



UPR Submission

Women's Rights

Georgia

The report has been developed jointly by Women's Information Center and Coalition for Women's Political Engagement

Women's Information Center

#40, Tsinamdzgvrishvili St; Tbilisi, 0102, Georgia; Phone: +995 32 2 95 29 34; Mob: +995 5 99 56 17 33

E-mail: maya@ginsc.net; kapanadze.nati@gmail.com; www.ginsc.net; www.wicge.org

Women's Information Center (WIC) is a non-profit organization, which supports the establishment of democratic values through the protection of women's rights and promotion of gender equality. The organization has been working since 2000 and has obtained valuable public trust and interest. WIC is working for the interest of the Georgian society and continues the implementation of goals and tasks that will support the promotion of democratic processes and advancement of women.

WIC is representative of the **"Network of East - West Women" (NEWW)** in the Southern Caucasus, representative of the network **"Women against Violence in Europe (WAVE)** in Georgia; also a member of the network of the **"European Center for Women and Technology."**

WIC attaches huge importance and dedicates time to elaboration of the state action plans and policies on gender equality and lobbies for its implementation. WIC takes part in elaboration of new laws and adoption of amendments into the legislation aimed at ensuring promotion of

women’s rights. WIC contributes to the process of formation of civil society, influences political processes and actively cooperates with the current government institutions.

Coalition for Women Political Engagement

The coalition “For Women’s Political Engagement” has been established in Shida Kartli region in 2013. The members of the coalition are united by the will and desire to solve common problems, stand by each other on behalf of their communities. They work to identify the main problems and challenges the regions are facing nowadays and try to find relevant solutions.

Contact person: Megi Bibiluri - megibibiluri@gmail.com

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SUMMARY

Georgian Constitution is in compliance with the universally recognized principles and norms of the international law. Georgian legislation de jure recognizes the principle of gender equality. However, de facto equality is still under the question. Article 14 of the Constitution reads that “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.” “Sex” is listed here among other variables upon which a person cannot be discriminated before the law.

There is no special mentioning of men and women having equal rights and fundamental freedoms; the Constitution of Georgia 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.

The “gender neutral” language and the general recognition of non-discrimination on the basis of sex could be found in almost all the major legislative acts of the country. However, none of these general provisions are accompanied with the realistic legal mechanisms 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), what would make this general provision operational, results in gender inequality in the realization of passive electoral right and in extremely low representation of women in

elected bodies. Georgian legislation does not recognize the term "Gender Based Violence" (GBV). However, the Law of Georgia on "Elimination of Domestic Violence, Protection and Support of Domestic Violence Victims" and the law on "Combating Trafficking in Human Rights" regulate different aspects and forms of GBV. The issue of gender based violence is not considered in the law of Georgia on "Gender Equality" (adopted on 26 March 2010), which condemns sexual harassment at workplace. It is noteworthy, that the Criminal Code of Georgia includes Art. 142 – Infringement of Equality in Humans and the Chapter XXII – Crimes against Sexual Freedom and Inviolability. The low level of citizens' awareness on human rights, especially women's rights is the result of the lack of special gender sensitive programs for small business development, youth education (starting from secondary to higher educational institutions), lack of promotion of zero tolerance towards 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 in 2014 that the State should continue its activities in the following areas. Especially, the Committee recommends that the State party would ensure full and equal participation of women in political and public life, especially at senior and decision-making levels, including the local legislative bodies. In particular, it recommends that the State party would introduce mandatory quotas for political parties in order to significantly increase women's representation both on the national and local legislative level.

In 2012, Prime Minister's Assistant on Human Rights and Gender Equality has been appointed; Human Rights Council has been established under the auspices of the Prime Minister of Georgia, which assumes the role of the entity responsible for gender equality work at the executive level. Functions and duties have been divided among the Gender Equality Council of the Parliament and the Human Rights Council of the executive branch. In 2013 department of gender equality has been created in the Public Defender's Office. On December 27, 2011, the parliament of Georgia adopted the resolution "On approval of 2012-2015 National Action Plan for implementation of the UN Security Council Resolutions ## 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security" (hereinafter NAP). In 2014 midterm evaluation for NAP, which reflects the status of implementation of the obligations set out in the National Action Plan, was prepared.

Political Rights

According to data of the international Inter-Parliamentary Union from February 1st 2014 Georgia ranks 110th among 147 countries by the index of women's representation in parliament. Among 150 members of parliament only 18 are women. Gender statistics of the Central Election Commission (CEC) made after the local self-government elections in 2014

has revealed that women's political participation remains a challenge in the country even though according to the data of May 1st, among 3,472,772 voters in the general election list 1,866,514 were women and 1,606,258 were men.

Number of developments took place towards enhancing gender equality on the political level in Georgia. The Gender Equality Law and related Action Plan have been adopted in 2010.

Women remain significantly underrepresented in political life of the country. In previous Government, before parliamentary elections in 2012, women represented only 6% of MPs, represented by only 10% in the executive and local governments. After parliamentary elections, women represent 10.8% of the MPs and 15% in the executive government (only three women ministers out of 19).

Nowadays, Georgia still has a gap in terms of women's representation at the decision-making positions and women in politics. From 19 Georgian ministers only 4 are female, and among 150 members of parliament only 17 are female; after 2014 local self-government elections only 246 out of 2,154 city council members are female. Moreover, none of the 12 cities across the country has female mayors; only Tianeti has a female governor out of 59 municipalities in the country, and there is only one female governor in the capital of Georgia. This is why it is so necessary to integrate gender quotas in national legislation which is one of the mechanisms ensuring gender equality on decision-making level.

Number of interventions, such as overview of the policy framework on women's political participation and advocacy for adopting gender quotas as the temporary special measures, greatly promote women's political participation. Local expert analyzed local and international legislative amendments and the necessity for integrating gender quotas into the legislation.

Revision of the national legislation and international experience have been considered for introducing gender mainstreaming into the national election code in order to promote and integrate the temporary affirmative positive action measures – gender quotas for women's political participation. The positive experience showed that in the countries where women have 40-50% representation in parliament, the sustainable democratic development processes is underway. The recommendations were elaborated by local expert with Task Force for Women's Political Participation in Georgia which unites representatives of the local NGO's, political parties, donor and international organizations. All of them are motivated on lobbying integration of quotas into the legislation.

This will change current situation. Since gaining independence in 1990s women only have 6-12% representation in the local, central and legislative governments, which limits women's representation and equal participation in the decision making processes.

WIC, in collaboration with 13 different NGOs and 2 networks, drew up an alternative report for the review on 58th session of the Committee on the Elimination of Discrimination Against Women (CEDAW) in July 2014 in Geneva, which was aimed at integrating gender quotas into the legislation. As a result, the CEDAW committee issued recommendations to the Georgian government to introduce mandatory quotas for political parties in order to significantly increase women's representation both in the national and local legislative bodies.

Based on this information, the state should make effective steps to support women's political participation, follow international obligations and implement the national legislation. To ensure success in this direction, coordination among all the interested parties and media is vital for achieving the common goals.

2014 local elections revealed that women's representation in local self-governments has been increased only by 1%, which is quite low.

Lack of effective institutional mechanisms of gender equality has been identified as one of the main problems hindering the Government of Georgia from implementation of its international and national commitments on gender equality and women's rights.

To-this-date, Parliamentary Gender Equality Council remains the only institutional mechanism on gender equality according to the Law of Georgia on Gender Equality adopted in 2010. For many years, lack of gender equality on the executive level has been a major concern and an important milestone for advocacy in Georgia. A relative progress has been recently made in this regard: in 2012, Assistant to Prime Minister on Human Rights and Gender Equality has been appointed; Human Rights Council has been created under the auspices of the Prime Minister of Georgia, which assumes the role of the entity responsible for gender equality on the executive level. Functions and duties have been divided among the Gender Equality Council of the Parliament and the Human Rights Council in the executive branch. In 2013, department of gender equality was created in the Public Defender's Office.

While a relative progress has been made in regards to the national institutional mechanism on gender equality, until recently, mainstreaming of gender-related issues in the local governance on the institutional level remained virtually untackled. Although a number of

international and local organizations have carried out gender mainstreaming projects with the selected municipalities across Georgia, these efforts have been sporadic in nature and lacked institutional sustainability. Gender advisors (focal points) have been appointed in several ministries and in 40 municipalities. However, this initiative, along with other similar projects, lacked institutional sustainability, accountability mechanisms, budgetary commitments and normative base to carry on the work.

While the national institutional mechanisms on gender equality are important to maintain, the local governments play a key role in delivering governmental services and programmes to the population. With the mandate and capacity to address gender equality issues at the local level, local governments should promote gender sensitive governance and ensure that municipality programmes are designed and budgetary resources are allocated in the way that benefits both men and women. Mainstreaming gender in local governments becomes especially important in the light of the ongoing local governance reform which aims at transferring greater authority from national to local governments.

With the support of the civil society organizations, a working group has been established with the active participation of the state institutions working on gender equality (Gender Equality Council of the Parliament, Prime Minister's Office, Ministry of Regional Development & Infrastructure), municipality gender advisers, and local and international NGOs working on gender equality and local governance issues.

As a result of the group's work, package of recommendations on establishing gender equality institutional mechanism in local governmental and national levels has been elaborated. Amendments to the current law on Gender Equality, as well as the detailed descriptions of the roles and responsibilities of the executive and legislative governments on the local level in regards to the gender-related activities has been worked out.

Recommendation:

1. The State should introduce relevant temporary special measures to ensure increased participation of women in the political life and decision-making processes on the central and local levels;
2. The State should demonstrate political commitment to the relevant policies and legislative amendments in the short period of time in order to enhance gender institutional mechanisms in Georgia;

3. The State should provide funding of the Gender Equality Council of the Parliament from the state budget to ensure its smooth operation (to cover both administrative as well as programmatic costs);
4. The State should support coordination between the national action plans and provide funding from the state budget to implement all the collaborated activities;
5. The state should support effective work of different councils working on the gender equality issues.

Violence against women

Violence against women still remains one of the most important problems in Georgia. Violence occurs inside and outside the family. Strengthening the culture of silence and zero tolerance among the representatives of relevant authorities, non-governmental sector and the general society regarding the facts of domestic violence remains a concern. In case of sexual violence, rape, inside or outside the family, victims avoid unveiling details of violence committed against them. The reason is the attitude of the society, fear of violators and non-confidence towards the law enforcers. Because of the complexity of the criminal process, victims do not make a complaint or later refuse to proceed.

Addressability to the police regarding the facts of violence has especially decreased since June 25, 2012 when domestic violence had been criminalized, which means recognition of domestic violence as a crime. Current situation forces a victim of domestic violence to hide the problem, because they are afraid of criminal prosecution of the violator, especially if the violator is a breadwinner. The cases when police does not write restraining orders and facts of violence are reported as a family conflict are common.

Inaccuracy of statistics is also a problematic issue. Gender analysis of statistics shows that the statistics required by the final comments of the Committee on Elimination of all Forms of Discrimination against Women and recommendations of the Division for the Advancement of Women, Department of Economic and Social Issues regarding Georgia, are not being carried out by any authority.

We acknowledge that within the reporting period, a number of measures have been taken by the state, law and action plans have been adopted during the different periods, and response mechanisms towards domestic violence have been developed. Despite this, general character of action plans is not changing from year to year. The state is unable to ensure synchronized operation of all mechanisms. Activation of the mechanisms for the first and urgent aid to victims, defined in the legislative amendments made in 2009, e.g. establishing crisis center, have not been achieved until now.

It is also important to hold special campaigns in the regions (villages) settled by the national and religious minorities, where religious fundamentalism is still very strong.

Positive change made in 2014 was the signature of the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), but it should be ratified by the Parliament in the short period of time.

In 2014, the statute of the commission for granting a status to the victim has been changed and Women's Information Center, with other NGOs is the member of this working group.

In connection to the issues of domestic violence and violence against women, harassment still remains a problem. It has been proved by the research, carried out by the Women's Information Center. It was revealed that harassment in public transport is most problematic issue for the respondents.

In 2014 - 24 women, and in the first quarter of 2015 - two women were killed in Georgia. It is obvious that the efforts taken by the state are not enough.

Recommendations:

- Effective measures regarding rehabilitation of violator (crisis centers) provided by the law and postponed until 2015, should be taken immediately;
- Issue of shelters still remains a problem. Taking into consideration number of population of Georgia, 4 - state (Tbilisi, Batumi, Gori and Kutaisi) and 3 - non-governmental shelters are not enough;
- One of the problems related to the shelter is related to the cases of victims with psycho-social disorders. In shelters, such requirements are not considered. For the victims who are drug abusers, getting into shelter is associated with problems or seems to be impossible at all;
- This service should be equally available both for residents of the cities and the villages. It is very important to raise some resources from the State budget, in order to arrange shelters in all regions of Georgia;
- Policemen, prosecutors and judges should intensively be trained in the field of domestic violence;
- Violence, committed by a partner should be qualified as domestic violence.

IDPs and Resolution 1325

In 2006, women's organizations of Georgia contributed to the process of lobbying the first National Action Plan for the implementation of the Resolution 1325. In spite of hard work and efforts, the process was not completed, although some aspects of the document were included into 2007 -2009 National Action Plan for the implementation of gender equality.

In 2007, women's organizations participated in the development of the State Strategy on IDPs of Georgia, which was later adopted by the Parliament of Georgia, putting forward their recommendations to improve the status of women IDPs, thus incorporating gender aspects into this important document.

In August 2008, during the Russian-Georgian war, women's organizations were actively working for providing emergency assistance to the "new wave" of IDPs forced to leave their place of residence and find shelters in Tbilisi and other regions of Georgia.

During this period women's NGOs managed to mobilize the community of Tbilisi and communities of other towns and villages, especially nearby the places of resettlement of the IDPs, as well as business structures, and provided humanitarian assistance to IDPs. The same work was carried out in terms of provision of information, aimed at distribution of humanitarian assistance to IDPs from various non-governmental and international organizations.

To establish balance in the Working Group on the implementation of NAP on UNSCR 1325, composed mainly of governmental actors, there was one seat open for a representative of the civil society. The seat was taken by NGO Women's Information Center (WIC). WIC was particularly well positioned to play this role, because of its focuses on the dissemination of information, also because it was currently serving as an implementing partner in the framework of the project implemented together with UN Women.

On December 27, 2011, the parliament of Georgia adopted the resolution "On approval of 2012-2015 National Action Plan for Implementation of the UN Security Council Resolutions ## 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security" (hereinafter NAP). This process started within the framework of the project "Women for Equality, Peace and Security", and 112 NGOs from Tbilisi and regions, and 102 IDPs and conflict-affected persons, majority of which are women, were involved in process of designing of the plan.

In 2011, while working on the action plan, meetings and consultations with representatives of civil society have been held. Problems raised by women from conflict-affected regions have been considered during the elaboration of the NAP. Although the action plan has been developed, at the moment, level of women's engagement in conflict resolution processes in Georgia is low.

In 2014, midterm evaluation of NAP¹ was prepared, which reflects the status of implementation of the responsibilities set out in the National Action Plan. There are several directions which need special attention, such as one of the directions of NAP I, which makes

¹The Research was prepared for the UN Women, within the project "Women for Equality, Peace and Development".

emphasis on the needs of women during the conflict prevention and elimination of all forms of violence against women; also, informing population and raising awareness about risks and threats to women and children in conflict zones.

The issue of identification of victims of sexual abuse, domestic and other forms of violence in the regions affected by the conflict and the effective ways for assistance remain on the agenda. The research that could reflect the needs of women has not been conducted, therefore the programmes/projects face lack of compliance with the needs of internally displaced and war and conflict-affected women and their families. There is also a need to conduct study on psycho-social needs of the population, especially those with post-traumatic stress and victims of sexual and gender-based violence.

Employment of internally displaced and conflict-affected women and girls is still an important issue.

Recommendations:

- Introduce the rules of civil defense and safety for the residents of the conflict bordering areas in a systematic manner;
- Emphasize specific issues for women and girls curricula and textbooks of civil defense and security;
- New Direction/project needs to be elaborated for psycho-social rehabilitation of IDPs and conflict-affected communities; at this time, Ministry of Labour, Health and Social Affairs of Georgia has no such programs. The standards of the programs must be appropriate and necessary for processing; this type of service should be provided, also it needs to be identified in accordance with the responsible person, target and regions. A list of beneficiaries and eligibility criteria for the beneficiaries to become the service recipient should also be defined;
- It would be important if the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia developed a strategy how to perform income-generated activities in the target regions, which in turn will positively influence effectiveness of implemented projects;
- During the work on the new NAP for implementation of UN SCR on Women, Peace and Security, existing policy documents, including national plans and strategies should be taken into account and be in compliance with each other;

- Hold consultations with the community women organizations located in the villages of adjacent territories to conflict regions, in order to collect more information on internally displaced and conflict-affected women's and girls' needs, and the identified issues to be reflected in important political documents.