

The joint report was prepared by women’s rights NGOs in the framework of the UN Universal Periodic Review (UPR). Information presented in the report was prepared according to the requirements of the UN General Assembly Resolution 60/251 of March 15, 2006 and Human Rights Council Resolution 5/1 of September 27, 2007

Georgia, July 12, 2010

The following Women’s Rights NGOs worked on the report:

1. Women’s Information Center (WIC);
2. International Advisory Center for Education of Women;
3. Women’s Hope;
4. Democrat Women’s Organization;
5. Dynamic Psychology for Development and Democracy;
6. Anti – Violence Network of Georgia (AVNG);
7. Women’s Educational Center “Tori”;
8. Association “Biliki”
9. Association of Disabled Women and Mother of Disabled Children “DEA”;
10. Coalition “For IDPs Rights”,
11. Leaders for Democracy;
12. Advice Center for Women “Sakhli”;
13. Women’s Association “Peoni”;
14. Azeri Women’s Union of Georgia;
15. “Tanadgoma” Center for Information, Counseling on Reproductive Health;
16. “Article 42 of the Constitution” ;
17. “Sabinebi” Association of Abkhazian Women;
18. Old ladies’ association “Dignified Old Age”;
19. Cultural-Humanitarian Fund “Sokhumi”;
20. Women in Business;
21. Women’s Political Resource Center;
22. Union “Women’s Initiatives Supporting Group“

The NGOs would like to express gratitude to the United Nations Development Fund for Women (UNIFEM) for the provided technical assistance in the preparation of this report. The views expressed in the report are those of the authors and do not necessarily represent the views of UNIFEM.

Introduction: Georgia acceded to a number of international conventions in the sphere of protection of human rights and freedoms, among them: Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and its Additional Protocols, International Covenant on Economic, Social, and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, Geneva Conventions on protecting victims of armed conflict and its additional protocols, as well as other UN human rights documents. Georgia is a state party to almost all of the universal and regional human rights conventions. Thus, Georgia is under obligation to implement existing international standards in the sphere of human rights and create effective mechanisms for human rights protection on national level.

General Overview: The Constitution of Georgia is in compliance with universally recognized principles and norms of international law. Treaties concluded by Georgia, if they correspond to the Constitution, shall take precedence over domestic normative acts.¹ Treaties are a part of the Georgian legislation and they have direct force of operation. In addition, the state acknowledges and protects universally recognized human rights and freedoms as eternal and supreme human values.²

The legislation of Georgia *de jure* recognizes the principle of gender equality. However, *de facto* equality is still an issue. In the Constitution of Georgia, we find article 14, which 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.” Here “sex” is listed among other variables upon which a person cannot be discriminated against before the law. There is no special mentioning of men and women having equal rights and fundamental freedoms; the Georgian Constitution uses “person”, “citizen” or “individual” for both sexes, for instance in Article 18, Paragraph 1: “The freedom of a person is inviolable”. In the document legislators put “person”, “citizen” or “individual” as an embodiment of both sexes, with the indication that there is no need to differentiate citizens based on their sex.

In the Constitution, women are mentioned only twice; in article 30, paragraph 4: “the working conditions of minors and women are determined by the law”. This mention of women together with minors, which underlines the need for the state protection of their labor rights by special legislation, indicates that although it is not explicitly stated, the creators of the Constitution acknowledge that women, like minors, need special protection. The second mentioning of women – though only as spouses and mothers – comes in Article 36, which states that: “marriage is based upon the equality of rights and free will of spouses” and below, Paragraph 3 states: “the rights of mothers and children are protected by law”.

The “gender neutral” language and general recognition of the non-discrimination on the basis of sex could be found in almost all the major legislative acts of the country.³ However, each of these general provisions are not complemented with realistic legal mechanisms, concrete measures for ensuring equality. For example, the *Election Code of Georgia* recognizes equal active and passive political rights of men and women. However, the lack of special measures (either temporary or permanent) that would make this general provision operational results in gender inequality in the realization of passive electoral right and extremely low representation of women in the elected bodies.

The Georgian legislation does not use the term “Gender Based Violence” (GBV). However, the *Law of Georgia on Elimination of Domestic Law Violence, Protection of and Support to its Victims* and the *Law of Georgia on Combating Trafficking in Human Beings* regulate different aspects and manifestations of GBV. Gender Based Violence does not appear either in the *Law of Georgia on Gender Equality* (adopted on 26 March 2010), which however introduces and condemns sexual harassment at workplace. It is noteworthy, that the *Criminal Code of Georgia* criminalizes infringing upon the equality of persons (Art. 142) and its Chapter XXII concerns “Crimes against Sexual Freedom and Inviolability”.⁴

¹ Constitution of Georgia, Art. 6.

² Constitution of Georgia, Art. 7

³ Labor Code of Georgia, Law on Public Service of Georgia, Civil Code of Georgia and its V part- Family Law, Law of Georgia on Secondary Education, Law of Georgia on High Education, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to its Victims, Election Code of Georgia, etc.

⁴ Criminal Code of Georgia, Chapter XXII, Crime against sexual freedom and inviolability. Art. 137. Rape; Art.138. Sexual abuse under violence; Art. 139. Coercion into sexual intercourse or other action of sexual character; Art.140. Sexual intercourse or other action of sexual character with one under sixteen.

Despite certain positive changes on the path towards building a democratic state in the recent years, adequate attention is not paid to women's rights and gender equality issues on policy-making level. Insufficient resources provided by the government to implement *the Gender Equality National Action Plan of 2007-2009* and the lack of the political will, especially in the executive branch of the government to tackle inequality problems, leads to ineffective protection of women's rights and slow progress towards enhanced gender equality.

The low level of citizens' human rights, especially women's rights awareness is a result of the lack of special gender sensitive programs for small business development, youth education (starting from secondary to higher education institutions), promotion of zero tolerance to violence against women, etc. Civil society – women's rights NGOs are trying to cover this gap but their resources are limited in comparison with the different needs of women, men, boys and girls of Georgia.

The UN Human Rights Committee and CEDAW Committee have repeatedly called on the State to continue its work in order to eliminate discriminatory gender stereotypes and incorporate gender-sensitive education into the school programs. CEDAW Committee recommends intensifying the training of staff involved in the education sector on women's rights and gender equality issues. The Committee requests the State to disseminate the information about the Convention in the educational institutions in order to alter existing stereotypes on the roles and responsibilities of men and women that lead to unequal distribution of labor, resources and reaffirm gender inequality.

On September 26, 2007, through Order N211, there was established the Interagency Governmental Commission on Gender Equality Issues and respective "Action Plan on carrying out gender equality policy in Georgia in 2007-2009" was elaborated and adopted on the same day. However, the Commission proved to be ineffective (it was never convened since its establishment) and the Action Plan was carried out with significant deficiencies.⁵ On this background, the legislative branch of the government is showing more progress where there was established a Council on Gender Equality Issues in December 2004, which has greatly stipulated the adoption of *the State Concept on Gender Equality Issues* in 2006 and then *the Law of Georgia Gender Equality* in March 2010. *The Gender Equality Law* has granted the Parliamentary Council on Gender Equality Issues a permanent status, transforming it into the main state structure responsible for national coordination, elaboration, and monitoring of implementation of gender equality policies and legislation.

In addition, *the Gender Equality Law* sets forth concrete mechanisms, and ways for the realization of the rights declared in the Constitution and tries to translate international women's rights and gender equality standards into Georgian national legislation. Although, the Law needs further improvements (discusses below) it is a very positive step and a powerful mechanism for awareness raising on gender equality and women's rights issues in Georgia. It is the strong recommendation of women's NGOs to the Parliamentary Council on Gender Equality Issues to do its best to ensure strong involvement of the executive branch of the government in the implementation of the Law and formation and implementation of the national gender equality policy. Women's rights NGOs are concerned that legislative branch of the government alone cannot ensure full-fledged implementation of the Law. Moreover, there needs to be established a special forum/space for civil society representatives' (women's rights NGOs, scholars, media) informed participation in the elaboration of relevant gender equality policies and laws at the Parliamentary Council for Gender Equality Issues. Especially, given the fact that women's NGOs were invited members of the Advisory Council on Gender Equality Issues at the Speaker of the Parliament, when it was still a temporary and not yet a standing body.

The Gender Equality Law is a step forward, but it has some deficiencies, namely, it is more declarative than practical in its character. It sets forth the pathos of gender equality on the level of principles, accumulates existing provisions, in the labor, family and other spheres of life, but, the Law does not indicate the supporting mechanisms for actual implementation of these principles: 1. there is no enumeration of obligations of the executive branch officials, who have the decision-making capacity and are entrusted with the implementation of gender equality policy in the country. 2. there is no set of procedures on how to protect human rights of victims of direct or indirect discrimination on the basis of sex; 3. upon affirming the fact of discrimination or sexual harassment, there exists no established compensation and the rule for paying damages. 4. there exists no list of specific forms the discrimination on the basis of sex can take in different areas (such as for instance political life, social protection, healthcare, etc.). 5. And even

⁵ See Ketevan Chkheidze, Irma Aladashvili, *Monitoring of the Progress Implementation of the National Action plan on Gender Equality*, Tbilisi, 2009.

though the State Concept on Gender Equality (adopted in 2006) introduced the concept of “gender mainstreaming” it has unfortunately, remained outside the scope of the Gender Equality Law.

Recommendations:

1. The State Commission on Constitution while implementing the constitutional reform in Georgia, should take into account Art.2 of the Convention on the Elimination of All Forms of Discrimination against Women and incorporate the definition of equality between men and women within the new Constitution in compliance with the internationally set standards;
2. The state should elaborate indicators to monitor gender equality work of legislative and institutional mechanisms;
3. Through national educational program (by the Ministry of Education and Science) gender education should be introduced in schools and the component of gender education should be incorporated in the teachers’ continuing education program;
4. Timely measures should be taken to elaborate 2010-2012 National Action Plan on Gender Equality. State budget should be analyzed from the perspective of responsiveness to different needs of women, men, boys and girls;
5. Needed financial resources should be allocated from the state budget to carry out the National Action Plan on Gender Equality 2010-2012;
6. Gender equality principles must be considered (gender mainstreaming) in planning and implementation of state policies in different spheres;

Political Rights: The legislation of Georgia recognizes the equality of men and women in realization of their civil and political rights. The legislation of Georgia⁶ grants equal political rights to men and women. Women comprise over 59% of the electorate and they are equally active voters in villagers, as well as in cities.⁷ Still, the level of women’s participation in the political decision-making is low. It is noteworthy that 30% of political party members are women,⁸ in the parties they occupy lower positions and only rarely are represented in the party leadership. The fact that at present women account only for 6% of Members of the Parliament is indicative of the cultural, legislative and internal party barriers hinder women’s political empowerment (in the parliaments elected in 1995, 1999, and 2004 women comprised 7%, 6.4%, and 9.4% respectively.) Considering the low representation of women in the Parliament, it has to be noted that in the 2004-2008 Parliament was chaired by a woman and women obtained 3 committee heads’ posts. The low representation of women in the parliament results in the low interest of discussing dealing with issues related to women.⁹

The political party lists for the 2008 parliamentary elections did not indicate the increase of women’s participation in party leadership. In the 12 entities registered for the elections (blocks and independent parties), only 9.2% of women were on top positions of party lists from 1 up to 10, 20.8% from 11 up to 20 and 15% from 21 to 30. In sum, women comprised 22.5% in the party lists and very little number had the chances of getting elected. Out of majoritarian candidates, women comprised 10.1 percent.¹⁰ In 2008 parliament the deputy head of the Parliament is a woman, who also chairs the Parliamentary Council on Gender Equality Issues and is a great supporter of women’s rights groups. In addition, only one head of the Parliamentary committee and 3 deputy heads are women.

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. As a result of 5 October 2006 elections, only 195 out of 1,750 elected individuals, i.e. 11.14%, were women. According to May 2006 data no cities in Georgia had women as mayors and only 5.5% of the chairs of *sakrebulo* - local representative bodies - were women (i.e. among 989 chairpersons there were only 54 women).¹¹ The legal environment is far from favorable for women’s participation in the bodies of local self-governance, partially due to the large self-governing units, as well

⁶ *Election Code of Georgia*, 2001, Art.5.

⁷ Nana Sumbadze, *Gender and Society: Georgia*, Tbilisi, 2008, page.35

⁸ Maia Kuprava-Sharvashidze, *Saqartveloshi qalta politikuri monatsileobis arsebuli situatsia* (The Situation around Women’s Political Participation in Georgia,) Tbilisi, 2006, see *Reality: Women’s Equal Rights and Equal Opportunities in Georgia.*, page. 18.

⁹ Cynical and ironic remarks of male parliamentarians while discussing the draft law on domestic violence in February 2006 can serve as an example confirming this.

¹⁰ Nana Sumbadze, *Gender and Society: Georgia*, Tbilisi, 2008, page.42

¹¹ Lia Sanikidze, et al., *Reality: Women’s Equal Rights and Equal Opportunities in Georgia*, 17.

as existence of single-mandate election constituencies.¹² The 2010 local government elections have also resulted in low number of elected women – out of 1688 totally elected MPs only 169, i.e. 10% are women.¹³

Women are a minority in the cabinet as out of 19 ministers only 2 are women.¹⁴ The gender balance situation is much better in the judicial branch according to the 2008, there are 94 women and 74 men in the Supreme Court of Georgia, 167 women and 95 men in City Court; and there are 117 women and 75 men in District Court judges in all court instances.¹⁵

In Georgia there exists no state policy aimed at increasing women's political participation. Even though the 2010 Law on Gender Equality refers to the equality of men and women in election process, the law does not create substantial mechanisms ensuring the equality.¹⁶

Recommendations:

1. The state to put in place relevant temporary special measures to ensure increased participation of women in political decision-making processes at central as well as local levels;
2. The state to demonstrate commitment to women's empowerment issues through increased engagement of the executive branch of the government in gender equality policy formation and implementation processes;
3. The State to provide funding from the state budget to the Parliamentary Council on Gender Equality Issues to ensure its smooth operation (to cover both administrative as well as programmatic costs);
4. To establish a civil society advisory group at the Parliamentary Council on Gender Equality issues comprising of the representatives women's NGOs, academia, and media;

Domestic Violence: In 2006 the Parliament of Georgia adopted *the Law of Georgia on Elimination of Domestic Violence, Protection of and Support to its Victims*. The first amendments to the Law were made in December 2009 and were initiated by Ms. Rusudan Kervalishvili, the Vice-Speaker of the Parliament and the Chair of the Parliamentary Council on Gender Equality Issues. The Women's NGOs have participated greatly in the drafting as of the Domestic Violence Law as well as in the amendments to the Law.¹⁷

The Law provided that provisions regarding establishment of shelters for the victims of domestic violence would enter into force in January 2008,¹⁸ which has not been the case. For the time being there exist only four NGO-run shelters in the country that are unable to meet increasing demand on shelter and social services. The Government of Georgia has established the Interagency Council on the Measures to Eliminate Domestic Violence, on 28 December 2008. The main responsibility of the Council is to support the implementation of the above mentioned Domestic Violence Law. The Council, in close collaboration with the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking and Domestic Violence¹⁹ and assistance from international development organizations, especially Sida and UNIFEM, is in the process of establishing two shelters and a nation-wide hotline for the victims/survivors of domestic violence. The establishment of state supported shelter and a hotline for victims of domestic and sexual violence has been prioritized also in the Georgia Joint Needs Assessment of August 2008 events.²⁰

¹² See Tamar Bagratia, *Elections of the Bodies of Local Self-Governance and Women's Participation*, Discussion Paper, Gender Development Association, September 2006.

¹³ Official data provided by the Central Election Commission on 12 July 2010.

¹⁴ Government of Georgia, official web-page, available on-line at: <<http://www.government.gov.ge>>

¹⁵ Nina Tsikhistavi, Nana Berekashvili, *Gender Equality in Georgia: 2006-2008 Report*, Caucasus Women's Network, Tbilisi, 2009, page 13-15.

¹⁶ *The Law of Georgia on Gender Equality*, Article 11. Guarantees for Equal Rights to Vote: 1. Everyone has the right to take part in elections under equal conditions and without discrimination. 2. While exercising the right to vote in a representative body, the possibility of equal participation for men and women shall be provided. 3. Women and men shall be elected under equal conditions without discrimination.

¹⁷ Gender Information Network of South Caucasus, *Special Group for Investigating Violence in the Family*, available on-line at: <http://www.ginsc.net/main.php?option=view_article&mode=0&article=9981&lang=ge>

¹⁸ According to the *Domestic Violence Law*, Chapter VII, article 22 of the Law, article 8 with regard to social service, articles 17, 18, and 19 with regard to the establishment and functioning of shelters for domestic violence victims, and article 20 about the establishment of rehabilitation centers for the perpetrators should have entered into force from 1 January 2008.

¹⁹ The Fund has been assigned by the government to work on domestic violence issues on the eve of 2009, for the time being it is in the process of changing its decree and title to reflect the new mandate.

²⁰ The United Nations, the World Bank, *Georgia Joint Needs Assessment*, October 9, 2008, 107.

Preparing highly qualified social workers is of no less significance. According to the 2007-2008 Action Plan on Measures for Fighting Violence in the Family and Protecting the Violence Victims (Action 2), determining temporary status for social workers and legitimizing their activities was considered. However, the mentioned activity was not undertaken and was postponed into the 2009-2010 Domestic Violence National Action Plan, with Ministry of Labor, Health and Social Affairs and Interdepartmental Council put being in charge of this activity. NGOs prepared university module for social workers “Basic Gender Issues and Fighting against Domestic Violence”, which was piloted with practicing social workers in 2009 and was agreed with the Ministry of Labor, Health and Social Affairs and since the academic year 2010-2011 been introduced as an optional course for bachelor and master students of Tbilisi State University.²¹

Non-governmental human rights organizations work effectively to resolve the abovementioned problem. According to the statistics, victims of violence in Georgia are generally women and the perpetrators are mostly men. According to the official data of the Ministry of Internal Affairs, in 2007, 523 offenders were men, whilst 509 women proved to be victims. In 2008 there were 178 male perpetrators and 189 female victims, in 2009 164 and 163 respectively. In the first quarter of 2010 there are 39 male perpetrators and 40 female victims.²²

Studies conducted in different periods make known that in Georgia the whole specter of different forms of violence – sexual, physical, psychological and economic. The facts of violence increased as a result of conflicts and civil wars in different periods in Abkhazia and South Ossetia. Different forms of violence, among them sexual violence, are documented during the armed conflict of August 2008. In partnership with Institute for Policy Studies, UNIFEM carried out the *Needs Assessment of Internally Displaced Women as a Result of August Events*. Through 5-29 September, 1,144 IDPs (47.1 percent men and 52.9 percent women) were surveyed. The survey revealed that 6.3 percent of respondents had information about sexual violence committed against women, out of this 6.3 percent (70 respondents) - 21.4 percent said they had information about cases of rape, 32.8 percent about group rape, 14.3 percent about attempt of rape and 31 percent did not specify the kind of sexual abuse. Only 1 percent i.e. 10-11 respondents reported witnessing rape. Taking into consideration the taboo associated with the issue of sexual violence in the Georgian society, we may assume that the findings of the survey shed light only on the tip of the iceberg, clearly signaling the need for having respective response mechanisms in place. When asked about family conflicts during the displacement, 3.6 percent of men and 8.6 percent of women reported witnessing such conflicts and instances of domestic violence.

Women’s Advice Center “Sakhli” started to research domestic violence in 2001. *Violence in the Family - the Study of the Gender Attitudes* was published 2002, revealed that 94.8% of interviewed 400 respondents (50.5% women and 49.5% men) identified beating/battering as the manifestation of domestic violence.²³ 62.1% of men and 52.5% of women acknowledged that domestic violence takes place in Georgian families.²⁴ The NGO Caucasus Women’s Research and Consulting Network completed their multi-component domestic violence research in 2005.²⁵ The aim of this research was to understand the dominating forms of domestic violence as well as to explore the scope of the problem.²⁶ In the framework of this study there were interviewed 1000 women²⁷ selected through random sampling from those women in Georgia who have experienced married life for longer than one year. Women were interviewed in all but conflict regions of Georgia. The research found out that “every fourth or fifth woman (22.2%) admits that they have experienced physical abuse. And for 5.2% of women this experience was very frequent.”²⁸ According to

²¹ “Interdepartmental and Societal Measures for eliminating Family Violence in Georgia”- project implemented with the assistance of the UN Trust Fund for Eliminating Violence against Women

²² Data of the National Statistics Office of Georgia, official web-page, available on-line at: <www.statistics.ge>.

²³ Rusudan Pkhakadze, *dzaladoba ojaxshi – genderuli damokidebulebebis kvleva*, (Violence in the family – the study of gender attitudes), NGO Sakhli, OXFAM GB, Tbilisi, 2002, 6.

²⁴ Ibid, 8.

²⁵ Nino Tsikhistavi, Nana Berekashvili, (eds.), *Domestic Violence against Women: Multi-Component Research*, Tbilisi, 2006. The research was carried out with the financial support of the Global Fund for Women in 2005 and was published in English and Georgian with financial support of the UN Country Team in Georgia in 2006.

²⁶ Ibid, 8.

²⁷ Plus 50 women for a pilot study. Ibid. 11. Out of 1000 women 79.2% was in their first marriage, 7.3% was divorced, 2.4% was remarried after divorce, 8.7% was widowed. 0.6% was in a new marriage after widowhood, 1.1% was in unregistered marriages. Ibid. 13.

²⁸ Ibid, 41.

the most recent (2009-2010) and wide-scale representative study of the UNFPA every 10-11 woman in Georgia has suffered physical violence at least once in her life time from her husband or a partner.²⁹

According to the Art.20 of the law, rehabilitations centers for perpetrators of domestic violence were to start operation after 1 January, 2008, which did not happen. After the amendments on 28 December 2009, their establishment was postponed until 1 July, 2015. Thus, violence perpetrator does not go through rehabilitation (Art.20 of the law on domestic violence did not take effect) and women victims of violence still stay confronted to the perpetrators. Except for that, stereotypes prevailing in the society lead to problems in applying to law-enforcement mechanisms. Victims/survivors of violence, the majority of whom are women fear that violence perpetrator, being shunned by society and exposure of the family secrets, which is indicated by the less number of applications to court compared with the police applications to affirm the issuing of preventive warrants. The above-mentioned fact reveals that legal measures for the protection of victims are not sufficient and do not adequately correspond with the objective reality.

Recommendations:

1. The state to ensure timely establishment of the shelters and a nation-wide hotline for the victims/survivors of domestic violence and ensure its support from the state budget;
2. The state to define the role of social workers explicitly in the national referral mechanism of the victims of domestic violence making sure that social workers are institutionally strengthened and supported by the Ministry of Labor, Health and Social Affairs to actively engage in the work against domestic violence;
3. The state to take active steps towards elaboration of the strategy of rehabilitation of the perpetrators of domestic violence and establish rehabilitation centers for them.

Trafficking: On April 28, 2008 the Parliament of Georgia adopted *the Law of Georgia on Combating Human Trafficking*. On 20 January 2009, by the Presidential order, there was adopted a National Action Plan on Fighting against Human Trafficking 2009-2010. In the autumn 2010 there will be completed the drafting the 2011-2013 National Action Plan, which will be presented the President for approval in December.

The state achieved certain positive results in combating trafficking in human beings. Georgia satisfies minimum standards for fighting trafficking.³⁰ Despite the achievements, we face problems. In the 1st half of 2009, investigation was commenced on 4 trafficking cases. Three of them were under Art.143 (human trafficking) and one under 143¹ (underage trafficking). Procedural bargaining was conducted with 3 of the accused and the case proceeded in court in regard to others. According to the data of the first half of 2009, investigation is being conducted on 4 cases. Accusatory verdict was announced for 3 persons. Georgia still remains a transit, destination and a resource country.³¹ There exist various reasons of women trafficking in the country – unemployment, where major share are women, illegal migration of women, which is caused by poverty and unemployment, presumable number of trafficking victims on uncontrolled territories.

Low indicator of the number of trafficking victims is a result of the latency of the crime. This requires implementing effective measures by the government for the Ministry of Internal Affairs and investigative bodies to reveal and record the crime of trafficking. In addition, international legal cooperation and mutual assistance especially among the bordering states is important.

Recommendations:

1. The state to implement consequential and permanent measures to fight trafficking in human beings.

²⁹ UNFPA, *National Survey of Domestic Violence against Women in Georgia*, Tbilisi, 2009, preliminary findings shared with civil society in June 2010.

³⁰ The National referral Mechanism (NRM) in Georgia is codified in the Law on Trafficking in persons. The NRM was put into operation in 2006. The NRM represents detailed guidelines for the effective cooperation of the state agencies, local NGOs and international organizations in the fight against trafficking in human beings. For more see Women's Informational Centre, *Responses to Trafficking in Persons in Georgia: An Assessment*, available on-line at: http://www.wicge.org/publications.php?pageNum_publications=1&totalRows_publications=18&lang=ge

³¹ In compliance with the 2009 Presidential order N46 the National Action Plan for Fighting against Trafficking was drafted. Referral mechanisms for combating trafficking are adopted and interdepartmental council was created. Public Defender of Georgia, *Annual Report of Public Defender of Georgia*, II part. 2009, page .221.

Internally Displaced Persons (IDPs) and their Rights: At the beginning of the 1990s, the development of internal conflicts within Georgia was followed with internal displacement of hundreds of thousands of citizens from Abkhazia (1992-1993) and South Ossetia (1989-1992). Following an increase in the number of military actions in early August 2008, the situation in the conflict zone of South Ossetia, Georgia escalated into a full-scale combat between the Georgian Army and armed formations under control of the de facto authorities of Tskhinvali region and Russian Armed Forces. The outbreak resulted in civilian casualties, destruction and suffering along with a new wave of forced displacement of more than 127,000 citizens.³² Out of this 127,000, the majority of the internally displaced individuals (about 100 000) were able to return home after hostilities ended and Russian armed forces withdrew from undisputed (i.e. beyond South Ossetia) villages and towns of the country and the Georgian side regained control over these territories.³³ Returned villagers whose homes were damaged or destroyed during the conflict face particularly difficult socio-economic conditions.

It is noteworthy, that from over 127 000 internally displaced citizens as a result of August 2008 events, around 35 000 individuals have not been able to return to their homes in South Ossetia. “The fighting did not end the political conflict nor were any of the issues that lay beneath it resolved.”³⁴ In total, for the time being there are over 293,048 Internally Displaced Persons in Georgia³⁵ as a result of the internal conflicts of early 1990s as well as the recent August 2008 war and women and girls comprise about 55 per cent of all IDPs, in both the so called “old” (early 1990’s) and “new” (August 2008) waves.

Access to durable and adequate housing has been one of the most acute problems faced by the IDPs, which sometimes is much more complex for single women, including single elderly women, single mothers and of course IDP women who face domestic violence and would like to seek divorce. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia Refugees estimated that more than 100 000 persons are residing in so called Collective Centers (CCs), which in fact are publicly owned buildings used earlier for schools, factories, hospitals, kindergartens, farms, etc.³⁶ For the time being all (“old” and “new” waves) IDPs are concentrated either in the CCs, or in the new IDP cottage settlements constructed by the government especially for IDPs of August 2008 conflict or in so called private accommodation i.e. with their relatives, friends and sometimes also in rented or procured flats/houses.

The government of Georgia has adopted a number of legal and policy documents in relation to IDPs³⁷ and among them the *Action Plan for the Implementation of the State Strategy on IDPs 2009-2012* (hereafter IDP Action Plan), which foresees concrete measures for addressing the question of durable housing of IDPs by offering them compensations or self-privatization (transfer of ownership) of the state provided shelters i.e. CCs where they have been leaving during the displacement for a symbolic price of 1 (one) Georgian Lari (USD 0.6). According to this Action Plan, about 50 000 IDPs will receive 400 CCs under their ownership in 2009-2010, and additional CCs will be identified for self-privatization in 2011.³⁸

Women’s NGOs managed to successfully advocate for mainstreaming gender into the IDP Action Plan during its elaboration in spring 2009. However, due to low human rights’ awareness of the IDPs on the one hand and the lack of clarity on actual implementation mechanisms of the Action Plan (such as uniformity/criteria for calculating compensations, clarity of privatization procedures) on the other, women’s NGOs are convinced that in the process of

³² UNHCR, *Georgia: Country Operations Profile*, available on-line at:
< <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48d2e6>>

³³ These citizens were forced to flee during the August 2008 events, as they faced looting, torture, destruction of their property and other forms of humanitarian law’s violation.

³⁴ Independent International Fact-Finding Mission on the Conflict in Georgia, *Report*, September 2009, 5, available on line at:
< <http://www.ceiig.ch/Report.html>>

³⁵ Report of the UN Secretary General, *Status of internally displaced persons and refugees from Abkhazia, Georgia*, A/63/950, 24 August 2009, 2.

³⁶ Norwegian Refugee Council, *NRC Georgia: Basic Facts*, available on-line at:
< http://www.nrc.ge/index.php?option=com_content&task=view&id=13&Itemid=52&lang=en>

³⁷ Such as the Law of Georgia on IDPs (last amended in 2006), IDP Strategy (adopted in 2007) and IDP Action-Plan for 2009-2012 (adopted in 2009); The Law primarily deals with process of applying for and granting the status of internal displacement as well as the grounds for suspension or loss of the status. The Strategy spells out the main directions of work and the key principles to be followed while dealing with the IDPs including “Gender Equality, Protection of the Rights of the Child and Respect for Other Recognized Human Rights” as one of the key principles. (See: Government of Georgia, *Strategy for Internally Displaced Persons*, 2007, paragraph 1.9.)

³⁸ Government of Georgia, *Action Plan for the Implementation of the State Strategy on IDPs*, 2009-2012, 1-2.

the Action Plan's implementation, the IDPs, especially IDP women will be in need of better awareness on legal recourse to prevent discrimination based on sex.

Already in September 2008 UNIFEM commissioned *the Needs Assessment of Internally Displaced Women as a Result of August Events* to the Institute for Policy Studies; through 5-29 September 1144 IDPs (47.1 percent men and 52.9 percent women) were surveyed. The Assessment has found a striking impoverishment trend among the displaced persons, the portion of households with monthly income of more than GEL 200 (about USD 120) decreased from 59 percent to 13 percent. Some 14.7 percent of the respondents pointed at having no income at all. The Assessment has also demonstrated that 56 percent of men and 44 percent of women were interested in taking loans to start / develop small businesses.³⁹

For many IDPs, displacement is a humiliating experience, often associated with being completely dependent on others' help. As a group of internally displaced women mentioned, the risks are high that being an IDP i.e. passive and victimized recipient of someone's support will become a permanent state. IDPs, both male and female, want to be active agents, subjects rather than objects in the processes that concern their lives and future.⁴⁰ For the time being, the aid for IDPs living in organized settlements (collective centers and new cottage settlements) is 22 GEL (equivalent to USD 12) for one person. IDPs living in private sector (e.g. those living with relatives or in rented facilities) receive 28 GEL (equivalent to USD 15) per person.⁴¹ We think that the state assistance provided to IDPs is very low and classification of IDPs according to their living place is unfair.

In a country with unresolved conflicts, it is an absolute necessity to integrate principles of UN SCR 1325 and now also SCR 1820 (as well as UN SCR 1888 and 1889) in any work aimed at gender equality and poverty reduction to ensure the sustainability of the impact made. Efforts must be made to raise awareness and capacity of decision-makers as well as women and men at the grassroots level, about the importance of gender equality and women's participation in post-crisis rehabilitation, peace building and conflict resolution processes. The resolutions are popularized mainly by international and non-governmental organizations. In the Georgian State Concept on the Gender Equality of July 2006, UN Security Council Resolution 1325 is reflected but as of now there exists no special national Action Plan on Women, Peace and Security in Georgia.

Recommendations:

1. The state to take effective measures for establishing adequate conditions for the rehabilitation and empowerment of internally displaced women;
2. The state to develop and adopt the National Action Plan on Women, Peace, and Security for enhanced implementation of the UN SCR 1325 and UN SCR 1820 in collaboration with civil society;
3. The state has to acknowledge the immense resource of women in confidence building, and especially support women's people-to-people diplomacy initiatives as well as their involvement in the formal peace talks.

Poverty and Employment: Poverty is one of the gravest problems in Georgia. According to the department of Statistics, consumer basket constitutes less than USD 100.⁴² It is noteworthy that the large-scale Targeted Social Assistance (TSA) program, operational since 2006, provides cash assistance along with healthcare insurance to 10.6% of the poorest segment of the population,⁴³ still, many Georgian families that fallout from the TSA coverage remain affected by high levels of poverty and unemployment. According to official data the poverty rate of the population equalled 22.1% in 2008.⁴⁴ Using a different methodology – limiting comparability of the data – the World Bank Georgia Poverty Assessment reported a poverty rate of 23.6% for 2007, with rural and urban poverty at 29.7% and 18.3% respectively.⁴⁵ The majority among the impoverished are women, particularly single mothers, families with many children, disabled pensioners, and women residing in rural areas.

³⁹ Institute for Policy Studies / UNIFEM, *Rapid Needs Assessment of Internally Displaced Women as a Result of August 2008 Events in Georgia*, Tbilisi, 2008, 27.

⁴⁰ Ibid, 21.

⁴¹ *The Law of Georgia on State Budget of 2010*. Art.34, point 9.

⁴² Data of the National Statistics Office of Georgia, official web-page, available on-line at: http://www.ginsc.net/main.php?option=view_article&mode=0&article=12713&lang=ru >

⁴³ Social Service Agency official webpage, available on-line at: <http://www.ssa.gov.ge/index.php?id=897> >

⁴⁴ Statistics Georgia, available on-line at <http://www.statistics.ge/main.php?pform=49&plang=1> >, last visit April 9, 2010.

⁴⁵ World Bank, *Georgia Poverty Assessment*, Report No. 44400-GE, April 2009, 59, 65.

The majority of women remain employed in the low-paying fields of agriculture, education, healthcare and light industry.⁴⁶ The vertical and horizontal gender segregation of the labor market is obvious from the high concentration of women either in lower positions or in the less profitable sectors of economy; According to official state statistics, in 2005 the average nominal monthly salary of women in all fields of the economy and all sectors was 49% of that of men.⁴⁷ The lack of employment opportunities in the public as well as private sectors led big number of women and men to migrate or seek self-employment.⁴⁸ Among the self-employed in the agriculture sector, women comprised 85% while men made 74%. However, despite the high concentration of women in agriculture still their average monthly income was 58% of what men earned.⁴⁹ As for the concentration of employees by sectors, women comprised 83% of all employees in the education sector and 85% of all employees in the fields of healthcare and social services according to 2008 data.⁵⁰

In addition, many fields employing predominantly women are undergoing privatization processes, which has led to many women being made redundant or having their pay cut.⁵¹ Unfortunately, no research exists on the impact of privatization on women in the education and healthcare sectors, but the privatization process of healthcare and educational institutions in many instances has not been transparent and has been damaging to the interests of the employees.⁵²

In 2005, instead of the assistance for kindergartens and orphanages, child caring program was created, founding the program financing in the sphere. Reorganization of pre-school institutions was carried out. Pre-school education became the sphere of funding for self governance, as well as private funding. As a result of sharp decrease in hiring, the child care in pre-school institutions moved largely to families and its burden rested on the mother and other family members. These facts had particularly negative effect on poor families. This condition increased the need for women labor and sharply effected on the reduction if their share in active labor force. Looking after the family took most of a woman's time, affecting negatively on her socio-economic status.⁵³

The infringement of women's labor rights was intensified by Labor Code adopted in 2006, which contains a lot of deficiencies with regard to women's employment and protection of their labor rights. E.g. the Code envisages the right of the employer to fire the employee without any explanation,⁵⁴ making the "non-discrimination" one of the key principles of the Code declared by Art.2 of the Labor Code just a phrase. The Labor Code envisages the right to leave during pregnancy, childbirth, and child caring, or adoption a newly born baby and additional leave to look after the baby, comprising of 477 calendar days. Out of these days, only 126 – one third of the leave is paid, which is quite insignificant.

International treaties oblige the state to ensure that pregnant women and mothers with newly born babies are afforded adequate social insurance, which, quite often, is not complied with. Art.27 of the Code sets the remuneration for 140 days in cases of complicated pregnancy or the birth of twins. On adopting a baby under 1 year, a woman is given the leave of 365 days, out of which only 70 days are remunerable. Incorrect legislative promulgation (the amount of money for pregnancy and child caring and the length of paying) might cause a very high degree of woman's dependence on others and affect determining her social role in the community. The aid for women with multiple children is also meager. Families raising 7 or more children under 18 are given the assistance amounting 25 GEL (equivalent to USD 13,50).⁵⁵

High level of unemployment, low remuneration and the problem of finding a place on labor market, imperfections of labor legislation, pushed many people to emigration. The process is becoming more dramatic, as gender inequality has increased over the recent years. Majority of the young people leaving the country are women, which, in long-

⁴⁶ According to 1989 data 50.2% of employed in agriculture, 77.4% in healthcare and 70.4% in light industry were women. See Gender Development Association, *Status of Women in Georgia*, Tbilisi, 1999, 7.

⁴⁷ Ministry of Economic Development of Georgia, Department of Statistics, *Woman and Man in Georgia, Statistical Abstract*, Tbilisi, 2006, 54.

⁴⁸ See Lia Sanikidze, et al., *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, 2006. Also see Charita Jashi, *Gender Economic Issue: the Georgian Case*, 2005.

⁴⁹ *Ibid.*, 59-60.

⁵⁰ *Ibid.*, 48.

⁵¹ Charita Jashi, *Gender Economic Issue: the Georgian Case*, 90-91.

⁵² Lia Sanikidze, et al., *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, 13.

⁵³ Charita Jashi, Mikhail Tokmazishvili, *Gender aspects of the Financial Policy of Georgia*, Tbilisi, 2009, page 43.

⁵⁴ Labor Code., Art. 5, point 8.: The employer has not obligations to argued his (her) decision about discharge of worker. Labor Code, Art. 5, point 8.

⁵⁵ Data of the National Statistics Office of Georgia, official web-page, available on-line at: <www.statistics.ge>

term perspective, can cause serious socio-demographic problems. In Georgia, demographic situation, together with other circumstances, is particularly burdened by emigrational processes of the population (particularly women and young people).

The intensive increase of women's labor emigration considerably changed the family structure and gender roles. In addition, cases of family violence have intensified, moral influence on young people and children has weakened, trafficking, prostitution and other offences have become widespread, while the majority of violence victims constitute women. In 2005 there existed 13 registered cases of trafficking, 10 of them was committed against women. In 2007 29 cases were registered, out of which 14 was committed against a woman. With the increase of trafficking, the number of crimes committed against men also raised⁵⁶. Outside the country, women are mostly engaged in informal sectors, where there is no legal mechanism for protecting labor rights. Large part of women work illegally in the immigration. This is the reason why the majority of them cannot come back to their homelands and are in fact cut put of relatives. Such kind of persons comprises 57.5 % of emigrants.⁵⁷

Today in Georgia, there is no conception of population migration, in which the uniform strategic vision of migration processes will be reflected. Unfortunately, the latest researches on migration do not consider gender aspects at all. Complex study of the labor market and emigration processes is needed.

Recommendation:

1. The state to elaborate gender-sensitive social assistance policies, which will be reflected in the state budget;
2. The state to elaborate and implement special vocational education programs for women;
3. The state to create information bank of labor migrants and setting the strategies and regulation mechanisms of migration policy, improving the mechanisms of the protection of the migrants and returnees social and economic rights;
4. The state to revise the Labor Code to fully reflect the ILO regulations in the sphere of labor, as well as the international gender equality and non-discrimination standards.

Right to Health: Reforms implemented after 2007, which aimed at improving the healthcare of the population, caused the rise in the prices of healthcare services. Thus, access to healthcare has become highly problematic for impoverished citizens of Georgia, among them single, elderly, and disabled women.

Development of healthcare sector is important for reaching gender equality and social justice, as well as for the reduction of poverty. Even though the state budget investments in health sphere were not so high, such programs as safe motherhood, improving women's reproductive health, prophylactic programs of infective and social deceases, deceases bearing high risks for women, etc., were still financed.⁵⁸ However, because of the small budget, the mentioned programs were not accessible for everyone and many of them ceased existence in 2004-2005.⁵⁹ Along with the increase of private funding in the healthcare sector, the government share has been reduced and healthcare became inaccessible for many of the citizens. Only in Tbilisi, the capital, there exists the free of charge cervical and breast cancer screening and diagnostic program funded from the state budget with UNFPA's technical support. Diagnostics and treatment for other types of oncology diseases services are not supported from the state budget.

On the background of aging population and low birth-rates, medical service for pregnant women seems to be particularly alarming. The expenses for one pregnant woman are limited only to 55 GEL (equivalent of USD 30).⁶⁰ Medical treatment of high risk pregnant and delivering mothers is compensated with 200 GEL (equivalent of USD 108) (for women below the poverty line the compensation is 400 GEL (equivalent to USD 216), with co-payment from the patient. The average cost of the mentioned treatment is 883 GEL (equivalent to USD 477). The cost of the

⁵⁶ In 2007, with the order of the Georgian Office of International Organization for Migration, existing migration management processes were assessed by foreign experts. They mentioned that in Georgia massive and complex study of migration processes has not been conducted yet. gender aspects are not considered during the studies; there exists no institutional legislative body for migration administration, which will show the real picture of migration processes in the country (see the review of migration management in Georgia, 2008, Assessor. mission report, IMO)

⁵⁷ Charita Jashi, Mikheil Tokmazashvili, *Gender Dimensions of the Financial Policy of Georgia*, Tbilisi, 2009, page 10.

⁵⁸ Ibid, page 15.

⁵⁹ Ibid, page 12.

⁶⁰ Exchange rate 1 USD-1,85 GEL.

pregnant with sepsis decease are 3000 GEL (equivalent of 1626 USD).⁶¹ The state only finances immunization of children under 3 years and prophylactic examinations. Even though cheap medical insurance program operates for the IDPs and the poor, the insurance is limited and does not allow getting complete medical service.

During the last two years the state financing of programs have declined. In 2009, transition to patient co-financing of programs began. Despite some positive and negative sides of the program, informational accessibility was not guaranteed. It is particularly vivid in regard to women living in the regions. It is important to promote and prioritize primary healthcare, prophylactic medicine through state programs.

Persons with disabilities proved to be particularly vulnerable. In Georgia there are about 20 000 persons registered as disabled,⁶² while according to the World Bank Statistics there are 137 896 disabled persons lives in Georgia.⁶³ Pension for 1st group disabled person is 80 GEL, II and III group – 70 GEL. In the conditions of unemployment and poverty (most of the disabled persons are from socially unprotected layers of society), the situation is very meager for these persons. The issues related o obtaining the disability status are also problematic. Fostering the ratification of 2006 UN Convention on the Rights of Persons with Disabilities and its Optional Protocol would enhance significantly the protection of the rights of disabled persons.

Recommendation:

1. The state to increase number of free of charge healthcare programs, especially for patients with cancer and disabled;
2. The state to increase the accessibility of the population to informational on healthcare programs and healthcare insurance schemes;
3. The state to elaborate a special demographic policy with participation of civil society, especially women’s NGOs that will be aimed at increasing birth rate, decreasing maternal and child mortality and overall improvement of the reproductive health and rights of women and men;
4. Ratify the UN Disability Convention without reservations and its Optional Protocol and implement their provisions in national legislation.

⁶¹ Social Service Agency official webpage, available on-line at: <<http://ssa.gov.ge/index.php?id=34&lang=1>>

⁶² Data of the National Statistics Office of Georgia, official web-page, available on-line at: <<http://www.statistics.ge>>

⁶³ World Bank, *The Prevalence of Disability in Europe and Eurasia Executive Summary*, September 2009, page. 2.