresolved issues not only in Georgia, but in many other countries in the world. According to the data of UNFPA, worldwide around 14 million girls who have not reached age of 18 get married annually, 38000 in a day and 13 girls in a second.<sup>164</sup>

The requirement for free and informed consent of both parties to a marriage is recognized in numerous legal instruments at international level as well in the Georgian legislation. Georgian Civil Code specifies minimum age of marriage for both men and women at 18. However, as an exception children from the age of 16 are allowed to be married with parental consent or if the parents do not allow – upon Court's permission provided legitimate interests exist. According to Georgian Civil Code marriage of a child does not have legal effect and is considered to be void. Marriages in the country are registered in the office of Civil Registry of Georgia. The state also recognizes marriages performed in the Orthodox Church according to the Constitutional Treaty between the Georgian state and the Georgian Orthodox Church (Concordat of 2002). The marriages are officially registered mostly after age 18, due to this reason the statistical data of registered marriages in the age-group 16-18 is limited and not reliable. Still, according to Women's Reproductive Health Survey (RHS) of 2010, approximately 11% of young women of age 15-19 years are married, and approximately 0.3% of women in this age group are married before they reach the age of 16 years.<sup>165</sup>

Article 140 of the Criminal Code of Georgia declares punishable adult's sexual intercourse with person under sixteen years with the previous knowledge of the offender. This crime is punishable

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<sup>164</sup> Public Defender's Annual Report for 2012

<sup>165</sup> *Reproductive Health Survey Georgia 2010*, Table 4.3.

by restriction of freedom for the term up to three years or by deprivation of liberty for the term extending from one to three years. The Law of Georgia on Civil Acts sets out logical prerequisites for civil marriage registration, according to which the age and consent of persons who are getting married must be taken into consideration.

The problem of early marriage of girls is more significant in the regions of Georgia. The most problematic are the cases of coercive marriage which is the result of bride kidnapping or the deal between the parents of boy and girl. There is no solid data about the discriminatory practice of bride kidnapping, NGO reports and also news highlights suggest that this discriminatory practice still exists in the country but on a rather limited scale. The study conducted by UN Women with ethnic minority women in Kvemo Kartli region found that 17% of respondents had their first child before they were 18, while 9% of married women said they had the first child at 15-16 years.<sup>166</sup> Some 32% were married (with or without formal registration) before they were 18; 5% of marriages occurred between the ages of 13-14, while 16% of respondents married at 15-16 years.<sup>167</sup> This region has also the highest school drop-out rates among girls.

According to the information received from the Ministry of Education and Science in Georgian public/private schools 7367 girls terminated education before the end of basic level (7-9 grades) from October, 2011 to January, 2013 and the reason for abandonment of education in majority of cases was early marriage.

This issue has been declared a priority for the work of the government in the new Gender equality Action Plan (2014-2016) and has been given special consideration by the Public Defender's Office; One of the directions of work of the Gender Equality Department of the Public Defender's Office is information-educational and prevention activities on child early marriage. Special attention was paid to Kvemo Kartli region in 2013. Public discussions, outreach visits to the villages and information campaigns and meetings with youth were conducted. The analyses prove again that the main reason of abandonment of education is early marriage, which is the decision of a juvenile and in the most of cases of her parents. The reasons listed by the young people include social-economic conditions. One of the girls responded: "my friend was so poor that she had to look for food outside. She got married and now she knows that her future is guaranteed and she will not die from hunger".<sup>168</sup> The society in some of the cases justifies the early marriage in case if it improves social condition of a girl but in the most cases public is not aware well about the risks of early marriage.

GEOSTAT develops annual statistical data on abortion but the data for the age group below 15 is not available. The number of abortion in the age group of 15-19 has increased in 2012 as compared to 2009.<sup>169</sup>

### **Section III: Data and statistics**

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<sup>166</sup> UN Women, ISSA, *Assessment on the Needs and Priorities of Ethnic Minority Women in Kvemo Kartli Region*, 2013, 24.

<sup>167</sup> *Ibid*, 5, 32.

<sup>168</sup> Public Defender's Annual Report for 2012

<sup>169</sup> Women and Men, Statistical Booklet; 2013 pg.17 available at [http://geostat.ge/cms/site\\_images/\\_files/georgian/health/qali%20da%20kaci-2013.pdf](http://geostat.ge/cms/site_images/_files/georgian/health/qali%20da%20kaci-2013.pdf)

Adopted in December 2009, the Law of Georgia on Official Statistics is aimed at providing independent, objective and reliable statistics based on the internationally acknowledged statistics principles. The law further determines the essence of official statistics, the goal and principles for data collection, maintenance, storage and distribution; the legal basis for census as well as the duties of agencies responsible for official statistics.

The National Statistics Office of Georgia (GEOSTAT) is a public legal entity funded from the state budget and tasked with the collection, analysis and distribution of statistical data, which carries out its activities independently in accordance to the Georgian legislation. GEOSTAT elaborates policy in the field of statistics and ensures coordinated work with other agencies generating statistics. In addition, GEOSTAT carries out statistical surveys, processes administrative data and ensures equal access to statistical data.

Collecting and providing access to sex disaggregated data is a key priority in advancing gender equality. Gender statistics have been key component of the development agenda in gender equality since 1998. GEOSTAT collects certain data in a sex disaggregated fashion. However, they are not systematically sorted and made available as such. Supported by different donors including the UN, GEOSTAT has been developing and publishing the publication “Woman and Man in Georgia” yearbook since the early 2000s. In terms of its format and contents, the 2013 issue of “Woman and Man” has been expanded with such important issues, as natural movement by regions, distribution of emigrants and immigrants by sex and age, number of children in pre-school institutions by sex and age groups, number of students in state and private institutions of higher education by programs, number of graduates from state and private institutions of higher education by programs, sex composition of political parties, etc.

The statistical data reflect key trends of gender equality established in the country. The publication is aimed at raising the level of public awareness of gender problems and developing targeted state policies in the field of gender equality. The data is based on the surveys conducted by the National Statistics Office and administrative resources. GEOSTAT has established a system to publicize gender statistics through their web-site.<sup>170</sup> In addition, with the support from the UNDP (with funding from Sweden), GEOSTAT incorporated all information collected for “Man and Woman in Georgia” brochures since 1998 into the searchable database (PC-Axis) on its website<sup>171</sup>, which will regularly be updated by GEOSTAT at no additional external funding. Thus, it can be assumed that the problem of availability of sex disaggregated data has been sustainably resolved for the key statistical indicators.

The list of national indicators for monitoring progress in gender equality is attached hereto as Annex 1.

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<sup>170</sup> <http://geostat.ge/index.php?action=0&lang=eng>

<sup>171</sup> [http://91.208.144.188/Menu.aspx?rxid=c8ca81e9-2824-4c5b-a46a-c80202913531&px\\_db=Database&px\\_type=PX&px\\_language=en&AspxAutoDetectCookieSupport=1](http://91.208.144.188/Menu.aspx?rxid=c8ca81e9-2824-4c5b-a46a-c80202913531&px_db=Database&px_type=PX&px_language=en&AspxAutoDetectCookieSupport=1)

Pursuant to the Law of Georgia on Official Statistics, governmental agencies and public legal entities have the duty to collect statistical data. More specifically, the National Bank of Georgia has the duty to generate statistics in accordance to the Law of Georgia on the National Bank of Georgia in compliance with the international standards and methodology.<sup>172</sup>

Government and local self-government agencies, public legal entities and other administrative agencies generate official statistics within the scope of their goals, objectives and obligations in accordance to the methodology and standards compliant with international analogues and approved by the Official Statistics Council.<sup>173</sup>

GEOSTAT ensures coordination with the agencies generating official statistics, issues recommendations with regard to statistical standards and methodologies for data generation, coordination of the information exchange with the administrative agencies and efficient implementation of the approved statistical standards and methodologies.

GEOSTAT is authorized to request and obtain any statistical data or other information (including confidential information) from administrative agencies and other legal and physical persons necessary for the implementation of its functions. Administrative agencies gave an obligation to provide available information to GEOSTAT in accordance to the Georgian legislation. Statistical data are public, except data that could allow for the identification of the entity being observed. The statistical data are kept in hard copy before their publication and in electronic format for 20 years.

GEOSTAT started compilation on some of the Minimum Set of Gender Indicators (UN Statistical Commission, 2013). However, some data are still outstanding, such as average number of hours spent on unpaid domestic work by sex; average number of hours spent on paid and unpaid work combined; informal employment as a percentage of total non-agricultural employment (by sex); proportion of population with access to credit by sex; proportion of adult population owing land by sex; employment rate of persons aged 25-49 with a child under age 3 living in a household and with no children living in the household (by sex); proportion of individuals using the internet by sex; adjusted net enrolment ration in primary education by sex; contraceptive prevalence among women who are married or in a union (aged 15-49); access to anti-retroviral drug by sex; women's share of managerial positions; proportion of women aged 15-49 subjected to physical or sexual violence in the last 12 months by an intimate partners; proportion of women aged 15-49 subjected to physical or sexual violence in the last 12 months by persons other than an intimate partner and percentage of women aged 20-24 years old who were married or in a union before age 18.

For a detailed list of the available data as per the Minimum Set of Gender Indicators, see Annex 2: Minimum set of gender indicators, by domain.

In 2014, the population census will be conducted. As a result, GOSTAT will collect additional data beyond the available indicators as per the Minimum Set of Gender Indicators (Annex 2). The data will include updated information on the population size; distribution of the population by marital

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<sup>172</sup> The Law of Georgia on Official Statistics, article 15.

<sup>173</sup> Loc. cit. article 16.

status; distribution of women by age and number of children born and etc. For a detailed list of the gender-specific data to be collected by the 2014 census, see Annex 3: List of main gender-specific indicators that will be obtained from the Census 2014.

In addition, GEOSTAT is in the process of development of the methodology for the calculation of the gender pay gap with the support by UN Women.

Data collection and compilation on violence against women and domestic violence is in progress since the adoption of the Law of Georgia on the Elimination of Domestic Violence and Protection and Assistance of the Victims of Domestic Violence (DVL) in 2006. In particular, these data are being collected by the Ministry of Internal Affairs of Georgia, Ministry of Justice of Georgia and the Supreme Court of Georgia. In addition, the State Fund for the Protection and Assistance to the Victims of Human Trafficking (State Fund) maintains data on the services provided to the victims/survivors of domestic violence since 2010.

It should be noted however, that there is room for improving comparability of the data provided by the different aforementioned administrative agencies. In addition, GEOSTAT does not collect all available data from these agencies, rather it only collects data on the number of victims and perpetrators of domestic violence by age and region and types of perpetrated violence.

In terms of the nine indicators on violence against women, as agreed by the UN Statistical Commission in 2013, raw data are available on the most of these indicators with the relevant administrative agencies, however they are not easily accessible. To obtain these data, interested parties will have to address the relevant administrative agency to request needed information.

In particular, the availability of the nine indicators on violence against women as collected by the government is as follows:

*1. Total and age specific rate of women subjected to physical violence in the last 12 months by severity of violence, relationship to the perpetrator and frequency*

The number of reported cases of physical violence is available. However, no data on the perpetrator-victim relationship are available, unless physical violence is perpetrated against a family member. In addition, data on the severity of violence and frequency are not available.

*2. Total and age specific rate of women subjected to physical violence during lifetime by severity of violence, relationship to the perpetrator and frequency.*

The number of reported cases of physical violence is available. However no data on the perpetrator-victim relationship are available, unless physical violence is perpetrated against a family member. In addition, data on the severity of violence and frequency are not available.

*3. Total and age specific rate of women subjected to sexual violence in the last 12 months by severity of violence, relationship to the perpetrator and frequency.*

The number of reported cases of sexual violence is available. However no data on the perpetrator-victim relationship are available, unless sexual violence is perpetrated against a family member. In addition, data on the severity of violence and frequency are not available.

*4. Total and age specific rate of women subjected to sexual violence during lifetime by severity of violence, relationship to the perpetrator and frequency.*

The number of reported cases of sexual violence is available. However no data on the perpetrator-victim relationship are available, unless sexual violence is perpetrated against a family member. In addition, data on the severity of violence and frequency are not available.

*5. Total and age specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner in the last 12 months by frequency.*

Not available, as DVL does not apply to intimate partners, unless the intimate partners share one household.

*6. Total and age specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner during lifetime by frequency.*

Not available, as DVL does not apply to intimate partners, unless the intimate partners share one household.

*7. Total and age specific rate of ever-partnered women subjected to psychological violence in the past 12 months by the intimate partner.*

Not available, as DVL does not apply to intimate partners, unless the intimate partners share one household.

*8. Total and age specific rate of ever-partnered women subjected to economic violence in the past 12 months by the intimate partner*

Not available, as DVL does not apply to intimate partners, unless the intimate partners share one household.

*9. Total and age specific rate of women subjected to female genital mutilation*

Not available, as there is no specific article in the Criminal Code of Georgia or other legislative act foreseeing genital mutilation, which makes official data collection impossible at this time.

Supported by the UN, GEOSTAT is planning to develop a system for the collection and processing of comparable data on violence against women and domestic violence before 2015.

Currently limited official data exist on the situation of particular groups of women, such as rural women, older women, women with disabilities, indigenous women, women living with HIV and AIDS and other groups.

Some research has been carried out by local non-governmental, international organizations and the UN with regard to the different vulnerable groups of women. The 2009 UNFPA supported nationwide survey created baseline for prevalence of domestic violence and some other basic data in this field. In 2013, UN Women conducted a range of surveys to identify the needs of women with disabilities among the internally displaced population, women residing in high mountainous settings, ethnic minority women, women prisoners and former prisoners.



However, in the 2014 Census, GEOSTAT will collect certain data on the particular groups of women, such as internally displaced women, refugees, migrants, internal migrants, homeless women and women with disabilities. For a detailed list of the gender-specific data to be collected by the 2014 census, see Annex 3: List of main gender-specific indicators that will be obtained from the Census 2014.

## **Section IV: Emerging priorities**

The priorities listed below include inter alia the opinions expressed by the leading non-governmental organizations working on women's rights and women empowerment presented at the consultation meeting on April 4, 2014 organized in preparation of this report.

### **General**

- The government to translate the Beijing Declaration and Platform for Action into the Georgian language and the ministries (through gender equality mechanism in the executive branch) shall mainstream each area of concern that falls under their competence into their work;

### **Women and poverty**

- Government to ensure that all poverty alleviation programs and strategies are gender-sensitive and reflect the needs of women and women-headed households;
- Mainstream gender aspects in the social assistance and social protection system of Georgia to make sure that different needs and priorities of women, men, boys and girls are met;
- Special effort to be made by government and development actors to improve women's access to resources and training for small business development with their participation;
- Government to give special consideration and acknowledgement of the unpaid work performed by women at home once developing social protection schemes and services;
- Amend the Georgian legislation so that it provides for the maintenance of the subsistence allowance by socially vulnerable victims/survivors of domestic violence after their placement in shelters to avoid the dilemma for them to choose between the personal safety and safety of children and keeping social assistance;

- Introduce a comprehensive definition of the term “single mother” and develop state programs targeted at strengthening vulnerable single mothers;
- Study the needs of elderly with gender lenses, including the implications of different pension age for women and men, and reflect the findings of the study in relevant state policies and programmes.

### **Education and training of women**

- The Ministry of Education and Science of Georgia should conduct gender analysis of textbooks in order to ensure that sufficient materials are provided to promote gender equality ideas and reduce discriminatory stereotypes; gender awareness should be a part of ongoing teacher continuing professional development;
- Ensure institutionalization of age appropriate, medically accurate youth sex education and in addition, provide students with information on family planning and gender equality;
- Include the age-appropriate information on Gender Equality, SRH&R and family planning in the school curriculum among others through consideration of the draft *National Concept on Healthy and Harmonious Education* concerning youth reproductive health and rights’ education.

### **Women and health**

- Develop institutionalized mechanisms for gender mainstreaming in the health sector;
- Increase youth and adolescents’ access to RH services and information (including Family Planning) through sustainably integrating the Youth Friendly RH services at the Primary Health Care level;
- Study and analyze the causes and factors that lead to the skewed Sex Ratio at Birth in Georgia to formulate relevant policies and programmes, including population awareness raising, to address the problem;
- Increase coverage of the Cervical Cancer Screening Programme through planning and introducing the organized screening programme and securing adequate and long-term funding from the state budget;

### **Violence against women**

- Improve legislative basis on domestic violence inter alia by ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic

Violence (Istanbul Convention) and adoption of the package of legislative amendments (currently under review by the Parliament) aimed at harmonization of the Georgian legislation to the Istanbul Convention provisions;

- Ensure improved implementation of Domestic Violence Law (2006) by provision of state funding for the Domestic Violence Crises Centers and engagement of social workers in domestic violence prevention and response;
- Develop monitoring mechanisms for the enforcement of the acting domestic violence protective and restrictive orders to ensure their efficiency and minimize the risk of reoffending;
- Support the establishment and institutionalization of specialized police units on gender based violence;
- Develop and adopt regulations on the protection and assistance to the victims/survivors of sexual violence both during conflict and peace; determine target groups, services, establish the rules for identification in order to raise the effectiveness and efficiency of the State Fund for the Protection and Assistance to the Victims of Human Trafficking;
- Improve the health system's response to domestic violence in Georgia among others by implementation of the recommendations on *Health System Response to Intimate Partner Violence and Sexual Violence against Women and Children*, incorporating HIV prevention and response measures;
- Study the practice of early marriages to generate the evidence for formulation of relevant policies and programmes in this area;

### **Women and the economy**

- Undertake a study on the needs and priorities of rural women with focus on their land ownership and access to other economic resources and services and local-level decision-making processes;
- Design policies and strategies to improve rural women's access to economic resources and services, local-level decision-making processes as well as healthcare and social services, including pre-school education facilitates for their children;
- Ensure allocation of funding for the operation of gender equality institutional mechanisms and establish the practice of gender responsive budgeting (GRB) and apply GRB tools and methodology effectively; establish a system for the allocation of a share or percentage annually in the national budget for the investment in the promotion of gender equality and the empowerment of women;

- In the on-going review process of the Labour Code ensure that the principles of gender equality and non-discrimination are effectively mainstreamed and, among others, clauses regulating “equal pay” as well as “sexual harassment” and other non-discrimination mechanisms are introduced;
- Study and address the causes and consequences of existing gender pay gap;

### **Women in power and decision-making**

- Monitor the working of voluntary quotas / incentives for increasing women’s participation in decision-making processes and draw further policies on the lessons learned (among others start consideration of introduction of a more rigid mechanisms of mandatory quotas for increasing women’s participation in decision-making positions);

### **Institutional mechanism for the advancement of women**

- The Parliament of Georgia shall establish a secretariat to the Gender Equality Council, equipped with solid substantive and operational capacities to support the effective operation of the Council. The Gender Equality Council needs a strong counterpart in the executive branch of the government in order to achieve tangible results, as responsibility for the actual implementation of the laws and policies developed by the Gender Equality Council rests within the executive branch of the Government;
- Establish national machinery on gender equality in the executive branch at the highest possible level, composed of deputy ministers from all line ministries and the Prime Minister’s Assistant on Human Rights and Gender Equality to serve as its Secretariat;
- The Government shall develop institutional mechanisms and policies that require and enable gender sensitive analysis of major policy reforms. This also calls for improvement in the collection of sex-disaggregated statistical data;
- Provide further funding from the state budget to increase human and technical capacity of the newly established Gender Equality Department at the Public Defender’s Office;

### **Human rights of women**

- Improve existing national non-discriminative legal framework by supporting the full adoption and implementation of the Non-discrimination Law and make needed amendments to Gender Equality Law to ensure linkages in terms of implementation mechanisms between the two acts;
- Consider inclusion of provision regulating “equal pay” and prohibition of “sexual harassment” and determination of forms of sanctions/punishment in the Labor Code;

### **The girl-child**

- Research, identify, and address the bottlenecks and barriers which deprive children (especially girls, children from poor and ethnic minority families) of their right to pre-primary, primary, and secondary education in Georgia;
- Provide opportunities for girls and boys who have left school prematurely, to access and benefit from second chance education;
- Engage in and support awareness raising campaign for the prevention of early marriages.

## **Annex 1: The set of national indicators for monitoring progress in gender equality**

*Source: National Statistics Office of Georgia GEOSTAT*

### I. Population

1. Number of population in Georgia;
2. Distribution of population by sex and age in 2002 and 2012;
3. Natural movement;
4. Natural growth by regions;
5. Live births by regions;
6. Live births by age of mother;
7. Live births by sequence of births;
8. Live births by sex and sequence of births;
9. Live births by marriage status of parents;
10. Age-specific fertility rate;
11. Stillbirths by region;
12. Stillbirths by age of mother;
13. Deaths by region;
14. Deaths by age;
15. Infant mortality;
16. Life expectancy at birth;
17. Nuptiality statistics;
18. Number of marriages by age;
19. Average age of women and men at the time of marriage;
20. Number of divorces by age;
21. Number of divorces by duration of marriage;
22. Average age of women and men at the time of divorce;
23. Distribution of emigrants and immigrants by age;
24. Distribution of emigrants and immigrants by citizenship;
25. Average age of emigrants and immigrants.

### II. Health Care

1. Number of medical doctors;
2. Use of hormonal contraceptives;
3. Number of abortions;
4. Number of persons diagnosed with syphilis for the first time;
5. Number of persons diagnosed with gonorrhea for the first time;
6. Sexually transmitted diseases distribution of new cases by age;
7. Number of cases of tuberculosis;
8. New cases of pulmonary tuberculosis by age;
9. New cases of HIV/AIDS;
10. New cases of HIV infection by types of transmission;
11. New cases of mental disorders;
12. Registered cases of mental and behavioral disorders in urban and rural areas;
13. New cases of malignant neoplasms, diagnosis set for the first time;
14. New cases of malignant neoplasms by age groups;

15. Causes of deaths by basic classes;
16. Maternal mortality;
17. Suicides.

### III. Social Security

1. Distribution of persons receiving pension and social packages by regions;
2. Number of persons receiving pension and social packages;
3. Share of pension package recipients in total number of persons receiving pension and social packages
4. Share of social package recipients in total number of persons receiving pension and social packages;
5. Number of social package recipients by regions;
6. Number of state pension recipients by age;
7. Pension and social package recipients by age;
8. Number of persons using state health insurance by regions;
9. Number of persons using state health insurance in the population in the relevant sex;
10. Number of persons receiving subsistence allowance by regions;
11. Number of persons receiving subsistence allowance in the population of relevant sex;
12. Number of registered internally displaced persons (refugees);
13. Number of elderly people in nursing homes.

### IV. Education

1. Number of pupils and students;
2. Number of basic and secondary school graduates;
3. Number of children at state pre-school institution;
4. Number of teachers of the I, II and III stages of VET institutions;
5. Number of students enrolled in higher education institutions by regions;
6. Number of students in public higher education institutions by programmes;
7. Number of students in private higher education institutions by programmes;
8. Number of graduates of public higher education institutions by programmes;
9. Number of graduates of private higher education institutions by programmes;
10. Number of professors and teachers in higher education institutions;
11. Admission to doctoral degree by programmes;
12. Number of persons working for doctoral degree by programmes;
13. Number of doctoral graduates by programmes;
14. Number of research advisors of doctoral candidates.

### V. Households

1. Distribution of household by sex of head of household;
2. Distribution of households by sex of head of household in urban and rural areas;
3. Distribution of households by forms of ownership of dwellings and sex of head of household;

## VI. Employment and Unemployment

1. Distribution of population 15 years and older by economic status;
2. Distribution of women of 15 years and older by economic status and age groups;
3. Distribution of men of 15 years and older by economic status and age groups;
4. Distribution of employed by age groups;
5. Distribution of employed by level of education;
6. Distribution of employed women by level of education;
7. Distribution of employed men by level of education;
8. Distribution of self-employed by status of employment;
9. Distribution of unemployed by age groups;
10. Distribution of unemployed by level of education;
11. Distribution of unemployed women by level of education;
12. Distribution of unemployed men by level of education.

## VII. Incomes and Expenditures

1. Distribution of average monthly incomes per household by sex of head of household;
2. Distribution of average monthly incomes per capita by sex of head of household;
3. Relative poverty indicators by sex of head of household;
4. Relative poverty incidence with respect to 60% of the median consumption by sex of head of household;
5. Relative poverty incidence with respect to 40% of the median consumption by sex of head of household;
6. Average monthly nominal salary of hired employees by times of economic activity;
7. Gender pay gap by types of economic activity;
8. Average monthly nominal salary of hired employees in public and non-public sector.

## VIII. Business statistics

1. Number of employed in business sector and average monthly remuneration by region and ownership form;
2. Number of employed in business sector and average monthly remuneration by size of enterprise and regions;
3. Number of employed in business sector and average monthly remuneration by ownership forms and types of economic activity.

## IX. Agriculture

1. Classification of farms by sex of farmer or head of farm;
2. Classification of farms by age and sex of farmer or head of farm;
3. Distribution of land area operated by holdings by sex of farmer or head of farm.

## X. Crime

1. Number of convicts by types of crime;
2. Distribution of convicts by age;
3. Prison population;
4. Number of amnestied probationers;



5. Number of amnestied defendants and convicts;
6. Victim statistics;
7. Number of victims and perpetrators of domestic violence by region;
8. Share of women victims and perpetrators;
9. Statistics on the provision of shelter services to victims of domestic violence;
10. Number of calls to the nation-wide domestic violence hotline;
11. Number of victims of human trafficking and domestic violence placed in shelters by level of education;
12. Statistics on the provision of shelter services to victims of human trafficking;
13. Number of persons injured and killed in traffic accidents;
14. Statistics on the issuance of driving licenses;
15. Statistics on the owners of registered vehicles.

#### XI. Influence and Power

1. Number of members of the Parliament of Georgia;
2. Number of members of the Parliament of Georgia by factions;
3. Number of majoritarian members of the Parliament of Georgia;
4. Number of employees of the Parliament of Georgia;
5. Number of employees of the administration of the President of Georgia;
6. Composition of the Government of Georgia;
7. Number of employees at the office of the Government of Georgia;
8. Number of judges in the common courts of Georgia;
9. Number of extraordinary and plenipotentiary ambassadors of Georgia;
10. Composition of the district election commission by sex;
11. Composition of the district election commission for the parliamentary elections by sex;
12. Number of candidates nominated by political parties for the 2012 parliamentary elections;
13. Composition of members elected in local self-governments.

**Annex 2. Minimum set of gender indicators, by domain\***

(To be inserted)

### **Annex 3: List of main gender-specific indicators to be obtained from the Census 2014**

1. Population size;
2. Distribution of population by marital status;
3. Distribution of women by age and number of children born;
4. Distribution of population by the place of birth;
5. Distribution of population by citizenship;
6. Distribution of population by nationality;
7. Distribution of population by religion;
8. Distribution of population by the level of education;
9. Distribution of children of preschool age;
10. Distribution of population by professions;
11. Distribution of population by languages known;
12. Distribution of population by economic activities;
13. Distribution of population by employment status;
14. Distribution of population by types of income;
15. Distribution of population by a head of a household;
16. Distribution of population by the types of dwellings;
17. Distribution of migrants;
18. Distribution of internal migrants;
19. Distribution of IDPs;
20. Distribution of refugees;
21. Distribution of homeless people;
22. Distribution of people with disabilities.