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CEDAW ASSESSMENT TOOL REPORT

GEORGIA

October 2003

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October 2003

INTRODUCTION

This report examines Georgia's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). CEDAW was opened for signature in 1979, and has been ratified by 174 countries to date, constituting over 90% of the members of the United Nations. Georgia signed and ratified CEDAW in 1994 without reservations.

CEDAW is the principal international legal instrument addressing the human rights of women. Importantly, it requires more than formal legal parity between women and men; it obligates states to proactively ensure women's real enjoyment of equality. CEDAW contains 16 substantive articles, addressing women's equal rights within the fields of political participation, education, health care, development and economic life, employment, and family and marital relations. It establishes international consensus on the minimum legal guarantees necessary to ensure women's equality with men and the protection of their basic human rights.

CEDAW's reporting process, through which governments must demonstrate their progress in implementing women's human rights every four years to the United Nations Committee on the Elimination of Discrimination against Women, draws public attention to the status of women around the world. CEDAW's reporting process plays a crucial function within the U.N. system, as gender continues to play a minor role in the reports and recommendations of other international treaty bodies. Georgia's initial report was reviewed by the CEDAW Committee in 1999 during its 21st Session.

Through the adoption of General Recommendations, such as *General Recommendation 19 on Violence Against Women*¹ and *General Recommendation 24 on Women and Health*², the Committee has further defined, if not expanded, the content and meaning of women's human rights. The General Recommendations provide substantive assistance to state parties and women's rights advocates in their efforts to implement the treaty. Although it has yet to be utilized, CEDAW's Optional Protocol has an individual complaint mechanism through which individuals can report violations under the Convention.

The Convention's potential as a vehicle for advancing women's rights around the world is enormous, and has yet to be fully explored. So far, it has been utilized by national-level courts, such as the Supreme Court of India and the Botswana High Court, to interpret and expand the rights afforded to women within national constitutions and legislation.³ It has also been used to push for the inclusion of women's human rights protections in the drafting of national constitutions. Due to the successful efforts of women's NGOs, the 1991 Colombian Constitution requires that government to

¹ United Nations, *International Human Rights Instruments, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, HRI/Gen/1/rev.2 (March 1996).

² CEDAW/C/1999/I/WG.II/WP.2/rev.1 (February 1999).

³ See, e.g., *Vishaka v. State of Rajasthan* and *Unity Dow v. Attorney General* (1992).

proactively promote women's de facto equality, both in the public and private sphere.⁴ Similar efforts have proven fruitful in Uganda and Brazil. Where national governments such as the United States have been reluctant to accede to the Convention, women's groups have lobbied for CEDAW's implementation at the local level. In 1998, the San Francisco Board of Supervisors voted unanimously to adopt an ordinance to implement CEDAW in the city.

Despite the successful use of CEDAW by women's rights organizations to date, much remains to be done. Many national governments have made reservations to CEDAW, calling into question the very object and purpose of the Convention. Its invocation and implementation at the national level requires constant monitoring. On-the-ground implementation remains frustrated in countries like Georgia, where the rule of law has not yet been fully established and the state's legal capacity is limited.

The following report assesses Georgia's compliance with CEDAW, using an assessment tool developed by CEELI in 2002. By acceding to the Convention without reservation, Georgia has voluntarily obligated itself to comply with all of the requirements and initiatives which CEDAW imposes on States Parties. These include not only measures to eliminate and prevent discrimination, but also proactive measures designed to promote equality between men and women and to change the culture of gender in signatory states.

Each section of this report has a *de jure* analysis (reviewing how Georgian laws comply with the treaty) and a *de facto* evaluation (assessing how day-to-day reality compares to the law and to the treaty). In some sections, there are also Areas of Concern which refer to specific issues which need to be addressed with greater urgency in order to improve Georgia's compliance with its treaty obligations.

It should be noted that this report is not a scientific survey. It is an assessment conducted using a standard tool which will be used in many countries around the world. The report is based on *de jure* analysis, *de facto* evaluation, and a variety of secondary sources to draw conclusions. Where available, statistics taken from reliable sources are included.

Finally, it is our hope that this document will be helpful to the government of Georgia, NGOs, international organizations, and individual citizens (both men and women), to assess and improve equality between men and women in Georgia.

⁴ Colombian Constitution, Articles 13, 40 & 42.

METHODOLOGY

This study was conducted using the CEDAW Assessment Tool, developed by the American Bar Association Central European and Eurasian Law Initiative (ABA/CEELI) in Washington, D.C., to measure a signatory country's compliance with the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW). To date, it has been used to conduct similar assessments in Armenia, Serbia and Kazakhstan.

The Assessment Tool measures the status of women as reflected in a country's laws and based on the degree to which women, in practice, enjoy the rights and protections guaranteed by CEDAW. More difficult than identifying legislative (or *de jure*) deficiencies, is the task of determining the degree to which women, *in practice*, are accorded the rights and status guaranteed to them under CEDAW. A major focus of the diagnostic tool is on the *de facto* or "real life" impediments to equality, many of which are not necessarily a product of poorly drafted or non-existent legislation. Therefore, the assessment tool is divided into two sections: a *de jure* assessment and a *de facto* analysis.

The *de jure* assessment, consisting of a template of 66 questions, was conducted by attorneys from three non-governmental organizations (NGOs) in Georgia. Three of the participating attorneys were from the Georgian Young Lawyers Association (GYLA) in Tbilisi; one was from the Center for the Protection of Constitutional Rights (CPCR); and, one was from The Center for Fundamental Human Rights - Article 42 of the Constitution of Georgia. These attorneys reviewed all binding legal authorities including the Constitution and laws and decrees of Georgia to assess Georgia's *de jure* compliance with CEDAW. A subsection was added to the analysis portion of the *de jure* template to elicit the lawyer-assessor's experience, if any, regarding the *de facto* implementation of the law.

The *de facto* analysis was conducted by a coalition of 32 NGO representatives and individual experts from throughout Georgia. In addition to broad geographic representation, the working group consisted of a coalition of women's NGOs, including representatives of diverse ethnic groups, disabled women, single mothers, and women from rural regions and internally displaced communities. The working group conducted interviews with a total of 185 experts in the relevant substantive fields from throughout the country, including the autonomous region of Adjara and the break-away regions of Abkhazia and South Ossetia which are legally Georgian territory but over which the Georgian government has no actual political control. The list of working group members and respondents is annexed to the report.

Before initiating the assessment, participants underwent an intensive training on CEDAW, as well as training on conducting in-depth interviews. At the conclusion of the investigation phase, the findings were submitted to two leading Georgian women's rights experts to review and evaluate the results.

Additionally, approximately 31 students attended CEDAW trainings conducted by CEELI. Students interested in participating in the assessment were asked to write a short essay on CEDAW as it relates to a particular women's rights issue in Georgia. Fourteen students were selected on the basis of their essays to participate in the *de facto* assessment process, shadowing the working group members as they conducted interviews and assisting in transcribing tapes from the interview sessions. This was done primarily to build interest in CEDAW among potential future leaders and to enhance capacity for conducting women's rights advocacy in Georgia.

In addition to soliciting the necessary information for the CEDAW report, the *de facto* assessment plan was designed to utilize the U.N. CEDAW reporting process to foster collaboration among the women's NGO community. Many of the *de facto* participants will use the results of the investigation to enhance the ongoing advocacy efforts of their NGOs. In addition, the assessment process has emboldened a cadre of experts from a variety of fields to question government ministers, members of parliament and civil society leaders regarding Georgia's commitment to CEDAW and has raised awareness about the scope of Georgia's obligations under CEDAW and the concrete steps it must take to improve compliance with CEDAW.

EXECUTIVE SUMMARY

De Jure Compliance

The Georgian Constitution mandates equality “regardless of ... sex”⁵ and numerous legislative provisions prohibit sex discrimination in a variety of fields, including labor, family, education and politics. Declarative in nature, these provisions are rarely invoked to offer substantive legal protection for women. Very few cases have been brought challenging discriminatory practices against women, and no decisions issued by either the Constitutional or Supreme Court have applied Georgia’s equality and anti-discrimination laws with regard to gender.

Georgia signed and ratified CEDAW without reservations, 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. Characteristically, there is a notable absence of laws specifically designed to protect women - for example, there is no law criminalizing domestic violence. Georgia also lacks effective mechanisms to enforce existing anti-discrimination laws. Omissions in the law with respect to women’s rights reflect the more general lack of social awareness concerning what constitutes gender discrimination.

De Facto Compliance

“Where after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they *are* the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farms or office where he works. Such are the places where every man, woman or child seeks equal justice, equal opportunity, equal dignity, without discrimination. Unless these rights have meaning there, they have little meaning anywhere.”

-Eleanor Roosevelt, Remarks made at a United Nations ceremony March 27, 1958

Georgia became an independent state in 1991. Formerly part of the Soviet Union, Georgia’s transition toward a market economy and democracy has involved a drastic shift in the social contract between the state and its citizens. Similar to other countries in transition, hybrid systems have emerged in which characteristics of the old order co-exist with the new. Its most salient feature is instability. Since independence, Georgia has struggled with widespread unemployment, the emergence of structural poverty, lack of electricity, and the collapse of social safety nets, increased emigration, internal displacement and civil war.

⁵ Georgian Constitution, Article 14.

Not surprisingly, the collapse of the old social and economic structure has affected men and women differently. Significantly, state-imposed gender equality disappeared along with communism. As one World Bank report explains, “Since the very beginning of the transition period, the principles of *Perestroika* challenged the view of the old regime that saw women’s participation in the labor market as the means to gender equality.”⁶

The current labor market in Georgia maintains both pre-transition state employment, and an emerging, highly informal private sector. The closing of state run food and chemical enterprises, combined with health and education reforms, has resulted in widespread unemployment among women, because they were the primary spheres of women’s employment. Remaining government positions pay low wages, if at all. Indeed, the survival of state health and education programs can be attributed in large part to the virtually free labor of women.

At present, women rarely engage in big business, and high-level positions are perceived as more appropriate for men. It remains more socially acceptable for women to occupy roles such as assistant manager, saleswoman or schoolteacher. Ensuring women equal employment opportunities in a newly privatized, free-market economy requires not only specific anti-discrimination legislation, but also effective mechanisms of legal protection. The generalized statements of equality in Georgia’s Constitution and its international commitments are insufficient and unrealized.

Largely excluded from formal private sector employment, women’s economic participation often takes the form of street vending, household-based goods production, cross-border trading and subsistence agriculture. While men have had difficulty in adapting to their loss of social status in the face of widespread unemployment, women, along with young people of both sexes, have capitalized on emerging opportunities in the fields of small-scale trade and consumer services, and in many instances are the family breadwinners.⁷

Importantly, informal sector employment lacks legal protection and benefits, such as pensions, and thus increases women’s economic vulnerability. Furthermore, small-scale trade is difficult to track, and is frequently overlooked in traditional economic evaluations.⁸ The lack of information on gender-based differences with respect to micro-enterprise and women’s access to credit and other financial resources creates additional obstacles in developing effective policies that provide women with appropriate assistance.

⁶ Pierella Paci, *Gender in Transition* xii, World Bank, 2002.

⁷ This has had little effect, however, on the patriarchal family structure.

⁸ The exclusion of women’s economic participation from national valuations ignores their fundamental contribution, and devalues their work as “private.” The consistent failure to recognize women’s economic contribution by national and international financial institutions through distinctions based on the public/private dichotomy helps maintain women’s social and economic subordination.

In sum, given widespread unemployment among men, the low wages offered in the state sector, a resurgence of traditional family values and the absence of state-supported family benefits such as childcare facilities, women's labor increased substantially in the last decade. In other words, the new Georgian economy requires that women work inside the home, outside the home, and at the same time seek additional sources of income to make ends meet.

Despite the official principle of equality espoused under communism, family roles went unchallenged. In fact, under communism, the patriarchal family model mirrored the centralized state: one party/one decision-maker. The collapse of communism has resulted in a resurgence of pre-communist cultural and religious traditions, significantly limiting women's social and economic opportunities.

Georgia is a traditional society, and family constitutes one of the leading values of Georgian culture. Multiple generations often live in one home, with men's and women's duties remaining strictly divided. The principle role of women is raising children and running the household. Men head the family and control decision-making, including the distribution of the family budget, regardless of whether they are the primary breadwinners. It is the widespread view of both men and women that male dominance within the family is natural.

The number of marriages has declined in recent years, which is attributed to the severe economic conditions. Given the high registration fees and a revival of religion, many couples opt for religious ceremonies and decline to register their marriage with the appropriate civil authorities. This has important consequences for women, as marital rights arise only from registered marriages. Divorce rates have also increased. The social stigma attached to single motherhood has partially abated, most likely resulting from the upsurge of single mothers due to civil war and massive emigration. Dual standards regarding premarital sex have also been somewhat liberalized. In contrast, adultery by men is largely tolerated; however, if it is committed by women it remains unforgivable.

In rural areas and among ethnic minorities, such as the Muslim, Roma, Kurdish, Kistebi and Lekebi communities, the kidnapping of brides, "bride price" and child marriage still occur. Because bridal kidnapping is not illegal under the current legal code, such cases are often resolved through family negotiations, and typically end in marriage being imposed upon the woman due to the negative impact on the young woman's reputation. In addition to being betrothed before the minimum legal age, many girls from rural areas are removed from school to assist their families with domestic chores. Conditions for women in rural areas are characterized by highly differentiated gender roles and their lives within the limited domestic sphere are made more difficult due to the absence of basic necessities such as clean water, reliable electricity and sanitation.

Birth rates have declined in recent years, and the average Georgian family now has two or three children. However, internally displaced persons and those living in rural areas

often have large families. In many regions of the country, contraception is rarely used. Abortion remains the primary form of birth control in Georgia. In addition, severe economic conditions have led to an increase in prostitution. Despite legal provisions to the contrary, quality healthcare in Georgia remains inaccessible to those who cannot afford to pay for a private physician.

A major public health concern, gender-based violence is just beginning to be recognized in Georgia, primarily due to pressure from the international community. Although Georgia recently passed legislation criminalizing human trafficking, the government currently provides no rehabilitation services to victims, and endemic corruption among government officials poses serious challenges to the effectiveness of the proposed new legislation.

Between 1991 and 1993, two ethnic conflicts erupted, in the provinces of Abkhazia and South Ossetia, resulting in approximately 300,000 internally displaced persons (IDPs), the majority of whom are ethnic Georgians who fled ethnic hostilities. Georgia is also home to approximately 4,000 Chechen refugees. It is estimated that 55% of the IDPs in Georgia are women.⁹ During the conflict, women suffered gender-based violence in the form of rape and sexual terror,¹⁰ as well as increased intra-family violence. Given their economic vulnerability and social displacement, IDPs are also more prone to becoming victims of trafficking. One study reported:

In moments of blind rage and frustration for the displaced, incidents of domestic violence become more commonplace. Spouses and [male] family members beat their wives and other women, reflecting the extreme stress of displacement on the family unit. Many IDW [internally displaced women] have been coerced into providing sexual favors in exchange for critical supplies such as food, [and] shelter. . . . Others have been forced into prostitution by their families in order to provide an income where none would otherwise exist.¹¹

Further, internally displaced women continue to confront the effects of double discrimination, both as internally displaced persons and as women. One woman stated, "Detached from my home and environment I feel continuously unwanted and not welcomed in Tbilisi. I do not feel myself as a full-scale citizen anymore."¹² Despite the fact that military interventions have ceased, Abkhazia and South Ossetia remain autonomous from Georgia's central government, and no political decisions have been

⁹ Thirty-six percent of IDPs are children, and eleven percent are over sixty-three years old.

¹⁰ Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict, Human Rights Watch, March 1995.

¹¹ Aftermath: Effects of Conflict on Internally Displaced Women in Georgia, (USAID, 1999), cited in Tamar Sabedashvili, Women in the Decade of Transition: The Case of Georgia, 60-1 (2002).

¹² Tamar Sabedashvili, Women in the Decade of Transition: The Case of Georgia, 64 (2002).

made regarding whether IDPs should prepare to return or should assimilate. Women have not been included in negotiating peace processes in either conflict.

Widespread social displacement, severe economic conditions and the loosening of restrictions on travel have led to massive emigration, another characteristic of transition. While government experts estimate that approximately 300,000 people have left the country since 1991, independent experts put the number at around 1,640,000 or between 5% and 20% of the population. There has been almost no research on migration processes from a gendered perspective, despite the fact that women comprise 56% of irregular, illegal migration, and approximately 87% of the victims of trafficking. Experts have noted an influx of women from rural areas to city centers to engage in small-scale enterprise. Similarly, there has been an increase in young women migrating abroad to work.

On the whole, women's concerns remain largely absent from national policymaking agendas, despite sweeping presidential decrees on women's issues and Georgia's ratification of CEDAW. For example, no special temporary measures have been implemented in the fields of employment or politics, despite the government's recognition of the low representation of women¹³ and widespread discrimination. In fact, Georgia has made little effort to comply with the CEDAW Committee's recommendations following its last report in 1999. One commentator wrote:

Weak and almost non-existent state institutions working specifically on women's issues along with weak coordination among different government structures that are assigned to work for improvement of women's conditions are a reason for the gap that exists between advanced governmental documents and their actual implementation. In this line one wonders if the statements made by the government on paper are designed to produce the misleading impression [to] the international community that women's issues are addressed in the country.¹⁴

At the same time, more than 70 NGOs are dedicated to advancing women's economic, social and political status throughout the country. Indeed, the growth of civil society has been a major attribute of the transition era, and its continued development and sophistication will serve to increase government accountability in improving the lives of its citizens, both women and men.

¹³ Women made up approximately six percent of the Parliament elected in 1999. At the time of writing, the composition of the Parliament to be elected in November 2003 was not yet ascertained.

¹⁴ Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 66 (2002).

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Areas of Concern

- There is a general lack of awareness and understanding regarding the concept of “discrimination” as defined by CEDAW and its application to Georgian society.

De Jure Compliance

There is no law in Georgia that specifically defines “discrimination against women” as stated in Article 1 of CEDAW. However, Georgia signed and ratified CEDAW without reservations in 1994 and pursuant to Georgia’s Constitution, which entered into force in 1995 (after Georgia had ratified CEDAW), international treaties are to be incorporated into national law and prevail over national legislation.¹⁵ CEDAW thus has the force of law in Georgia, including its definition of discrimination against women.

Additionally, the Georgian Constitution 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.

-Constitution of Georgia, Article 14

All other provisions of the Constitution use gender-neutral terms such as “person,” “citizen” or “individual” as applied to both sexes.

¹⁵ 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.”

De Facto Compliance

Discrimination against women is not recognized as a problem in Georgia. In its recommendations in 1999, the Committee expressed its “concern at the lack of real understanding of discrimination against women as contained in the Convention, which includes both direct and indirect discrimination.”¹⁶

In a poll conducted among 300 men and 300 women from 10 regional centers and 26 villages, participants were asked: “In some countries women are striving for social equality and for the protection of their rights; please identify which statement you agree with.” They responded as follows:

- 52% A women’s movement is not acceptable based on our family traditions
- 26% A women’s movement in Georgia is not necessary because their rights are already well protected
- 20% Women’s rights are not protected in Georgia and it is necessary to start such a movement
- 2% Undecided¹⁷

¹⁶ U.N. Committee on the Elimination of Discrimination against Women, Concluding Comments to Georgia’s Initial Report, Session 21, 1999. (U.N. Doc. A/54/38/Rev. 1 para 99).

¹⁷ Lela Gaprindashvili “The Families in the Regions of Modern Georgia,” Union Women’s Initiative for Equality, 2000-2001.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

Areas of Concern

- Sex discrimination has yet to be fully addressed under Georgian law.
- The lack of a truly effective court system and other enforcement mechanisms impede successful application of existing anti-discrimination legislation.
- Anti-discrimination legislation has little application in the private sector.

De Jure Compliance

Both the Constitution and numerous pieces of legislation contain equality provisions, most of them explicitly including sex as a protected category.¹⁸ Article 14 of Georgia's Constitution specifically provides for gender equality. Similar equality provisions can be found throughout Georgian legislation, within both the civil and criminal procedural codes,¹⁹ as well as in labor and employment, health, civic participation and family law legislation, as analyzed throughout this report.

¹⁸ Constitution of Georgia Article 14; Civil procedural Code of Georgia Article 5; Criminal Procedural Code of Georgia Article 9(1) are some of article where equality provisions are outlined.

¹⁹ Civil Procedural Code, Article 5: "The justice in civil cases is administered by the court only on the principle of equality of all citizens before the law and the court." Criminal Procedural Code, Article 9(1): "Every person is equal before the law and the courts - irrespective of their race, nationality, language, sex, social origin, property and status, place of residence, religious affiliation, belief, or other circumstances."

Criminal sanctions exist for the commission of human rights violations, including sex discrimination.²⁰ The Labor Code specifically prohibits discrimination against women who are pregnant or have infants, and against single mothers with children under the age of 14.²¹ It also forbids the dismissal of pregnant women, women with children under the age of three, and single mothers with children under the age of 14. If a woman's employment contract expires under such circumstances, the employer must provide her with a job for the relevant period.²² The law imposes sanctions for violations, including fines and imprisonment.²³

Despite the existence of equality provisions throughout Georgian law, discriminatory legislation persists. For example, while Georgia's Law on Public Services implicitly ensures equal treatment based on a person's professional capacity, it requires male civil servants to retire at age 65, while female employees are required to retire at the age of 60.²⁴ Similarly, although Georgia's Labor Code explicitly proscribes discrimination on the basis of sex in hiring²⁵ and remuneration,²⁶ it prohibits pregnant women and nursing mothers or those with infants to work at night or overtime.²⁷ In its recommendations concerning Georgia's last report, the CEDAW Committee recommended that Georgia repeal occupational health standards "that directly or indirectly discriminate against women."²⁸

²⁰ Criminal Code, Article 142: "1. Violation of equality of humans due to their race, color of skin, language, sex, religious belonging or profession, political or other opinion, national, ethnic, social, rank or public association belonging, origin, place of residence or material condition that has substantially prejudiced human rights, shall be punishable by fine or by corrective labor for the term not exceeding one year or by imprisonment for up to two years in length. 2. The same action committed: a) by using one's official position; b) that has produced grave consequences, shall be punishable by fine or by corrective labor for up to one year in length, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length or without it."

²¹ Labor Code of Georgia, Article 164(1).

²² Labor Code of Georgia, Article 164.

²³ Criminal Code, Article 169: "Illegal dismissal from work, non-fulfillment of the court decision on the reinstatement to one's work or other substantial violation of the labor legislation shall be punishable by fine or by imprisonment for up to two years in length or by deprivation of the right to pursue a particular activity for up to three years in length or without it or both]."

²⁴ Law on Public Service, Article 50(1): "The maximum age of employment for a man is 65 years of age and for woman 60 years of age."

²⁵ Labor Code of Georgia, Article 17(12): "The direct or indirect limitation of human rights during the process of hiring person for a position or giving them advantage according to their race, skin color, language, sex, religious affiliation or profession, political or other opinion, national, ethnic, social rank or affiliation with a public association, national origin, place of residence or property is prohibited."

²⁶ Labor Code, Article 75(2): "Any limitation on an employee because of their race, skin color, language, sex, religious affiliation or profession, political or other opinion, national, ethnic, social, rank or affiliation with a public association, national origin, place of residence or property, in the remuneration for their work is prohibited."

²⁷ Labor Code, Article 48(1)(a): "Pregnant women, breastfeeding mothers and women with infants are not allowed to work at night;" Article 54(4)(a): "Pregnant women, breastfeeding mothers and women with infants are not allowed to work overtime."

²⁸ U.N. Committee on the Elimination of Discrimination against Women, Concluding Comments to Georgia's Initial Report, Session 21, 1999. (U.N. Doc. A/54/38/Rev. 1 para 99).

Although more aptly characterized as positive discrimination, pregnant women are entitled to suspension of their sentences.²⁹

De Facto Compliance

According to the experts interviewed, there have been no cases brought to the Constitutional Court, and few cases have been brought before lower courts, which apply Article 14 of the Constitution with respect to sex discrimination. Although judges are obviously aware of national-level sex discrimination legislation, according to experts, they lack the gender sensitivity training required to develop effective women's rights jurisprudence. Because court judgments are infrequently executed, they are not seen as a means for advancing social change. One sex discrimination case is currently pending, challenging an illegal employment contract that forbade a female employee from becoming pregnant.

There remains an acute lack of awareness among the judiciary regarding the substantive content, and potential use, of international instruments such as CEDAW. Consequently, no national level cases have yet applied CEDAW. Thus, despite the existence of anti-discrimination provisions within CEDAW, the national Constitution and Georgian legislation, the "practical realization" of the principle of women's equality remains a challenge.

The Georgian Ombudsman's Office, or Public Defender, retains jurisdiction to consider human rights violations, including cases involving sex discrimination by state actors and by private persons or entities. It functions as an independent agency, charged with protecting human rights pursuant to the Constitution.³⁰ There is a Center for Children's

²⁹ Criminal Procedural Code, Article 609: "The execution of a judgment sentencing a person to imprisonment, exile, [or] correctional labor without deprivation of liberty may be suspended in the existence of one of the following grounds: ...b) owing to the convicted woman's pregnancy at the time of the sentence execution - up to a year after delivery; c) if the convicted woman has an infant, until the child is of 3 years of age. Criminal Code, Article 75:

"1. If a pregnant woman or mother of the child under seven years is not sentenced to more than five years of imprisonment for a grave or especially grave offense, the court may suspend the sentence till the child becomes seven years old. 2. If the convict repudiates her child or dispenses with raising the child after having been prejudiced by the probation service, the court may, at the petition of this service, rescind the suspension of the sentence and send the convict to the place prescribed by the conviction to serve the sentence. 3. When the child reaches the age of seven, the court shall release the convict from the undischarged term or shall commute the undischarged term to a less severe sentence or shall make a decision on returning the convict to the relevant institution for serving the undischarged term of the sentence. 4. If the convict commits a new offense during the suspension of the sentence, the court shall sentence her in manner prescribed under Article 61 of this Code."

³⁰ Organic Law of Georgia on the Ombudsman of Georgia, Article 3 (1),(2): "The Ombudsman of Georgia supervises the protection of human rights and freedoms within the territory of Georgia, reveals factual violations of human rights, and supports the restoration of human rights violations. The Constitution of Georgia and other legislation authorize the Ombudsman to supervise the government, local self-governing agencies, the activities of governmental officials and legal bodies to evaluate their actions, and to issue recommendations and proposals with the purpose of protecting human rights and freedoms."

and Women's Rights Protection and an Anti-Trafficking Center within the Ombudsman's Office. In practice, however, the agency refers individual cases to human rights NGOs. According to the experts interviewed for this report, the Ombudsman's Office is not considered to be a particularly effective agency.

A report issued by the Ombudsman's Office on the status of women for the period January to November 2000 identified the following issues as concerns for women: family violence, the poor condition of women prisoners, the regulation of prostitution, and the tendency to lay off women before men when making budget cuts. It also noted "government efforts aimed at improving the status of women are extremely weak, being confined to declarations and statements."³¹ Although brief, the Ombudsman's report demonstrates an initial attempt by the agency to address the status of women.

Upon signing the Beijing Platform for Action and CEDAW, Georgia adopted a number of decrees concerning the status of women, and established institutional mechanisms to direct their implementation (see Article 3, below.) Yet, little has been accomplished by way of their implementation. In its second periodic report, Georgia reiterates the issuance of ambitious decrees to advance women's rights without reference to concrete implementation strategies, which have been undertaken almost exclusively by NGOs and international organizations.

While commending the State for the establishment of national mechanisms to address women's issues (see below), the CEDAW Committee noted several key areas of concern:

- a lack of understanding of discrimination against women
- the absence of temporary special measures to promote women's equal participation in a variety of fields, especially politics and employment
- the State's failure to implement its National Action Plan
- the pervasiveness of gender stereotypes
- the lack of information concerning gender-based violence
- the increase in prostitution and the trafficking of women
- the number of women living in poverty
- a significant wage gap between men and women, and occupational health and safety standards that discriminate against women
- high infant and maternal mortality rates and the use of abortion as a means of contraception
- the absence of women's participation in peace processes

³¹ Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 19, citing the Report of the Public Defender [Ombudsman] of Georgia for the Period of 1 January - 1 November 2000, 78, available at http://pdo.gol.ge/annual2000_en.htm.

The State has done little to address these issues in the intervening period. In fact, a large segment of the Government's second periodic report reflects actions taken during the prior reporting period.³²

In addition to the Center for Children's and Women's Rights Protection and the Anti-Trafficking Center within the Ombudsman's Office, mentioned above, there is one Parliamentary Subcommittee on Issues Relating to the Protection of Mother and Child and Family Development, and within the Ministry of Labor, Health Care and Social Protection, there is a Department of Health Care for Mothers and Children.

Significantly, as reflected in the names of Georgia's institutional structures, maternity and women's capacity for reproduction set the framework for discussion concerning women's issues in Georgia. The CEDAW Committee noted in its recommendations during the last reporting process that Georgia tends to view women's issues as exclusively linked with maternity, "overemphasiz[ing] the role of women as mothers."³³

The equality provisions guaranteed by the Constitution and in labor legislation have little practical application to the private sector. It remains very difficult to prove sex discrimination in hiring practices and very few cases of employment discrimination have been brought for fear of retaliatory dismissal. The difficult economic situation and the relatively high salaries offered by the private sector discourage complaints.

³² On the whole, the general public remains unaware of the CEDAW reporting process in Georgia.

³³ U.N. Committee on the Elimination of Discrimination against Women, Concluding Comments to Georgia's Initial Report, Session 21, 1999. (U.N. Doc. A/54/38/Rev. 1 para 99).

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Areas of Concern

- Little has been accomplished to implement ambitious presidential decrees concerning women's human rights.
- National machinery established to oversee and enforce anti-discrimination laws, and to protect women's rights, such as the Ombudsman's Office, remains ineffective.

De Jure Compliance

Since acceding to the Beijing Platform for Action, and subsequently CEDAW, several institutional mechanisms have been established within the Executive branch to address women's rights and to promote their empowerment. In 1998, the President created the National Commission on the Improvement of the Status of Women within Georgia's National Security Council. Headed by Rusudan Beridze, the Deputy Secretary of the National Security Council, it consists of 27 high-level members, including ministers, deputy ministers and representatives from local and international NGOs and the media.³⁴ Under the auspices of this program, the President issued the following decrees:

1. Decree 511 About the Measures on Strengthening the Protection of Human Rights of Women in Georgia (1999)
2. National Plan of Action for Improving Women's Conditions (1998 - 2000)
3. Three Year Plan to Combat Violence Against Women (2000 - 2002)
4. Plan of Action for Improving Women's Conditions (2001 - 2004)
5. Action Plan to Combat Trafficking (2002 - 2005)

Decree 511 contains 16 provisions and charges 13 governmental bodies with different tasks associated with the protection of women's rights. 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; and, for the Ministry of Education to conduct a gender analysis of textbooks. Similarly, the first National Plan of Action for Improving Women's Conditions "addresses major areas for the improvement of women's situation," including the collection of sex-disaggregated

³⁴ One commentator opined that due to the high-level composition of its membership, the Commission has a difficult time coordinating its meetings and activities. Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 20 (2002).

data, including women in peace negotiations, the enhancement of the role of women in decision-making processes, and efforts to protect women's health.

With the financial support of, and in collaboration with, the United Nations Development Program (UNDP), the Georgian government initiated the Women in Development (WID) program in 1997. The program aims to raise public awareness about women's issues and to foster their involvement in social, economic and political life. The project has published brochures and conducted seminars, trainings and radio programs.³⁵ According to the State's second periodic report, the second phase of this program, "Mainstreaming Gender Equality into the Government Institutions in Georgia" is scheduled to commence.³⁶

De Facto Compliance

The Action Plans listed above, while intended to guide work in this field, are framed in overly general terms. They often fail to adequately identify responsible individuals, timelines and, most critically, the necessary budgetary allocation for their successful implementation. For example, the Three Year Plan to Combat Violence against Women fails to provide for clear division of authority and jurisdiction, assigning NGOs and the media certain tasks despite the fact that neither falls under the control of the Executive branch. With regard to the National Plan of Action for Improving Women's Conditions for 1998-2000, few if any of the substantive provisions of the ambitious plan were implemented. Rather, they were simply repeated in the subsequent Action Plan.

According to experts, lack of coordination among government agencies and between the government and civil society is an obstacle to the successful implementation of the Action Plans. For example, individuals and NGOs working on women's issues lack familiarity with the Action Plans. While not optimal, there is arguably an important role for international organizations to play in facilitating greater dialogue between the government and NGO community on ways the two sectors can work more fruitfully together.

³⁵ Second periodic report, para 19; Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 20 (2002).

³⁶ Second periodic report, para 20

Article 4

1. Adoption by States Parties of temporary special measures³⁷ aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Areas of Concern

- The Government of Georgia has not established any temporary special measures aimed at promoting *de facto* equality between men and women in a range of fields, particularly employment and politics.

De Jure Compliance

Decree 511 requested that the Parliament “discuss temporary special measures with the purpose of improving women’s position within the sphere of political representation, particularly regarding the issues of quotas for participation in political life.” However, no such legislation has been passed, despite the efforts of women’s NGOs to use the opportunity to amend the Election Code.

De Facto Compliance

According to the experts interviewed for this assessment, the concept of temporary special measures is not given serious consideration among officials in either the legislative or executive branches of government. While it remains acceptable to establish benefits for socially vulnerable groups of women, such as single mothers, there is little consideration of measures that would result in systemic improvement of women’s conditions. Much of the resistance to temporary special measures is due to their use during the Soviet era, when quotas were a means of social control. Furthermore, the public perception is that there is a lack of qualified, professional women to fill political posts.

³⁷ “Temporary Special Measure” is a term of art, which refers to measures aimed at promoting *de facto* equality between men and women through the use of numerical goals, gender quotas, quantitative targets, and timetables.

Article 5

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Areas of Concern

- Gender stereotypes remain entrenched throughout Georgian society, particularly in rural areas.
- The State has failed to modify the social and cultural patterns that promote gender inequality and in some cases reinforce cultural stereotypes.

De Jure Compliance

Several legislative provisions can be said to relate to the State's Article 5 obligations, such as its commitment to "carry out [a] gender analysis of the textbooks in order to eliminate gender stereotypes in all areas of life ensuring equality of men and women."³⁸ Family law legislation providing for equal parenting responsibilities,³⁹ and equal rights and obligations with respect to marriage⁴⁰ also foster progressive changes in social and cultural gender-based stereotypes.

De Facto Compliance

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

The government has not conducted any educational or information campaigns to eliminate gender stereotypes. As stated by the governmental report to CEDAW in 1999, "In spite of the non-discriminatory provisions that exist in Georgian legislation, the asymmetry of men's and women's social roles, with the prevalence of male principle [sic], persists especially in daily life."⁴¹

In Georgian literature, theater and film, men are characterized as powerful, wise, financially successful, and as leaders. Women are portrayed as mothers, grandmothers

³⁸ Decree 511.

³⁹ Civil Code of Georgia, Article 1199

⁴⁰ Civil Code of Georgia, Article 1152.

⁴¹ Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 11 (2002).

and housewives and victims, and are often characterized as being emotionally unstable, illogical, and hysterical. In particular, disabled women are portrayed as helpless and poor, whose lives depend upon the kindness of others.

On the whole, the mass media both reflects and perpetuates existing gender-based stereotypes in Georgian society. Although the media often cover activities and events involving professional women from a variety of fields, the stories fail to address gender-based issues in any meaningful way. For this reason, the wider public remains uninformed about women's concerns. There is one exception: famous women are frequently asked how they care for their families and maintain a career at the same time. As discussed under Article 11 below, Georgians still consider it more socially appropriate for men to hold professional positions of higher social status and to be better compensated than women.⁴²

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

In contrast to Georgia's current government, gender equality was a central tenet of communist ideology. Women were given equal rights to vote and to education and employment opportunities. In addition, the communist state provided support in the field of childcare, lessening what had been women's traditional familial responsibilities. At the same time, traditional gender roles within the home remained unquestioned and in actuality mirrored the centralized state structure with one patriarchal decision-maker.⁴³

The male role of "provider" retains fundamental importance in Georgian families; it is an essential aspect of male identity and sense of fulfillment. Traditionally, the principal role of women in Georgian families has been raising children and taking care of the house. This remains the dominant paradigm despite the fact that women have assumed a growing role as economic providers in the transition period. Due to changing circumstances in the economic sector, increasingly husbands have to follow the employment opportunities of their wives. However, income is not linked to family decision-making power, and women's contribution to the family budget has not resulted in significant changes in traditional gender dynamics within the household.⁴⁴

Georgian society places an extremely high value on family, and getting married is a social necessity, especially for women. The majority of families are extended, comprising several generations. Georgian tradition calls for a woman to leave her place of residence and move in with her husband upon marriage. Recently, there has been a move toward nuclear, rather than extended families, and except in rural areas and

⁴² "L. Khomeriki; N. Javakhishvili, "Gender Politics and Mass Media" Tbilisi, 2002)

⁴³ Nino Dourglshvili, Social Change and the Georgian Family, 6 (1997).

⁴⁴ Nino Dourglshvili, Social Change and the Georgian Family, 7 (1997).

among IDPs and religious minorities, two-children families are becoming common. Women care for their children and households, and provide emotional support for the family. Sons are raised to be the family heir, and daughters to marry. Despite formal legal equality with respect to inheritance rights, “by tradition women are considered secondary heirs. In practice, women have fewer rights than men in the division of inherited property.”⁴⁵ According to the experts interviewed for this report, Georgian women who speak openly about gender equality are perceived to be “aggressive.”

The number of women heads of households has risen in Georgia due to the increased number of civil war widows and wives of long-term migrants. The falling number of marriages and rising number of divorces is often attributed to current economic hardships. Increased migration has also taken a negative toll on families.⁴⁶

Premarital sexual relationships, parenting out-of-wedlock and adultery committed by women are subject to strict sanctions by society. Women still face double standards with regard to premarital sex, and consequently “divorced women have far less chances of remarrying than divorced men.”⁴⁷ Adultery committed by men is considered by many to be socially acceptable. Similarly, premarital sex and divorce negatively affect women’s social status but leave men largely unaffected. Although not socially accepted, the stigma associated with single motherhood is slowly eroding.

Though most couples marry for love, many marry in order to create a family or on the advice of their parents, particularly those who live in rural areas. When asked which circumstances played a role in one’s decision to marry, among 600 respondents from rural and regional centers, respondents replied:

- Love – 50%
- Creation of a family, primogeniture – 24%
- Parental advice – 18%
- To improve one’s economic condition – 4%
- Advice of friends – 2 %
- Public position of future spouse – 2%⁴⁸

Younger couples more often marry for love and enjoy greater equality between them, as do couples living in or near Tbilisi.

The overall number of marriages has declined by more than 50% in Georgia, attributed to the chaotic social conditions brought about by internal conflicts.⁴⁹ The number of

⁴⁵ Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 11 (2002) citing NGO Shadow report to CEDAW.

⁴⁶ United Nations Development Project “Women in Development,” “Social-Psychological Research on State of Women in Georgia,” 10 (1998).

⁴⁷ Nino Dourglshvili, *Social Change and the Georgian Family*, 7 (1997).

⁴⁸ Lela Gaprindashvili “The Families in the Regions of Modern Georgia,” Union Women Initiative for Equality, 2000-2001.

registered marriages has also declined significantly, due to the rising costs of registration fees. Additionally, an increasing number of couples are opting for religious ceremonies, which do not constitute legal marriages unless subsequently registered.⁵⁰ Unregistered marriages are risky for women because the equal rights and obligations associated with marriage arise only upon registration. The resurgence of religious observance since the fall of the Soviet Union further reinforces gender-based social stereotypes.

Among ethnic minorities in the rural regions of Georgia, bride kidnapping continues to be widely practiced. Although considered a crime under the former Soviet regime, bride kidnapping is not mentioned in the current Georgian Criminal Code. Most cases end in marriage, rather than in court. Although couples sometimes use bride kidnapping as a means of eloping, many women choose to marry their kidnapper in order to protect their reputation. In Georgia, “demand for women’s virginal purity at marriage is still strong, so kidnapping that [does] not end in marriage puts [a] shadow on [the] woman’s reputation no matter whether she had [a] sexual relationship with the kidnapper or not.”⁵¹ Among the Roma and Kurds and other ethnic communities, such as the Kist and Lek, bride price and child marriage continue to occur.

⁴⁹ Pierella Paci, *Gender in Transition* 59, World Bank, 2002.

⁵⁰ Nino Dourglshvili, *Social Change and the Georgian Family*, 7 (1997).

⁵¹ Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 17 (2002).

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Areas of Concern

- Georgia provides no rehabilitation services for victims of trafficking.
- Endemic corruption among governmental officials seriously impedes efforts to effectively address trafficking.
- Current Georgian legislation does not specifically criminalize the activities of legal entities, which would include tourism firms that arrange illegal migration processes such as trafficking.
- Georgia has not yet passed comprehensive human trafficking legislation, although it recently passed amendments to the criminal code criminalizing trafficking.

De Jure Compliance

Prostitution

Prostitution is an administrative offence requiring the payment of a fine, but is not criminalized under Georgian law.⁵² However, the law criminalizes procuring, engaging prostitutes through the use or threat of violence, damage of property or blackmail,⁵³ engaging a minor in prostitution, and establishing a brothel.⁵⁴ Enforcement of these laws is weak due to bribery, police corruption, organized crime, and the unwillingness of victims to come forward.

Trafficking

The Human Rights Office of the National Security Council promulgated an “Action Plan to Combat Trafficking 2003-2005,” which was approved by the President of Georgia on January 17th, 2003. The Action Plan has five objectives:

1. Taking legislative measures to ensure human rights protection of the victims of trafficking, especially members of the most sensitive and vulnerable groups – women, adolescents and children.
2. Prevention of trafficking
3. Assistance to the victims of trafficking

⁵² Code of Administrative Offences, Article 172 (3)

⁵³ Criminal Code, Article 253: “1. Engaging someone in prostitution under violence, by threatening to use violence or destroy property, by blackmail or deception shall be punishable by fine or by imprisonment for up to two years in length. 2. The same action committed by an organized group shall carry legal consequences of imprisonment for up to five years in length.”

⁵⁴ Criminal Code, Article 254: “Setting up or maintenance of brothels shall be punishable by fine or by imprisonment for up to four ears in length.”

4. Prosecution of the perpetrators of trafficking and the establishment of a victim/witness protection system
5. Systematic monitoring of implemented work

The Action Plan calls for inter-agency cooperation. The Ministry of Interior, Border Guard Department, Ministry of Education, Ministry of Justice, Ministry of Health, Ministry of Culture, Public Defenders Office (Ombudsman) and other governmental agencies have been tasked with reporting to the National Security Council regarding the implementation of the Action Plan. At the same time, the Action Plan allows international organizations and NGOs to assist government agencies in combating human trafficking.

Georgia has signed, but has not yet ratified, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention Against Transnational Organized Crime. The UN Trafficking Protocol requires State Parties to adopt legislation criminalizing trafficking, to protect and provide assistance to victims, and to implement measures to prevent trafficking. Georgia has already criminalized human trafficking under the revised Criminal Code of Georgia. Article 143¹ of the Criminal Code provides:

“Selling or buying of persons, or subjecting them to other illegal deals, also recruiting, transporting, harboring or taking them on for purposes of exploitation⁵⁵, with the use of force, blackmail or deception is punishable by imprisonment from 5 to 12 years. The same offence, committed: (a) Repeatedly; against two or more persons; against a pregnant woman, knowing about her pregnancy; with the abuse of official authority; by taking a victim abroad; with the use of life threatening or health threatening coercion, or threatening to use such force; knowingly, against a vulnerable person, or against a person, who is financially or otherwise dependent on the offender; is punishable by imprisonment from 8 to 15 years.

Offense, stipulated by first and second paragraphs of this article (a) committed by an organized group; (b) which resulted in a death of a victim or caused other serious consequences; is punishable by imprisonment from 12 to 20 years.”⁵⁶

Additionally, Georgia has prepared draft comprehensive legislation that includes provisions regarding victim protection and rehabilitation.

⁵⁵ For purposes of Article 143, “Exploitation” means, using persons with the intention to: engage them in forced labor, criminal or other antisocial activities, or prostitution; subject them to sexual exploitation or other work; put them in modern conditions of slavery; use human organ, part of human’s organs or other cell, for, transplanted, or other purposes. Putting person in modern conditions of slavery means: taking away their IDs; limiting their right to free transportation; prohibiting them to contact their families (by correspondence or telephone); putting them in cultural isolation; forcing them to work for free, or giving them inadequate compensation; or putting them in conditions, which are assaulting human dignity.

⁵⁶ Article 143¹ of the Georgian Criminal Code

De Facto Compliance

Prostitution

There has been a significant increase in prostitution in Georgia, which is attributed in large part to worsening economic hardship.⁵⁷ There are estimated to be approximately 10,000 prostitutes in Georgia, the majority of whom are married women with children. Most of them do not have a secondary or post-secondary education and live in poverty.⁵⁸ Street prostitutes are often victims of violence by their clients and police, and although the rate of contraction of venereal disease is high, there does not yet seem to be a high incidence of HIV/AIDS among prostitutes.⁵⁹

The Center for the Rehabilitation of Minors, within the Ministry of Internal Affairs, houses between 12 and 20 minor prostitutes, who receive medical and psychological assistance before being returned to, or placed with, a guardian or parent. State programs to educate women and girls, especially those from rural areas, about the health and personal security risks associated with prostitution do not exist.

The legalization and regulation of prostitution, including the requirement of medical examinations, is currently under public discussion. Detractors of the plan fear that regulation will result in State exploitation of prostitution, as well as encourage an overall increase in the number of prostitutes, given depressed economy.⁶⁰

Trafficking

Trafficking forms an integral part of irregular labor migration in Georgia. Given the state of the economy, it is fueled by a high willingness to work abroad and very few legal avenues to migrate. Trafficking is a serious problem in Georgia that disproportionately affects women, who comprise 86.8% of trafficked migrants.⁶¹ Most victims tend to be young and single, divorced or separated and inexperienced travelers.⁶² Many have fallen prey to illegal specialized agencies that falsely advertise working opportunities abroad as au pairs, models or housekeepers, specifically targeting young women. Children and men are also victimized.

The Georgian public has a growing awareness about the trafficking of women, yet the recognition of trafficking as a pressing social problem in Georgia has been slow and

⁵⁷ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 11 (1998); NGO Report on the Status of Women in the Republic of Georgia under CEDAW (1999).

⁵⁸ Anzor Gabiana, "Social Face of Women Prostitutes and Criminals," 1993

⁵⁹ Maia Jibuti, Research of Drug Addicts, Gays and Street Prostitutes as AIDS Risk Groups, Tanadgoma, 2003

⁶⁰ G. Petriashvili, "Everything that is Legal is not the Best, Komsomolskaia Pravda, March 1, 2002

⁶¹ Hardship Abroad or Hunger at Home: A Study of Irregular Migration from Georgia 12, IOM.

⁶² Hardship Abroad or Hunger at Home: A Study of Irregular Migration from Georgia 5, IOM.

faces a number of cultural obstacles. Although distinct in many ways from its modern forms, trading in women is a “time-honored tradition” in Georgia.⁶³ Similarly, the acceptance of women’s abduction for the purpose of marriage in Georgian society may influence popular responses to the problem.⁶⁴ Finally, the popular association of trafficking with prostitution and the perception that victims are responsible for their fate results in ambivalence among the public concerning the problem.⁶⁵

Greece, the United States and Turkey are the primary destination countries of persons trafficked from Georgia. They often seek passage abroad through tourism firms and visa brokers, which “rely on relationships with government officials who provide fraudulent civil documentation for the visa application procedure.”⁶⁶

An International Organization for Migration (IOM) study revealed that visa brokers are able to provide emigrants with an official government letter, “usually stating that the visa applicant concerned was employed by that structure and was to travel abroad for an official purpose.”⁶⁷ Brokers also place clients on lists of official governmental delegations to travel abroad, signaling solid relationships between these agencies and government officials, which IOM found to involve six ministries and six additional government departments. The virtual absence of prosecution of such tourism firms further signals complicity.

Georgia also functions as a transit country for trafficked persons from Russia and Ukraine who pass, en route to Turkey, through South Ossetia, which remains out of the control of the Georgian authorities. IOM also found evidence that traffickers from Armenia cross Georgia on their way to Turkey.

For trafficking victims that return, reintegration into Georgian society has proven to be extremely difficult. IOM found a striking absence of requests from victims for rehabilitation assistance to address the physical and psychological affects of the experience, most likely signaling shame on the part of the victim.⁶⁸ As noted above, the State has taken almost no action to establish mechanisms to protect trafficking victims. For example, there are no State-run rehabilitation centers or special programs to support the victims of trafficking, such as psychosocial rehabilitation. The State has conducted neither education nor information campaigns targeted to either potential victims or the public at large. One study found that “[r]egional government[al] organizations ha[ve] a

⁶³ Trafficking illegal trade with human beings; Do not become a slave in the XXIst Century 37, Information Bulletin #1, Women for Future (2000).

⁶⁴ Trafficking illegal trade with human beings; Do not become a slave in the XXIst Century 39, Information Bulletin #1, Women for Future (2000).

⁶⁵ Trafficking illegal trade with human beings; Do not become a slave in the XXIst Century 35, Information Bulletin #1, Women for Future (2000).

⁶⁶ Hardship Abroad or Hunger at Home: A Study of Irregular Migration from Georgia 4, IOM.

⁶⁷ "Hardship Abroad or Hunger At Home: A Study of Irregular Migration from Georgia." IOM Mission in Georgia (2002).

⁶⁸ Hardship Abroad or Hunger at Home: A Study of Irregular Migration from Georgia 36, IOM.

rather poor understanding of the problem as well as of the activities they were supposed to carry out in this respect.”⁶⁹

Most reports conclude that the best way to tackle trafficking is to address the root causes of the problem, namely the “mass impoverishment of citizens” resulting from civil wars and high numbers of IDPs.⁷⁰ At the same time, more information and statistical data is needed as well as coordinated return programs and reintegration assistance, legislation to protect the identity of victims and gender sensitivity training for law enforcement officials.

In October 2000, the Trafficking Victims Protection Act entered into law in the U.S. The law was enacted to combat human trafficking by ensuring the effective punishment of traffickers, enhancing protection for victims, and creating significant mandates for the Departments of State, Justice, Labor, Health and Human Services and the U.S. Agency for International Development. The Act requires the State Department to submit an annual report to Congress on the status of severe forms of trafficking in persons. When the third annual Trafficking in Persons Report was published in 2003, Georgia was placed on Tier 3 status. Because of this ranking Georgia was technically at risk of facing sanctions, including loss of all non-humanitarian aid. However, Georgia increased its efforts to address human trafficking and in September 2003, The President of the United States announced that Georgia had made sufficient progress to be upgraded to Tier 2 status, thereby avoiding sanctions.

⁶⁹ Trafficking illegal trade with human beings; Do not become a slave in the XXIst Century 43, Information Bulletin #1, Women for Future (2000).

⁷⁰ Trafficking illegal trade with human beings; Do not become a slave in the XXIst Century 37, Information Bulletin #1, Women for Future (2000).

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Areas of Concern

- Women are frequently placed at the end of party lists, thereby harming their prospects for greater representation in politics.
- Few women participate in high levels of government.
- No temporary special measures have been undertaken to ensure women's equal representation in public and political life.
- Women's NGOs must often compete for funding, impeding their effective cooperation.

De Jure Compliance

The Georgian Constitution provides for equal participation in politics and public affairs, including non-governmental organizations, and the ability to hold public office.⁷¹ Sex discrimination is explicitly prohibited with respect to voting and participation in political parties.⁷²

Despite Decree 511, in which the President proposed the use of quotas in Parliament, the Election Code does not provide for temporary special measures to ensure a minimum level of women's participation in public and political life.

⁷¹ The Constitution of Georgia, Article 26(1): "Every individual has the right to create and join any association, including trade unions;" Constitution of Georgia, Article 29: "Every citizen is allowed to hold any official state position as long as they satisfy established requirements;" Election Code of Georgia, Article 92: "Any citizen of Georgia eligible to vote, who has attained the age of 25 years and has constantly lived in Georgia for 10 years may be elected as a member of the Georgian Parliament."

⁷² Organic Law of Georgia on Citizen's Political Unions, Article 11: "The limitation of membership in the party based on the race, skin color, language, sex, religion, national, ethnic and social origin, property and position status or place of residence is prohibited." Election Code of Georgia, Article 5(2): "Every citizen of Georgia who has attained the age of 18 has the right to vote regardless of race, skin color, language, sex, religion, political and other beliefs, education, national, ethnic and social origin, property and position or place of residence."

De Facto Compliance

Due to ethnic conflicts and the absence of full territorial integrity, one half of the bicameral Parliament, the Senate, remains unformed. Thus, the Supreme Council comprised of 235 members functions in lieu of a full Parliament. Georgia's electoral system is mixed: 150 members of Parliament are elected through party lists on the basis of proportional representation, and 85, referred to as "majoritarians," are elected in single-mandate districts⁷³.

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

Voting

Women constitute 59% of the electorate, but the percentage that actually votes is smaller.

Political Participation

A UNDP-sponsored survey found men and women to be equally interested in politics, but that given women's time constraints in working both within the home and outside of it, women were less involved politically. The authors of the survey also noted that women's lack of participation could also be attributed to the fact that "[d]isplay of initiative is considered as inappropriate boldness and daring for women."⁷⁴ Other reasons cited for women's low participation in politics include: low levels of civil education and political awareness, traditional beliefs that politics is a male arena, an overall distrust of politics, and lack of political organization and financial support.

A high electoral threshold makes it difficult for small parties and women to win seats. Small parties have difficulty in gaining representation at all, and women rarely appear within the first 10 positions of party lists, large or small. Of approximately 100 political parties, only five are headed by women.⁷⁵ Of those parties that include the highest percentage of women members, approximately 60% are conservative religious parties, such as the Christian-Conservative Party of Georgia and the Society of Saint Ilia the Righteous.

⁷³ A referendum to reduce the total number of members of Parliament from 235 to 150 is on the ballot for the November 2, 2003 Parliamentary elections.

⁷⁴ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 2 (1998).

⁷⁵ They include: the National Democratic Party, People's Democratic Union, Society of Ketevan the Martyr, Union of Women's Protection. Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 30 (2002).

In the 1999 Parliamentary elections, women constituted 32% of party lists; 17 of them were elected. Out of 679 majoritarian candidates, 60 or 9% were women. Two removed themselves from the ballot. One was threatened with violent telephone calls and her car was blown up. The other dropped out of the race because her opponents were two well-financed male candidates from powerful political parties.

Women's participation in the development of party agendas remains low, and political parties do not take women's issues into account in developing party programs. In a study conducted by the International Center for Civic Culture, out of 51 parties, 21 stated that they took women's issues into account, including women's rights, the support of single mothers, and the improvement of women's employment conditions. Thirty responded that they did not differentiate between men's and women's issues, that they expressly did not take women's issues into account, or they left the question unanswered.⁷⁶

1999 Parliamentary Elections⁷⁷:

Name of the Party, in order of rating	Total number of candidates	Number of women and their percentage	Number of women in the first 10 positions of party lists (their rank on the list is identified)
The Citizens Union	60	8 (16%)	0
The Revival Party	90	15 (17%)	0
The Enterprise will Save Georgia	81	22 (27%)	0
The Labor Party of Georgia	98	23 (40%)	1 (#10)
National Movement	71	9 (12%)	0
The Christian Conservative Party of Georgia (Zurab Zhvania Team)	52	20 (38%)	1 (#3)
New Rights	69	15 (21%)	3 (#2; #7; #10)
Socialist Party	80	21 (26%)	2 (#1; #2)
Block "Union"	79	19 (24%)	1 (#6)

L. Gapriindashvili 'Gender Analysis of the Election Process and Election Results, "Women's Initiative for Equality" 2002.

⁷⁶ Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 31 (2002).

⁷⁷ At the time of writing, the composition of the Parliament to be elected in November 2003 was not known.

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

At the national level, out of 235 members of the Parliament elected in 1999, there were 16 women, or 6.4 %. The Chairman of Georgia’s Parliament at the time of writing of this report is a woman. Out of 16 parliamentary committee chairs at the time of this report, only one is a woman. Men head all the political blocs within Parliament, although one of the political parties with candidates for the up-coming parliamentary elections, the “Burjanadze-Democrats,” is co-chaired by a woman, the current Chairman of Parliament. At the local level, women make up 14.3% of the heads of sakrebulo or local self-governing agencies.⁷⁸ Women thus tend to be elected in higher numbers to lower level or local agencies where the constituency is smaller. Women compose 15% in village sakrebulo⁷⁹; 13% in city sakrebulo; 9% in regional sakrebulo and only 7% in urban sakrebulo. In the Tbilisi sakrebulo, there are 49 members, only 3 of whom are women.⁸⁰

The number of women participating in executive levels of government who advance to the highest levels of participation in national decision-making processes remains limited. Within the executive branch, only 2 out of 18 ministers are women⁸¹; and 8 out of 18 deputy ministers are women. The President’s Parliamentary Secretary (recently nominated for a Ministry post), and the Deputy Secretary of the National Security Council on Human Rights are both women, and the Ombudsman who recently became Chairman of the Central Election Commission was also a woman.

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

The development of the NGO sector in Georgia remains one of the bright spots of the transition process, and can be attributed in part to the increased flow of information and funding from international donor agencies. In 2002, over 2,800 NGOs were registered in Georgia, although only about 20% of them were active. Women head approximately 25% of NGOs, and almost all of them are located in Tbilisi. However, women’s NGOs in Tbilisi are increasingly reaching out to women in rural areas.

Region	Number of registered NGOs	Number of NGOs led by women (as percentage of NGOs for that region)
Tbilisi	1936	552 (28%)
Adjara AR	95	19 (20%)
Abkhazia AR	126	22 (17%)

⁷⁸ Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 29 (2002).

⁷⁹ Local self-governing agencies

⁸⁰ The Directory of 2002 Local Self Governing Agencies; Tbilisi 2003 National Democratic Institute (NDI); L. Khomeriki ‘Women’s Participation in Local Elections’ Tbilisi 2001.

⁸¹ At the time of writing, a third woman had been nominated for a Ministry post, but not yet confirmed by Parliament.

Samegrelo-Zemo Svaneti	74	17 (23%)
Guria	61	14 (23%)
Imereti	235	67 (28%)
Racha-lechkhumi and Kvemo Svaneti	13	3 (23%)
Shida Kartli	77	37 (48%)
Mtskheta-Mtianeti	29	8 (27%)
Kakheti	126	44 (34%)
Kvemo Kartli	106	21 (19%)
Samtskhe-javakheti	61	25 (42%)

L. Gaprindashvili "Women's NGOs and Women's Problems in Georgia" 2001.

There are more than 70 NGOs that work on gender and women's rights issues. Although they have the same overall goal, to improve the economic, social, political and cultural status of women, their vision regarding gender equality and the ways to achieve it varies. Women's NGOs in Georgia work primarily on the following issues:

- Educational activities on women's rights: trainings, seminars, conferences
- Economic advancement: poverty, unemployment, labor rights, micro credit
- Vulnerable social groups: women prisoners, prostitutes, disabled women, internally displaced women and refugees, ethnic minorities
- Pressing social issues: migration and trafficking, reproductive health, demography, conflict resolution and peace-building
- Violence against women and domestic violence: prevention, rehabilitation, psychological and legal assistance
- Gender and women's studies

Given that their activities are supported almost entirely by the international donor community, women's NGOs often find themselves in competition for funds, fostering a lack of cooperation among them. In addition, much of the content of their work is donor driven. At the same time, international agencies often support cooperative programs and the formation of coalitions among the women's NGO community.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Areas of Concern

- The small number of women in official international delegations signals Georgia's failure to ensure that women enjoy professional opportunities on par with men.
- There is a striking lack of women's participation in national peace processes.

De Jure Compliance

Any Georgian citizen who meets the required minimal professional qualifications can be appointed to diplomatic service, without regard to sex.⁸² No temporary special measures have been taken to promote women's participation in international delegations or as diplomatic representatives.

De Facto Compliance

Two women currently occupy diplomatic posts: Georgia's ambassador to Italy and one of its representatives to the Council of Europe. Women rarely occupy the role as head of an international state delegation. When women participate in international delegations, it is often as translators or specialists. Female participants in official delegations often have included the Chairman of Parliament, Deputy Secretary of the Security Council, the Minister of Culture and a few Members of Parliament. In the Autonomous Republic of Adjara no women are included in international meetings or official delegations. Rusudan Beridze, the head of the Human Rights Department of Georgia's National Security Council, has participated in national peace processes concerning Abkhazia.

Given the importance of conflict resolution at the state level, it is noteworthy that no women currently participate in such processes. Under the auspices of a UNIFEM program, *Women for Conflict Prevention and Peacebuilding in the South Caucasus*, a Peace Council of Women was formed within the Chairman of Parliament's staff that periodically arranged hearings regarding the conflicts in Abkhazia and South Ossetia.

⁸² Applying the equality provisions of the Constitution and Labor Code.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

De Jure Compliance

Men and women have equal rights with regard to acquiring or changing their nationality.⁸³ Neither marriage to an alien nor the change of citizenship of one's spouse results in an automatic change of citizenship or statelessness.⁸⁴ Men and women also maintain equal rights with respect to determining the nationality of their children.⁸⁵

De Facto Compliance

Despite the increase in marriages between Georgians and foreign citizens, as well as increased emigration, no serious obstacles exist that preclude women from enjoying these rights.

⁸³ Organic Law of Georgia on Citizenship, Article 2: "Any person has the right to the citizenship of the Republic of Georgia according to the rule established by this law;" Organic Law of Georgia on Citizenship, Article 28: "A person, who marries a citizen of Georgia and lives with him or her over 3 years can become a citizen of Georgia according to the requirements set in Article 26 paragraphs (b) and (c)."

⁸⁴ Organic Law of Georgia on Citizenship, Article 25: "Marriage or divorce with a citizen of a foreign country or with a person without citizenship does not require a change of citizenship by their spouse. A change of citizenship by one spouse does not require a change of citizenship by the other."

⁸⁵ Organic Law of Georgia on Citizenship, Article 11: "A child whose parents are citizens of Georgia at the moment of the child's birth is a citizen of Georgia irrespective of the place of birth;" Organic Law of Georgia on Citizenship, Article 12: "In the case of different citizenship of the parents, if one of the parents is a citizen of Georgia at the moment of the child's birth, the child will be considered a citizen of Georgia if: a) the child was born in the territory of Georgia; b) the child was born outside the territory of Georgia, but the permanent place of residence of one of the parents is within the territory of Georgia; c) one of the parents is a citizen of Georgia, and the other parent does not have citizenship or it is unknown. In the case of different citizenship by both parents, if at the moment of the child's birth one of the parents is a citizen of Georgia and both of them live outside of the territory of Georgia, the issue of the citizenship of a child born outside of the territory of Georgia will be determined by the consent of the parents. In the case of a disagreement between the parents, the issue will be solved according to the legislation of that country where the child was born. In the case where the child's mother does not have any citizenship and the father is a citizen of Georgia, the child becomes a citizen of Georgia despite the place of birth." Organic Law of Georgia on Citizenship, Article 16: "The change of citizenship of both parents results in the change of citizenship of their child who has not yet attained 14 years. The change of citizenship of a child who is from 14 to 18 years old can take place only with the consent of the child;" Organic Law of Georgia on Citizenship, Article 18: "If one parent attains the citizenship of Georgia, but another parent retains the citizenship of another country, a child can become the citizen of Georgia based on the joint request of both parents."

A woman does not need the consent of her husband to travel abroad. Because Georgian juveniles are not issued passports, they travel under the passport of either parent. If traveling with one parent, consent of the other is required. There have been instances in which fathers have refused to grant such permission, even in cases where they did not participate in raising the child.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.

Areas of Concern

- Outdated textbooks, which contain gender stereotypes, continue to be widely used.
- Disabled girls have virtually no access to education.
- Girls and women in rural areas have limited access to higher and continuing education.
- Among ethnic minorities, pre-adolescent girls are often removed from school at a young age.
- The State does not provide reproductive health or sexual education as a part of the standard curriculum.

De Jure Compliance

The Georgian Constitution guarantees equal educational opportunities to all citizens without reference to their sex.⁸⁶ The Law on Education provides for the same right.⁸⁷

In Decree 511, the President requested that the Ministry of Education undertake a gender analysis of textbooks “in order to eliminate gender stereotypes.”

⁸⁶ Constitution of Georgia, Article 35(1): “Every citizen has the right to education. Freedom of choice in education is recognized.”

⁸⁷ Law of Georgia on Education, Article 3(1): “Everybody has an equal right to receive an education.”

De Facto Compliance

After the collapse of the former Soviet Union, the amount of financial resources going to education in Georgia was significantly reduced, raising serious concerns about the quality of schooling being provided. Although education is highly valued in Georgian society, the lack of basic materials, such as laboratories, equipment, libraries and even textbooks, remains a critical problem. The majority of educational facilities, especially in rural areas, are in serious need of repair. They often lack both modern equipment and heat.

The extremely low salaries paid to educators, 70% of whom are women, have a negative impact on teacher morale. At the same time, teachers are socially respected for their commitment to teaching despite their low remuneration.

Since Georgia's independence, basic education enrolment has fallen to below 55% and average secondary school enrolment rates below 65% for both genders.⁸⁸

In the field of higher education, women are studying in higher numbers than men, in a wider range of professions, and seem to be doing better academically than their male counterparts. Despite this fact, men tend to be more successful professionally, suggesting gender bias in the employment sector.⁸⁹

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

The male/female enrollment ratio in Georgian schools is roughly equal, at 98%.⁹⁰

<u>Institution</u>	<u>Female</u>	<u>Male</u>
preschool	49.5	50.5
grade & high school	50.2	49.8
technical college/professional school	50.1	49.9
university	49.1	50.9
private school/tutoring	53.4	46.6
Total	50.2	49.8

There is, however, a sharp difference in the educational opportunities accessible to young disabled men and women. According to the experts interviewed, approximately 20% of disabled boys receive a basic education, whereas about 99% of disabled girls do not.

⁸⁸ Pierella Paci, *Gender in Transition 43-45*, World Bank, 2002.

⁸⁹ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 8 (1998); Pierella Paci, *Gender in Transition 48*, World Bank, 2002.

⁹⁰ The State Department of Statistics of Georgia, "Women and Men in Georgia" (1999).

Within some ethnic and religious minority communities, such as Azeri communities, families remove their daughters from school when they reach 13 years of age in order to help with household chores. In many Azeri communities, girls are removed from school at about the same age when they become betrothed.⁹¹

Given that the private costs of secondary and post-secondary education have risen in Georgia, it remains inaccessible to many girls from rural areas. When families have limited funds, they usually choose to educate sons and not daughters, the rationale being that sons will eventually need to support their family and an education increases their ability to eventually serve as the breadwinner.

There is no educational institution in Georgia that does not admit women.

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

Georgian schools are co-educational; girls and boys are provided with the same curriculum.

Women constitute 70% of teachers nationwide, and 90% of teachers in lower schools. In rural areas the majority of school administrators are men; in Tbilisi, women comprise the majority. Such division of labor within the educational system reinforces gender stereotypes. Of the 26 rectors of the institutions of higher education in Georgia only one is a woman – the rector of the Conservatorium of Georgia. Only 3 of 23 deans of Tbilisi State University are women. Among 134 faculty directors, 21 are women. The rectors of the 9 State University branches all are men.

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;

During an interview for this assessment, the Deputy Minister of Education maintained that existing textbooks do not contain gender-based stereotypes. However, Decree 511 requests that the Ministry undertake a gender analysis of textbooks, and in its first periodic report, the State claimed to have begun such an assessment in primary school textbooks.⁹² It remains unclear to what extent this has been carried out.

In contrast, NGO representatives feel that existing educational materials do not help to eliminate such stereotypes and even exacerbate them. For example, experts noted that

⁹¹ Interview, N. Berekashvili, Network of Caucasus Women.

⁹² U.N. Committee on the Elimination of Discrimination against Women, Concluding Comments to Georgia's Initial Report, Session 21, 1999. (U.N. Doc. A/54/38/Rev. 1 para 99).

textbooks fail to sufficiently describe women's contribution to Georgian history and culture.

The recent establishment of gender studies programs in universities has been an important first step in raising awareness regarding gender stereotypes and gender-related social problems. Gender studies, as well as sex education programs, have met with opposition from governmental and religious groups intent upon defending traditional Georgian values.⁹³

(d) The same opportunities to benefit from scholarships and other study grants;

Girls and boys have equal access to scholarships and study grants.

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

The Georgian government does not provide adult education programs, although the Ministry of Education has taken steps in this direction. Such programs are currently offered by NGOs, primarily in Tbilisi, and consist mainly of foreign languages, computer courses, cosmetology and accounting. Given the high expense of childcare, women have less access to continuing education than men.

The broad-based perception that women should be primarily engaged in housework and child care, particularly after marriage, coupled with the time needed to fulfill such commitments, results in additional obstacles to women's access to continuing education. Furthermore, women's educational and employment opportunities are often determined, and thus potentially limited, by their husbands upon getting married.⁹⁴

(f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;

According to the experts interviewed for this report, the dropout rate among ethnic minorities and boys is disproportionately high. As noted above, girls from minority ethnic communities are often removed from school at a young age to assist in domestic work or to marry.

(g) The same opportunities to participate actively in sports and physical education;

Girls and boys have equal access to participate in sports and physical education, and students of both sexes are required to attend physical education classes at school as well as at university. However, on the whole, women are much less active in sports than men in Georgia, which experts attribute to women's lack of interest. Gender stereotypes

⁹³ Interview, N. Berekashvili, Network of Caucasus Women.

⁹⁴ Interview, N. Berekashvili, Network of Caucasus Women.

clearly reinforce women's self-selection away from physical activities. Of the 500 professional athletes in Georgia, 80 are women.

(h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.

Although no information on reproductive health and family planning exists in school curricula, the Ministry of Education is in the process of developing a civic education program that includes these topics. In addition, a State inter-institutional commission was formed to support the establishment of health education programs. A UNICEF program begun in 2003 provides students with information on reproductive health, family planning and HIV/AIDS in lower and high schools.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Areas of Concern

- Weak enforcement mechanisms provide women with virtually no protection from discrimination in the private sector.
- There is no legislation protecting women against retaliatory dismissal for filing complaints regarding workplace discrimination.
- Protective legislation impedes women's equal employment opportunities.
- Generous pregnancy and maternity leave legislation discourage employers from hiring women.
- Unemployment benefits do not meet the minimum cost of living requirements.
- Sexual harassment is commonplace but is rarely reported.
- The growing number of women emigrating, mostly illegally, in search of employment constitutes a highly vulnerable social group without legal protection.

De Jure Compliance

As detailed below, Georgia's Constitution and Labor Code forbid discrimination in the field of employment. Significantly, the Labor Code is also characterized by its concern for "the peculiarities of working conditions of women and, those under age." It thus contains protective legislation that impedes women's equal employment opportunity both by restricting the conditions under which they are permitted to work, and by providing generous benefits that discourage employers from hiring them.

Georgia's Labor Code applies to both the public and private sector, yet the experts interviewed for this report contend that anti-discrimination legislation in practice has little application in the private sector. Very few cases are brought challenging discriminatory labor practices, for fear of retaliatory dismissal. No legislation regulates labor in the informal sector, such as domestic laborers.

In addition to the rights provided under Georgian legislation, Article 4 of the Labor Code incorporates into national law those international agreements to which Georgia is a party. Georgia is a State Party to the ILO Convention concerning Discrimination in Respect of Employment and Occupation and the ILO Equal Remuneration Convention.

De Facto Compliance

The transition to a free market economy has changed the characteristics of employment from a formal and almost exclusively public sector to a growing and highly unregulated informal sector, which includes both private employers and self-employed workers. The informal sector is characterized by lack of job security, protection and benefits. Proportionally, more women are employed in this sector, reflecting their economic vulnerability. It is also important to note the difficulty in tracing "own account" small-scale economic activities such as street vending, the household-based production of goods and subsistence agriculture, in which large numbers of women are employed.

Given women's limited job opportunities, they are migrating in increasing numbers, most often illegally. In order to support their families, they go abroad seeking positions such as au pairs, often accepting degrading working conditions, and falling prey to traffickers. Georgia has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which among other things requires countries of origin to inform migrants of their rights. The convention entered into force on July 1, 2003.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
(a) The right to work as an inalienable right of all human beings;

Like poverty, formal unemployment is a phenomenon that became acute only after Georgia's independence in 1991. Before the collapse of the Soviet system, 80% of women eligible for work were employed; that number now rests between 40-45%.⁹⁵ Overall unemployment in Georgia is estimated to be between 25-28%; the rate among women is between 30-32%. Women currently constitute 55% of registered unemployed persons.⁹⁶ Notably, these figures may underestimate women's unemployment given that women are at a greater risk of being considered inactive instead of unemployed.

Those industries that employed large numbers of women were the hardest hit upon transition, such as the food and chemical industries. Economic reform also resulted in budget cuts to the education and health sectors, which were also characterized by high numbers of female employees.⁹⁷ Women are also often the first to be dismissed during staff reductions.⁹⁸

Although unemployment is a serious problem for both sexes, numerous studies have indicated that men have had a harder time enduring the psychological effects of unemployment. While women have willingly accepted whatever income-generating activity is available, one report noted, "men are idling in the streets."⁹⁹ Consequently, if women previously maintained the double burden of employment and household responsibilities, now their work has increased further to include additional small-scale income-generating projects.

In the private sector, women face limited employment opportunities in comparison with men, both due to sex discrimination and the increased costs associated with hiring women because of the additional benefits employers are required to provide.

Approximately 40% of the women considered "self-employed" work without pay in family enterprises.¹⁰⁰ Women are occupying an increasingly larger share of the labor force relative to men given the widespread unemployment of men and the fact that they make up the majority of emigrants leaving Georgia in search of work.¹⁰¹

⁹⁵ Women's Labor and Employment Problems in Georgia 7, 9, AMAGDARI (2001).

⁹⁶ Women's Labor and Employment Problems in Georgia 9, 36, AMAGDARI (2001).

⁹⁷ Women's Labor and Employment Problems in Georgia 9, 21, AMAGDARI (2001).

⁹⁸ Women's Labor and Employment Problems in Georgia 9, AMAGDARI (2001).

⁹⁹ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 4 (1998).

¹⁰⁰ Nino Shiosvhili, AMAGDARI.

¹⁰¹ Women's Labor and Employment Problems in Georgia 17, AMAGDARI (2001).

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

Georgia's Law on Employment and its Labor Code both contain anti-discrimination provisions.¹⁰² In reality, employment discrimination is endemic. Many employers refuse to hire or fire pregnant women, mothers with infants and older women. Single women are often made to sign employment agreements prohibiting them from marrying during the period of the contract. One pending case involves a flight attendant who was forced to sign an agreement prohibiting her from getting pregnant. Pursuant to Georgia's Labor Code, such contracts are *per se* invalid.¹⁰³

In addition, job announcements explicitly discriminate by limiting female candidates based on their appearance and age. Employed women face further discrimination in opportunities for promotion or advancement.¹⁰⁴ According to the experts interviewed, women are rarely promoted to high-level or managerial positions, and must often accept positions for which they are overqualified.

There have been increased reports to the Ombudsman's office of dismissals based on discriminatory motives. However, because many people do not perceive courts as an effective mechanism for enforcing rights and there are no laws concerning retaliatory dismissal, anti-discrimination laws are often violated with impunity.

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

Article 2 of Georgia's Labor Code provides for freedom of choice in employment.¹⁰⁵ However, as noted above, husbands often determine whether their wives should work and where. In addition, Georgians still consider it more socially appropriate for men to hold professional positions of higher social status and to be better compensated. In one study, the following responses were offered regarding career suitability:

¹⁰² Law of Georgia on Employment, Article 13(a): "The principles of the State Bureau of Employment's activities are: a) Elimination of discrimination on the bases of social and financial conditions of a person based on their race, skin color, religion, sex, age and political affiliation;" Labor Code of Georgia, Article 17(2): " Any kind of direct or indirect restriction of human rights or giving priority to somebody based on their race, skin color, language, sex, religion, political or other affiliation, national origin, ethnic or social affiliation, financial status or residence is impermissible when hiring a person."

¹⁰³ Labor Code, Article 6(1): "The terms of the labor agreement that worsen the worker's condition in comparison with the present code are invalid."

¹⁰⁴ Women's Labor and Employment Problems in Georgia 29, AMAGDARI (2001).

¹⁰⁵ Labor Code, Article 2(1): "Labor is free according to the Constitution of Georgia. Each worker has the right to the work which he chooses freely."

<u>Profession</u>	<u>Appropriate for Men</u>	<u>Appropriate for Women</u>
Scientist	94%	6%
Teacher	2%	88%
Managing Position	87%	13%
Politician	97%	3%
Doctor	58%	42%
Assistant to the Director	7%	93%
Accountant	22%	78%
Artist	35%	65%
Law Enforcement	86%	14%
Salesperson	7%	93%

Gaprindashvili "Families of the Regions of Georgia" (2002 – 2001)

Given the very limited job market, women are often forced to accept positions for which they are over-qualified, or to migrate in search of other low-skilled positions. Economic changes since the collapse of the former Soviet Union and years of unemployment require that many women obtain vocational retraining in order to re-enter the workforce.

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

The Labor Code guarantees equal pay for equal work, and prohibits discrimination with respect to remuneration based on sex.¹⁰⁶ Yet, women earn roughly half what men earn. On average, women make a monthly salary of 55.4 GEL (\$28 USD); men make double 111.6 GEL (\$56 USD). The wage gap persists even in the public sector, but is more pronounced in the private sector. Low and infrequently paid wages contribute to women's poverty in Georgia, although it was not clear if wages owed to women were less likely to be provided on a timely basis than men.

According to a World Bank study, market reforms, which entailed wage and price liberalization, have contributed to increased earnings inequalities, but they are primarily due to "extensive discrimination."¹⁰⁷ The minimum monthly wage in Georgia is currently 20 GEL, or \$10 USD. However, the minimum cost of living in a Georgian city is 104.5 GEL per month, or \$50 USD.

As a consequence, women are also self-employed in small business projects, small-scale trade and the sale of home-produced goods. It is through such informal economic activity that women augment, if not entirely provide for, the family budget. Women's participation in medium to large-scale businesses is so small as to be negligible. At the

¹⁰⁶ Labor Code of Georgia, Article 75(1),(2): "Remuneration of the work of an employee is to be carried out based on the quantity and quality of the work;" "Any kind of restriction on the remuneration of work based on the race, skin color, language, sex, religion, political or other affiliation, national origin, ethnic or social identity, financial standing or residence of a person is impermissible."

¹⁰⁷ Pierella Paci, Gender in Transition 25, World Bank, 2002.

same time, women have maintained their jobs in the fields of education and healthcare with virtually no salary. As one study noted, women's free labor "kept these fields from destruction."¹⁰⁸

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

Given the structural changes to the economy, and the expanding informal sector, there has been a substantial decline in pension coverage: 22% of working age women are enrolled in social security, compared with 100% under the former Soviet system.¹⁰⁹ Existing State benefits remain far below the minimum cost of living. State pensions consist of 12 GEL per month, and widows' benefits are 18 GEL, but as noted above, the minimum monthly cost of living requirement is approximately 104.5 GEL. Consequently, survival on monthly benefits, for retired persons, widows or refugees, is virtually impossible.

Workers are entitled to paid annual vacations, designated holidays, and breaks during the workday.¹¹⁰

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

Article 2 of the Labor Code establishes that workers have the right to demand safe working conditions, and to be compensated for work-related injury. As discussed in greater detail below, special legislation protects pregnant women and mothers of infants from harmful working conditions, and provides them with extensive paid leave.

*2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*

Special legislation prohibits discrimination against women who are pregnant or have infants and against single mothers with children less than 14 years of age.¹¹¹ In addition, the law forbids the dismissal of pregnant women, women with children under the age of three, and single mothers with children under the age of 14. If a woman's employment contract expires under such circumstances, the employer must provide her

¹⁰⁸ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 5 (1998).

¹⁰⁹ Pierella Paci, Gender in Transition 36, World Bank, 2002.

¹¹⁰ Labor Code of Georgia, Article 2(3)(c).

¹¹¹ Labor Code of Georgia, Article 164(1): "It is impermissible to refuse to hire a woman or to decrease her salary because she is pregnant or has a baby less than three years old, or single mothers with children less than fourteen years old."

with a job for the relevant period.¹¹² The law imposes sanctions for violations, including fines, compensating the aggrieved for damages and imprisonment.¹¹³ Marital status itself is not a protected category.

As noted above, women often face a great deal of *de facto* discrimination despite the existence of such legislation.

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

The Labor Code provides women with a full salary during maternity leave for 126 days, or 140 days in the event of complications during labor or if more than one child is born.¹¹⁴ A woman may take maternity leave with partial salary for up to a year and a half¹¹⁵ and for up to three years without pay.¹¹⁶ In addition, the baby's father, grandmother, grandfather or other family member who cares for the child is also entitled to partially compensated leave.¹¹⁷ Maternity leave is granted in addition to annual vacation leave, and pregnant women are not required to complete the one-year work experience requirement before taking vacation leave.¹¹⁸ Further, their time off is

¹¹² Labor Code of Georgia, Article 164: "It is impermissible to fire pregnant women, women with children under three years old, single mothers with children under the age of fourteen, or sixteen if the child is disabled, except in the case of the full liquidation of the organization, enterprise or institution. Dismissal is permitted only if another job is provided. An employer is obliged to provide a position to a woman should the term of her employment contract expire."

¹¹³ Criminal Code, Article 169: "Illegal dismissal from work, non-fulfillment of the court decision on the reinstatement to one's work or other substantial violation of the labour legislation shall be punishable by fine or by imprisonment for up to two years in length or by deprivation of the right to pursue a particular activity for up to three years in length or without it or both]." Labor Code of Georgia, Article 209: "A high official who is guilty for the illegal dismissal of an employee or for removal of the employee to another position must pay a court imposed penalty to compensate for damages caused to the enterprise, institution or organization, if the firing or removal was done in obvious violation of law or if the administration delayed the execution of the court decision or reinstatement of the employee."

¹¹⁴ Labor Code of Georgia, Article 159: "Maternity leave may be taken before the delivery of a child and thereafter. Maternity leave after delivery consists of 56 calendar days. In the event of an abnormal delivery or the delivery of more than one child, maternity leave can be increased to 70 calendar days" Labor Code of Georgia, Article 233: "Compensation for maternity leave is given during the entire leave for the full amount of the salary."

¹¹⁵ Labor Code of Georgia, Article 160 provides that annual vacation can be added to maternity leave for up to a total of eighteen months. Labor Code of Georgia, Article 159: "A woman may, if she has one year work experience (for women under 18 years of age, the work experience requirement shall not apply) shall receive paid leave for child care, before the child is a year and a half old. During this period the woman will receive state social insurance. Women who work but do not have one year work experience shall receive half that amount for child care." Article 160

¹¹⁶ Labor Code of Georgia, Article 161: "In addition to leave for pregnancy, delivery and childcare, a woman may receive uncompensated maternity leave before a child reaches the age of three and shall maintain her position."

¹¹⁷ Labor Code of Georgia, Article 159(3): "Fathers, grandmothers, grandfathers or other relatives of a baby who actually take care of a baby are also entitled to take leave for child care."

¹¹⁸ Labor Code of Georgia, Article 160: "Upon application, a pregnant woman is entitled to take annual vacation before maternity leave or right after it irrespective of her work experience in the enterprise, institution or an organization."

to be considered as “continuous work experience.”¹¹⁹ In practice, however, women are not always accorded such generous leave benefits. In addition, such generous benefits deter employers from hiring women.

The law also mandates the provision of medical insurance for pregnant women.¹²⁰ It allows that private employers may offer stays at resort hotels for pregnant women at reduced rates as well as provide them with additional financial benefits.¹²¹

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

In sharp contrast to the generous family benefits provided under the Soviet system, the virtual absence of State support has shifted the entire responsibility for nurturing and childcare to women. The extra burden women assume in relation to family and work responsibilities is considered to be “an important factor behind existing labor market segregation and pay differentials” that are not justified by differences in productivity.¹²² Further, it contributes to women’s chronic poverty.

For those formally employed, the law provides for the existence of on-site childcare centers and rooms designated for breastfeeding in organizations with a substantial number of female employees.¹²³ However, no such centers actually exist. At the same time, the expansion of the informal economy results in less women having access to benefits provided by law.

In Georgia, the gender of the head of the household often determines the family’s income.¹²⁴ Single mothers are entitled to special assistance from the State. Depending upon the local governing agency, some single mothers receive monthly assistance in the amount of 22 lari, or \$10 USD, in addition to minimal housing assistance. Single mothers are also entitled to a yearly income tax exemption up to 3000 lari, or \$1400 USD.

¹¹⁹ Labor Code of Georgia, Article 67(6): “Leave taken for temporary incapacity, pregnancy or delivery shall not be deducted from annual vacation time.” Labor Code of Georgia, Article 233: “Compensation for maternity leave is to be provided throughout the entire leave period in the full amount of the employees’ salary.”

¹²⁰ Law of Georgia on Health Care, Article 132: “The state provides medical care to pregnant women, delivery and post-natal medical assistance through mandatory medical insurance. In the private sector, medical care for pregnant women and financial support for delivery may be provided through private medical insurance.”

¹²¹ Labor Code of Georgia, Article 164: “The administration of an enterprise or organization, in agreement with its professional union, if necessary may provide free or reduced rate stays at resorts for pregnant women as well as provide them with financial support.”

¹²² Pierella Paci, *Gender in Transition* 12, World Bank, 2002.

¹²³ Labor Code of Georgia, Article 166: “Kindergardens, gardens, rooms for breastfeeding and women’s hygiene are to be opened in enterprises or organizations where women’s labor is widely used.”

¹²⁴ Pierella Paci, *Gender in Transition* xii, World Bank, 2002.

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

The law requires that pregnant women be given lighter work without a decrease in salary, transferred to a position that prevents her exposure to unsafe working conditions or be given leave with full-pay.¹²⁵ Breastfeeding mothers are entitled to additional paid breaks during the workday.¹²⁶

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Although purportedly intended to benefit women, protective legislation in Georgia functions also to limit women's employment opportunities. For example, it disallows women's participation in heavy labor or lifting or moving heavy weights.¹²⁷ It prohibits women from working during night shifts barring extreme necessity. Finally, it forbids pregnant women and women with small children from working overtime on night shifts and from business-related travel.¹²⁸ This protective legislation, adopted in 1973, was not changed during the last legislative review process in 1998 that aimed to improve women's labor rights.

¹²⁵ Labor Code of Georgia, Article 158: "Under medical advisement, pregnant women will be given decreased levels of work, or while maintaining their previous salary they will be transferred to positions requiring lighter work, or work which prevents their exposure to harmful working conditions. Pending the determination regarding her position, the employee should be released from her duties, and at the expenses of the enterprise, institution or organization she should be reimbursed for all missed working days."

¹²⁶ Labor Code of Georgia, Article 163(1): "Women with children under the age of one and half are entitled to take an additional break for breastfeeding the baby." (3) The break for child nursing is to be considered working time for which women are to be paid their average salary."

¹²⁷ Labor Code of Georgia, Article 156: "It is impermissible to use women's work in heavy labor and under working conditions harmful to their health. . . . The moving of heavy weight by women that is beyond their limit is prohibited."

¹²⁸ Labor Code of Georgia, Article 157(1)-(3): "It is impermissible to use women's labor at night except in those spheres of the national economy when the necessity of it is caused by emergency, and is allowed as a temporary measure. It is impermissible for pregnant women and women with children under three years' old children to work night shifts, overtime, or on public holidays. It is impermissible to send them on business trips. Women who have children between 3 and 12 years old shall not work overtime or be sent on business trips without their consent."

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Areas of Concern

- There is a conspicuous lack of information on gender-based violence in Georgia, as well as specific legislation addressing the issue.
- Abortion remains the prevailing form of birth control.
- Quality healthcare is largely inaccessible to those who cannot afford to pay private doctors' fees, and for those living in rural areas.

De Jure Compliance

Georgian law provides for the universal accessibility of health care,¹²⁹ including the individual's right to be fully informed about relevant medical procedures¹³⁰ and the patients' personal medical condition in a language he or she can understand.¹³¹ It also proscribes discrimination based on sex in the field of health care.¹³² There is no express law ensuring women and girls the right to reproductive health information.

The Plan of Action for Improving Women's Conditions (2001-2004) outlines several objectives to be undertaken by the Ministry of Labor, Health and Social Protection, such as: to develop preventive programs on breast cancer, iodine deficiency and tuberculosis. However, no money has been allocated for their implementation.¹³³

¹²⁹ Law of Georgia on Health Care, Article 4: "Medical care shall be universal and accessible to everyone;" Law of Georgia on Patients' Rights, Chapter I, Article 5: "Every citizen of Georgia has the right to receive medical care according to the established professional standards in the country from any medical care provider. Citizens of Georgia in another country and citizens of foreign countries and persons without citizenship residing in Georgia have the right of protection of health pursuant to international agreement and Georgian law. If there is no such agreement, the current legislation of the country where the person is residing shall apply."

¹³⁰ Law of Georgia on Health Care, Article 4: "The State's healthcare policy is to fully inform the public on all forms of medical care and the methods of receiving them."

¹³¹ Law of Georgia on Health Care, Article 7: "Every citizen of Georgia has the right to receive full and objective information on his or her state of health in a language he or she can understand."

¹³² Law of Georgia on Health Care, Article 6: "It is impermissible to discriminate against a patient based on his or her race, skin color, language, sex, religious belief, political and other opinions, national origin, ethnic or social affiliation, status of property or position, place of residence, type of disease, sexual orientation, or based on personal negative feelings."

¹³³ Interview, G. Jishkariani, Association of Gender Development.

De Facto Compliance

Healthcare in Georgia remains largely inaccessible for those who cannot afford the attention of private doctors. A report issued by the Ombudsman's office in 1999 indicated that State healthcare programs had only received 55.3% of their designated funding. Likewise, State insurance programs received only 64% of their budget. At the municipal level, healthcare programs operate on an annual budget of 2.5 GEL (\$1 USD) per person; many rural areas operate with much less. For example, the villages of Vani, Marneuli, Alkhalkalaki and Martvili operate on annual budget of 6-8 tetries, (3-4¢ USD) per person.¹³⁴

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

Accordingly, the majority of Georgian women do not have access to adequate healthcare services. Both the accessibility and the quality of care depend upon the individual patient's financial means. For example, a medical examination with modern equipment is not provided free of charge; consultations without modern equipment are free. The virtual absence of any national healthcare insurance system in Georgia also negatively affects accessibility, for both men and women. The services covered by the State insurance are very limited. Many facilities refuse to accept patients covered under these policies, and services are not reimbursed.

The lack of medical coverage actually provided by the State leaves many socially vulnerable groups, such as IDPs, disabled and elder persons, effectively without healthcare. Sixty-three percent of disabled women are without medical care as well as the necessary devices to assist them with their disabilities.¹³⁵ Women prisoners also are not provided with adequate health care, and a high number suffer from tuberculosis and other serious conditions.¹³⁶

Drug addition among women is also on the rise.¹³⁷

Reproductive Health and Family Planning

The Georgian government, NGOs and private medical associations provide free consultation services and information on reproductive health, family planning HIV/AIDS and reproductive health. Such services and information are not available in rural areas, and are rarely provided to IDP communities.

¹³⁴ Report of the Ombudsman, Tbilisi 1999.

¹³⁵ Disabled Women and Reality, International Association of Georgian Disabled Women, Tbilisi, 2000.

¹³⁶ Nato Shavkaladze, Peoni Women's Club

¹³⁷ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 11 (1998).

In many regions in Georgia, contraceptives are rarely used, resulting in large numbers of abortions.¹³⁸ Sex education is also largely absent from the schools. A UNICEF program, which began in 2003, provides reproductive health, family planning and HIV/AIDS related information. There is no similar program implemented at the university level. Further, the influx and influence of foreign pop culture, with its explicit sexuality, is seen to have a strong negative influence socially, given the lack of sex education.¹³⁹

Women with HIV/AIDS

According to official State statistics, 55 women, 335 men and two children have contracted HIV/AIDS in Georgia as of 2003. However, independent experts estimate the total number of persons with HIV/AIDS in Georgia to be approximately 2,000. The State provides diagnostic exams free of charge, but only to Georgian citizens. State programs also provide treatment for AIDS related symptoms, but not actual treatment for the virus. Pregnant women are provided with limited treatment that prevents the baby from becoming infected.¹⁴⁰ Only six persons with the AIDS virus in Georgia are undergoing treatment.¹⁴¹ Psycho-social assistance to HIV/AIDS victims is primarily provided through NGOs.

Mass media campaigns concerning HIV/AIDS exist in Georgia and are organized and funded by the international community.

Violence Against Women

There is a striking lack of information regarding gender-based violence in Georgia.¹⁴² No domestic violence legislation explicitly protects women from abuse by family members, such as their husbands. However, Georgian law does criminalize rape and other sexual violence against women, without limitation as to the identity of the aggressor, e.g., family members. Importantly, violence against women is not recognized as a separate crime. One study, in which community leaders from throughout Georgia were polled, concluded "crimes have never been committed deliberately against women. There are no changes observed in this respect in recent years."¹⁴³ According to the experts interviewed, marital rape is not recognized by the general public as a crime.

The Georgian government has not undertaken any education or awareness programs concerning domestic or family violence, targeted either to the general public, healthcare

¹³⁸ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 9 (1998).

¹³⁹ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 11 (1998).

¹⁴⁰ Report of the Ombudsman, Tbilisi, 2001.

¹⁴¹ Iza Bodokia, AIDS Center

¹⁴² U.N. Committee on the Elimination of Discrimination against Women, Concluding Comments to Georgia's Initial Report, Session 21, 1999. (U.N. Doc. A/54/38/Rev. 1 para 99).

¹⁴³ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 10 (1998).

providers, law enforcement officials or the mass media. However, violence against women is included as a topic in a new human rights textbook, *The Road to Rights*, which will be used in schools next year.¹⁴⁴

The Center for the Protection of Women and Children from Violence was established in 2002 within the Ombudsman's office to coordinate the activities and efforts of governmental and non-governmental organizations working in this field. The scope and effectiveness of the new center has yet to be determined. At the same time, NGOs operate a domestic violence hotline and shelter, where currently five women are being assisted.¹⁴⁵

The women's NGO community is active on the issue of family violence. Since 2000, they worked as a coalition to carry out a campaign, *Sixteen Days of Action Against Gender Violence*. They also conduct research, provide consultations, and rehabilitation services to victims financed with the support of international organizations.

Most cases of rape go unreported. This has been attributed to distrust of law enforcement officials, the widespread belief that rape by a husband or partner is not a crime, and fear of making public a "private matter."¹⁴⁶ Under Georgian law, rape is a crime punishable by three to seven years of imprisonment. Rape committed under aggravating circumstances, such as gang rape or the rape of a minor, is punishable by five to twenty years of imprisonment.¹⁴⁷ Sexual relations between an adult and a minor under the age of 16, or statutory rape, is punishable by three years imprisonment.¹⁴⁸

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Mandatory medical insurance is provided to pregnant employees of the state.¹⁴⁹ However, medical insurance is not mandatory for pregnant women working in the private sector. At the same time, the State provides free prenatal care (up to four visits) and free delivery in specified medical facilities. Nevertheless, declining access to prenatal care is a major cause for concern. Neither prescriptions nor post-natal care are

¹⁴⁴ The Norwegian Refugee Council, *Road to Rights* (2002). This is a textbook for Georgian students at the eighth grade level. This package of books includes: (1) a textbook for pupils; (2) a textbook for teachers; and (3) a textbook for parents. Women's rights is not a separate chapter in this book. The chapters are dedicated to IDP rights, the rights of refugees, and children's rights. CEDAW is mentioned in the list of international human rights conventions.

¹⁴⁵ Sakhli Women's Consultation Center; Galina Petriashvili, "The Undeclared Civil War," *Komsomolksaia Pravda* #17, 2002.

¹⁴⁶ Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 15 (2002).

¹⁴⁷ Criminal Code, Article 137.

¹⁴⁸ Criminal Code of Georgia, Article 140: "Major's sexual intercourse, homosexuality, lesbianism or other sexual contact distorted in form at the previous knowledge of the offender with one under sixteen years shall be punishable by restriction of freedom for the term not in excess of three years or by jail sentence for the term not exceeding three months or by imprisonment up to three years in length."

¹⁴⁹ See footnote 30.

free, and Georgia does not provide meals for women during their hospital stays. Many of these services are unavailable in remote rural areas, and rural women often lack information as to their availability. As noted above, pregnant prisoners are also provided with medical care.

According to the experts interviewed, there are increased incidents of breast and uterine cancer, and an overall increase in female mortality rates, in part attributed to high abortion rates. Abortion has long been a primary means of birth control among women of the former Soviet Union. Abortion is illegal under certain circumstances, including self-induced abortion, which is prevalent, particularly among vulnerable groups such as IDPs who do not have the same access to medical facilities.¹⁵⁰ Unsafe abortion is a key cause of maternal illness and mortality, which is on the rise.

Modern contraceptive use is increasing. Approximately 24% of married women of reproductive age use contraceptives. However, only half that number uses modern contraception, such as IUDs, condoms or birth control pills. The other half use traditional methods of birth control, primarily withdrawal.¹⁵¹ Televised advertisements regarding family planning and contraceptives ran between 1999 and 2002 on State television in Tbilisi, raising public awareness.

¹⁵⁰ Criminal Code, Article 133: "(1) The illegal abortion, shall be punishable by fine or by socially useful labour extending from one hundred to two hundred and forty hours or by corrective labour from one to two years in length. (2) The same action perpetrated by the person previously convicted of illegal abortion or of something that, through negligence has resulted in the permanent loss of childbearing or has given rise to any other grave consequence,- shall be punishable by restriction of freedom for up to three years in length or by jail time up to three months in length or by imprisonment for the term not exceeding three years, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length."

¹⁵¹ Pierella Paci, *Gender in Transition* 63, World Bank, 2002.

Article 13

1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Areas of Concern

- Family benefits are not consistently provided by the State.

De Jure Compliance

There are no laws that specifically proscribe sex discrimination in the making and signing of contracts, nor in applying for bank loans, mortgages and other forms of financial credit. The law merely imposes the general requirement that the making as well as the content of contractual agreements be lawful, and thus arguably non-discriminatory.¹⁵²

Women face no legal restrictions in their right to participate in sports, recreational activities and cultural life.

De Facto Compliance

As discussed under Article 11, because of the differential impact on women arising from the restructuring and privatization of the economy as well as the persistence of sex-based stereotypes, the number of women living in poverty is of major concern. State provided family benefits do little to alleviate the situation.

(a) The right to family benefits;

The State provides financial assistance to the elderly, disabled persons, IDPs, single mothers with children under the age of 18 months and families with more than seven minor children. No financial assistance is provided to women with HIV/AIDS. Approximately 68,000 families receive approximately 22 GEL (\$10 USD) per month

¹⁵² Civil Code of Georgia, Article 319: "Subjects of private law are free to enter into contracts and determine their content within the scope of the law."

under this program. Pensions vary between 14 GEL (\$7 USD) and 45 GEL (\$22 USD). However, the minimum cost of living per month for the average person in Georgia averages 104.5 GEL (\$52 USD), and an average family requires 199.2 GEL (\$98 USD). In other words, State provided benefits do not provide for an adequate standard of living. Significantly, 65–70% of the recipients of these programs are women.

As noted above, since the transition, there has been an almost 80% drop in the number of women contributing to social security.

(b) The right to bank loans, mortgages and other forms of financial credit;

Although there is no legal differentiation between men and women with regard to conducting business, women often face obstacles in obtaining credit because they lack the requisite collateral. In practice, privatization and customary inheritance rights have resulted in mostly male property ownership, especially in rural areas. Importantly, women also have less access to household income than their male partners, and there is an almost direct correlation between female heads of households and poverty in Georgia.¹⁵³ Male family members often hold title to real property and are vested with financial decision-making authority by the family. Commercial banks often require applicants to own collateral twice the amount of the requested credit, and interest rates on commercial loans vary from 18 – 37%.

In 2002, the Ministry of Labor, Healthcare and Social Protection initiated a program entitled *Employment Program for Unemployed Women and Members of Large Families*, which awards financial credit for two years to selected persons on the strength of the applicant's business plans. Eighty percent of the 256 people selected were women. Given women's proportionally large involvement in micro-enterprise activities such as street vending, household-based goods production and petty trading, improving their access to credit would strengthen their economic opportunities considerably.

Most small-scale enterprise falls outside of national accounting systems, and is either underestimated or left unaccounted. There is little gender-disaggregated data on micro enterprise and women's access to credit.

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

In Georgia, interest in culture is high, with musical, theatrical and artistic events taking place throughout the country.¹⁵⁴ Women tend to outnumber men in the cultural professions (e.g., employees of museums, libraries and cultural centers) although men occupy more of the senior positions.

¹⁵³ Pierella Paci, *Gender in Transition* 38, World Bank, 2002.

¹⁵⁴ United Nations Development Project "Women in Development," "Social-Psychological Research on State of Women in Georgia," 5 (1998).

As a cultural norm, men participate more actively in sports, and there is no legislation specifically prohibiting discrimination within the field of sports. No State programs exist with the aim of attracting women to professional sports. As one study noted, women understand their role as limited to “taking care of their children’s physical upbringing and engaging them in various kinds of sports.”¹⁵⁵

¹⁵⁵ United Nations Development Project “Women in Development,” “Social-Psychological Research on State of Women in Georgia,” 6 (1998).

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Areas of Concern

- Rigid gender stereotypes dictate social behavior, limiting women's participation in development planning and civic participation.
- Health care facilities are inadequate in rural areas, and the high cost of services and remoteness of their location render them inaccessible for most women.
- The lack of basic necessities, such as clean water, reliable electricity, transportation and communications exacerbates women's workload.
- The high-level of women's participation in unpaid labor results in their exclusion from the receipt of standard social benefits, including pension funds and health care coverage, and their work remains undervalued.
- Bride price, the marriage of minors and marital kidnapping continue to be practiced in rural areas.

De Jure Compliance

Except in the field of education, Georgian law makes no special provision for people residing in rural areas, despite the enormous differences between rural and urban life. Elementary education is free in the mountainous regions of Georgia, and for those

students of such regions who must attend school elsewhere because of the lack of facilities.¹⁵⁶

De Facto Compliance

The rural regions of Georgia are characterized by rigid gender stereotypes that confine women's roles to bearing and raising children and taking care of the home; these stereotypes reinforce the importance of marital status in determining a woman's social position.

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

In addition to their work in the home, approximately 42% of women in rural Georgia are engaged in agricultural work.¹⁵⁷ These women are self-employed, and given the dearth of agricultural markets, their income is generally very low.

As noted under Article 13, women have unequal access to credit, impeding the further development of existing micro-enterprise activities, such as the sale of home-produced goods. Approximately 40% of rural women work without remuneration in family-based enterprises.¹⁵⁸

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
(a) To participate in the elaboration and implementation of development planning at all levels;

Although few rural women participate in development planning processes, primarily due to their domestic obligations, they participate in higher numbers than their urban counterparts. Fifteen percent of rural local government bodies are made up of women. In contrast, women in urban areas make up just 7% of the local administration.

Rural women have very little access to civic education, and thus remain uninformed about their rights. The State has not conducted any civic education programs for rural women to date, although NGOs have conducted such programs. On the whole, anti-poverty and community development programs in Georgia are implemented by local and international NGOs, not by the State. Yet, despite the increased recent interest among NGOs in working in rural areas, rural NGOs remain markedly less developed.

¹⁵⁶ Law of Georgia on Education, Article 3: "Elementary and basic education is free in the high mountain regions of Georgia...Students residing in the high mountains of Georgia that study at other places because no relevant school existed in their regions are exempted from basic education study fees in the lower districts of the same region."

¹⁵⁷ M. Tukhashvili, Rural Women, UNDP, Tbilisi 1998.

¹⁵⁸ Report of the Public Defender, Tbilisi, 2001.

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

Georgia's transition significantly reduced women's access to basic healthcare services in rural areas, and their life expectancy has declined. Prior to 1991, patients were able to barter for medical services, making them more accessible. Currently, most rural residents attempt self-treatment and only seek professional attention in an emergency.

Many women in rural areas remain uninformed about free pre-natal, delivery and infant care services provided by the State, and given their physical isolation from such centers, most women give birth at home. Further, rural women do not have access to modern contraception or any information on reproductive health issues, including sexually transmitted diseases (STDs). Rural women primarily use traditional methods of birth control such as withdrawal, avoiding sex during ovulation and self-induced abortion. Rural women have increased incidence of uterine and breast cancer.

In 2001, the State initiated two new healthcare programs targeting men and women in rural areas and mountainous regions, which provide on call medical assistance and necessary medication.

Gender-based Violence

The kidnapping of brides continues to be practiced in rural areas. Experts estimate that up to 40% of rural marriages are the result of bridal kidnappings.¹⁵⁹ Kidnapping entails physical, psychological, and often sexual violence. Law enforcement agencies rarely intervene in such cases, and families prefer to resolve the matter privately as the return of a kidnapped woman to her family is shameful. Thus, the victim often agrees to marry the captor, or is pressured to do so by her family, as she will henceforth not be able to marry.¹⁶⁰

Child marriage and bride price are also commonly practiced among the Azeri, Kurdish, Kist and Lekian communities.

The extent of domestic violence in rural Georgia has not been assessed, but is believed to be quite extensive. In 2002, CEELI surveyed 1,560 people in West Georgia on the issue of domestic violence (approximately 30% of respondents were from rural areas). Over 31% of respondents stated that domestic violence occurred in their own families, while nearly 58% stated they knew of it occurring. Of the people interviewed, 77% think that domestic violence is a crime. In an OSCE study of 500 rural women, abusive relationships between husband and wife, mothers- and daughters-in-law, and parents and their daughters were identified as serious problems.¹⁶¹

¹⁵⁹ N. Tsikhistavi; N. Berekashvili "Women/Profiling Situation in Georgia ODHIR and CWN (Caucasus Women Network); Tbilisi 2002

¹⁶⁰ Profiling the Situation in Georgia, OSCE/ODIHR, Tbilisi, 2002.

¹⁶¹ Profiling the Situation in Georgia, OSCE/ODIHR, Tbilisi, 2002.

(c) To benefit directly from social security programmes;

Women in rural areas have the same benefits entitlements as women in urban areas; however, in practice they receive such money intermittently. As noted above, the sum of such benefits remains wholly inadequate. In addition, rural women are rarely registered with governmental employment bureaus, and thus have little access to employment assistance programs provided by the State.

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

Rural educational facilities are in extremely poor physical condition, and lack textbooks and other basic equipment, such as desks and chairs. There are no special programs to increase the educational opportunities of women and girls in rural Georgia, and higher education for the most part remains inaccessible due to the costs associated with transportation, renting an apartment, and textbooks.

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

Approximately 2% of rural women have formed economic cooperatives, occurring mostly in Greek and Azeri communities. According to the experts interviewed, the lack of interest in the formation of cooperatives stems from the negative images associated with Soviet collective farms. Another critical barrier is amassing the necessary financial resources to establish a cooperative.

(f) To participate in all community activities;

Given the stark gender roles in rural communities, women's community involvement revolves around the organization of religious and traditional rituals, such as weddings and funerals, and festivals associated with local patron saints. In addition, baking bread, sowing and harvesting constitute community activities in rural areas, and these activities are primarily performed by women.

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

Despite recent attention to the issue, rural women have unequal access to credit. Of the 149 credit unions in Georgia, 17 are headed by women. Women comprise almost 50% of the approximately 10,000 credit union members nationwide. Roughly, 2,500 women have obtained credit, mainly for the production and sale of agricultural products.

In 1992, Georgia initiated a land reform program, distributing land to over one million families. However, there are no statistics available regarding the ratio of male to female landowners.

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Urban migration is occurring at a faster pace than rural development in Georgia due to the extremely poor quality of living conditions in the rural regions. The continuous energy crisis severely affects the regions, as they receive electricity only two or three hours daily. Although marshutkas or minivans provide transportation into the cities, there is a lack of adequate transportation within rural regions. Television and other forms of mass media do not have an extensive span in Georgia, resulting in limited sources of information in rural areas. The scarcity of basic necessities, such as water, exacerbates the amount of women's work associated with cooking, washing and bathing.

Article 15

1. *States Parties shall accord to women equality with men before the law.*
2. *States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
3. *States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
4. *States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

Areas of Concern

- While Georgian legislation provides for equality between men and women, the courts are not regarded as a reliable mechanism for protecting one's rights, to resolve disputes or to appeal for civil remedies. This is true for both women and men.
- The lack of consciousness among women concerning gender discrimination, coupled with the absence of a strong legal culture, at present limits the use of the legal system as a tool for promoting women's rights.
- Traditional Georgian values are considered far more important than human and individual rights.

De Jure Compliance

As explained in Articles 1 and 2 above, both the Georgian Constitution and numerous pieces of legislation contain equality provisions, most of them explicitly including gender as a protected category. The principle of equality governs the administration of justice, application to the courts and an individual's legal capacity.¹⁶² Both men and women acquire legal capacity upon reaching the age of majority, 18 years old; married minors also attain legal capacity.¹⁶³ A person cannot limit his or her legal capacity by agreement.¹⁶⁴

¹⁶² Law on Common Courts of Georgia; Article 3, "Every person is entitled to apply to the courts to protect his or her rights and freedoms personally or through a representative;" Law on Common Courts of Georgia, Article 6: "The administration of justice is fulfilled based on the principle of the equality of all persons before the law and courts;" Civil Code of Georgia, Article 11 §4: "A natural person may not be deprived of his capacity for right [sic]."

¹⁶³ Civil Code of Georgia, Article 12 §1: "The ability of a natural person to acquire and exercise his civil rights and duties in full by his will and action (legal capacity) shall arise upon the attainment of the age of majority." The use of the male personal pronoun in this English translation does not exist in the original Georgian version. Civil Code of Georgia, Article 12 §3.

¹⁶⁴ Civil Code of Georgia, Article 13: "In no case may the legal capacity of a person be limited by agreement [or by a transaction.]"

De Facto Compliance

Although men and women are technically equal before the law and there are no laws that limit women's legal capacity, the legal system is not viewed as an effective mechanism for asserting rights, resolving disputes, or appealing for civil remedies. This is true for both women and men. The absence of a strong legal culture at present limits the use of the legal system as a tool for promoting women's rights.

Additionally, freedom of movement and residence are granted to "every person legally residing in Georgia," irrespective of gender.¹⁶⁵ Under Georgian law, the right to residency is not restricted by marital status.¹⁶⁶ In practice however, men typically initiate marriage and determine the couple's place of residence, often the man's family home. For this reason, unmarried, divorced and widowed women retain more freedom to choose their residency.

¹⁶⁵ Rules of Registration and Personal Identities of Citizens of Georgia and Foreigners Residing in Georgia, Article 1: "According to the Constitution of Georgia and international human rights instruments every person legally residing in Georgia has the right to freedom of movement and residency throughout the territory of Georgia."

¹⁶⁶ Civil Code of Georgia, Article 1157: "Each spouse is free to choose his or her place of residence unless to do so would contravene the interests of the family."

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,

(f) The same rights and responsibilities with regard to guardianship, ward ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Areas of Concern

- Traditional gender roles limit women's equality in marriage, despite their equal legal status with men.
- There is no effective mechanism to enforce the payment of alimony and child support.
- The marriage of minors, bride price, bride kidnapping and polygamy continue to occur in rural areas.

De Jure Compliance

In Georgia, marriage is defined as "the voluntary union of a woman and a man for the purpose of creating a family, which is registered."¹⁶⁷ Women and men are granted the same rights and obligations with respect to marriage, and discrimination is prohibited.¹⁶⁸

¹⁶⁷ Civil Code of Georgia, Article 1106.

¹⁶⁸ Civil Code of Georgia, Article 1153: "When entering into a marriage and in domestic relations, no discrimination shall be allowed and there shall be no direct or indirect preference for origin, social and property status, racial and ethnic background, sex, education, language, attitude to religion, kind and nature of activities, place of residence and other factors."

De Facto Compliance

(a) The same right to enter into marriage;

Women and men have the same right to enter into marriage. However, the number of registered marriages has declined significantly, due to increases in registration fees and couples opting for religious ceremonies, which are not legally binding unless registered.¹⁶⁹ Because the rights and obligations associated with marriage arise only upon registration, the potential loss of rights by women is significant.

(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;

Legally both men and women are entitled to marry only upon their free and full consent.¹⁷⁰ Marriage under duress, once proven, is void.¹⁷¹ According to the experts interviewed for this report, the marriage of minor girls, bride kidnapping and bride price are still practiced in many rural communities. The victims rarely report the incidents to law enforcement agencies, fearing public opinion, and aggressors are rarely punished. Rather, the families of the kidnapper and the victim often negotiate a solution, which the victim is required to accept, even if it results in an unwanted marriage. According to the experts, the State has taken almost no action to deter the practice.

A provision in the Georgian Criminal Code specifically prohibiting the “kidnapping of a woman for the purpose of marriage,” was succeeded in 2002 by the revised code currently in effect. Cases of bride kidnapping are now punishable as an “illegal deprivation of liberty,”¹⁷² which removes criminal liability upon release of the victim.

¹⁶⁹ Nino Dourglishvili, *Social Change and the Georgian Family*, 7 (1997).

¹⁷⁰ Civil Code of Georgia, Article 1107: “Marriage shall require ... b) The consent of the prospective spouses.”

¹⁷¹ Civil Code of Georgia, Article 1144: “1. If the entry into marriage was induced by force or duress, the spouse(s) may bring a legal action for a declaration of the voidness of the marriage. 2. A finding of fact of entry into marriage under duress shall be made by a court.”

¹⁷² Criminal Code, Article 143: “Illegal imprisonment shall be punishable by prison sentences ranging from four to eight years in length. The same action: by a group’s conspiracy; repeatedly; against two or more persons; by taking a victim abroad; against a pregnant woman, a minor or the one being in a helpless condition; against on [sic] official foreign representative or the one subject to international legal protection; in order to cover up other [sic] crime or facilitate its perpetration; under violence or threat of violence dangerous for life or health, shall be punishable by imprisonment ranging from five to twelve years in length. The action stipulated in Paragraphs 1 or 2 of this Article: by an organized group; that through negligence has claimed the life of the victim or has given rise to any other grave consequence, shall be punishable by prison sentences ranging from eight to fifteen years in prison. *Note: If, within 72 hours upon the illegal imprisonment of a person, the offender voluntarily sets him/her free, the offender shall be released from criminal liability if his/her action does not bear signs of any other crime and there is no complaint on the part of the victim.*”

(c) The same rights and responsibilities during marriage and at its dissolution;

Spouses “shall enjoy equal personal and property rights and shall bear equal duties.”¹⁷³ A man is prohibited from initiating divorce if his wife is pregnant or has a child under the age of one year.

No domestic violence legislation explicitly protects women from abuse by family members, such as their husbands. According to the experts interviewed, marital rape is not recognized among the general public as a crime. Domestic violence remains a hidden phenomenon in Georgia, with the majority of Georgians denying its existence.

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

Men and women “enjoy equal rights and bear equal responsibilities with respect to their children, even if they are divorced.”¹⁷⁴ In practice, the responsibility, economic and otherwise, of childrearing falls on the mothers upon divorce. There is no legal mechanism to ensure the payment of child support or alimony, and there are no hard statistics available regarding compliance. Legally, parental rights are not to be exercised if they are contrary to the best interests of the children.¹⁷⁵

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,

Georgia’s limited legislation on reproductive rights provides for “the right to decide freely on the number and spacing of one’s children.”¹⁷⁶ No other specific legislation concerning reproductive rights exists.

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

Any adult person, except those previously deprived or unable to exercise parental rights, may adopt a child.¹⁷⁷ Thus, single women are legally entitled to adopt children.

¹⁷³ Civil Code of Georgia, Article 1152.

¹⁷⁴ Civil Code of Georgia, Article 1199.

¹⁷⁵ Civil Code of Georgia, Article 1198 §4: “Parental rights may not be exercised to the prejudice of the interests of the children.”

¹⁷⁶ Law of Georgia on Health Care, Article 136.

¹⁷⁷ Civil Code of Georgia, Article 1245: “Any adult person with legal capacity may be an adoptive parent, except a person who has been deprived of parental rights, or who had adopted before but the adoption was dissolved because of his or her failure to perform properly the duties of an adoptive parent. Nor may a person be an adoptive parent if he or she is unable to exercise parental rights because of illness, moral or other personal characteristics.”

(g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;

Men and women are both freely entitled to choose an individual or common surname.¹⁷⁸ By custom, Georgian women generally retain their birth surnames during marriage. The law also explicitly provides that each spouse “is free to choose his or her activity and occupation.”¹⁷⁹ In practice, however, men often determine whether and where their wives will work.

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

Property belonging to either spouse before marriage, individual gifts and inheritances are considered individual property. All other property acquired during the marriage is considered communal property and is subject to division upon divorce.¹⁸⁰ Divorce is not common in Georgia, and divorced women are stigmatized. In many cases, the family residence is owned by the husband, leaving the woman without financial or legal protection upon divorce. In such cases, courts have begun permitting the woman and her children to stay in the former husband’s residence, despite the infringement upon his property rights.

Women living in rural communities rarely enjoy the equal right to marital property. According to the experts interviewed, men decide whether their wife will work and unilaterally dispose of marital property. Divorce among couples in the rural regions of Georgia is extremely rare.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

The minimum age for marriage is 18 for both sexes. Marriage at the age of 16 is permitted with parental consent or by judicial determination.¹⁸¹ Marriage with a person under the age of 16 without a judicial exception can be declared invalid if voiding it is in the best interests of the minor spouse. The minor spouse and his or her parents or guardians can seek to declare the marriage invalid, except in cases where the minor has

¹⁷⁸ Civil Code of Georgia, Article 1154: “At the marriage ceremony the spouses may, as they wish, choose the surname of either spouse as their common surname, or each spouse may either retain his or her premarital surname, or may add the other spouse’s surname to his or her surname.”

¹⁷⁹ Civil Code of Georgia, Article 1156.

¹⁸⁰ Civil Code of Georgia, Articles 1161, 1158.

¹⁸¹ Civil Code of Georgia, Article 1108: “1. The age of marriage shall be defined as eighteen years. 2. In exceptional cases marriage is allowed from the age of sixteen years, subject to the preliminary consent of the parents or other statutory representatives. 3. In cases of refusal of consent by the parents or other statutory representatives, a court, on the petition of the prospective spouses, may grant the permission to marry provided there are legitimate reasons therefore.”

achieved the age of majority or is pregnant, in which case only the minor/pregnant spouse can seek to have the marriage declared invalid.¹⁸² In addition, the Georgian Civil Code provides that “[a] marriage may be declared void if the provisions prescribed by [this chapter] are violated, and also if the purpose of registration of the marriage was not the creation of a family (sham marriage).”¹⁸³

In practice, the State does not prosecute bride price or marriage of minors, which are widespread among Muslims, Roma and Kurdish communities. Although polygamy is prohibited by law, in practice the Georgian government does not interfere into the lives of the Azeri or Kist communities, where polygamy is quite common.

(Please see Article 5 and Article 14 for additional discussion of issues related to marriage)

¹⁸² Civil Code of Georgia, Article 1142 §§1-3.

¹⁸³ Civil Code of Georgia, Article 1140.

APPENDIX 1

SELECTED SUPPLEMENTAL SOURCES

1. *Aftermath: Effects of Conflict on Internally Displaced Women in Georgia*, (USAID, 1999), cited in Tamar Sabedashvili, *Women in the Decade of Transition: The Case of Georgia*, 60-1 (2002).
2. *Analysis of the Draft Amendments to the Georgian Criminal Code Establishing a Criminal Office of Trafficking in Human Beings 7*, Angelika Kartusch, OSCE/ODIHR (2002).
3. *Disabled Women and Reality*, International Association of Georgian Disabled Women, Tbilisi, 2000.
4. "Everything That Is Legal Is Not the Best" G. Petriashvili, *Komsomolskaia Pravda*, March 1, 2002
5. "The Families in the Regions of Modern Georgia," Lela Gaprindashvili, *Union Women Initiative for Equality*, 2000-2001.
6. *Gender in Transition xii*, Pierella Paci, World Bank, 2002
7. "Gender Politics and Mass Media", "L. Khomeriki; N. Javakhishvili , Tbilisi, 2002)
8. *Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict*, Human Rights Watch, March 1995.
9. *Hardship Abroad or Hunger at Home: A Study of Irregular Migration from Georgia 5*, IOM.
10. "Research of Drug Addicts, Gays and Street Prostitutes as AIDS Risk Groups", Maia Jibuti, Tanadgoma; Interview with Maia Jibuti on Rustavi 2 TV Channel; 2003
11. *Social Change and the Georgian Family*, Nino Dourglshvili, 6 (1997).
12. "Social Face of Women Prostitutes and Criminals," Anzor Gabiana,, Tbilisi; 1993
13. "Social-Psychological Research on State of Women in Georgia", United Nations Development Project "Women in Development," 10 (1998).

14. Trafficking illegal trade with human beings; Do not become slave in XXI Century 37, Information Bulletin #1 Women for Future (2000).
15. "The Undeclared Civil War," Sakhli Women's Consultation Center; Galina Petriashvili, Komsomolksaia Pravda #17, 2002.
16. United Nations, International Human Rights Instruments, *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, HRI/Gen/1/rev.2 (March 1996).
17. Women in the Decade of Transition: The Case of Georgia, Tamar Sabedashvili, 64 (2002).
18. Women's Labor and Employment Problems in Georgia 7, 9, AMAGDARI (2001)
19. "Women Participation in Local Elections" National Democratic Institute (NDI); L. Khomeriki Tbilisi 2001.

APPENDIX 2

COMPLETE LIST OF AREAS OF CONCERN

- There is a general lack of awareness and understanding regarding the concept of “discrimination” as defined by CEDAW and its application to Georgian society. (Article 1)
- Sex discrimination has yet to be fully addressed under Georgian law. (Article 2)
- The lack of a truly effective court system and other enforcement mechanisms impede successful application of existing anti-discrimination legislation. (Article 2)
- Anti-discrimination legislation has little application in the private sector. (Article 2)
- Little has been accomplished to implement ambitious presidential decrees concerning women’s human rights. (Article 3)
- National machinery to oversee and enforce anti-discrimination laws, and to protect women’s rights, such as the Ombudsman’s Office, remains ineffective. (Article 3)
- The Government of Georgia has not established any temporary special measures aimed at promoting *de facto* equality between men and women in a range of fields, particularly employment and politics. (Article 4)
- Gender stereotypes remain entrenched throughout Georgian society, particularly in rural areas. (Article 5)
- The State has failed to modify the social and cultural patterns that promote gender inequality and in some cases reinforce cultural stereotypes. (Article 5)
- Georgia provides no rehabilitation services for victims of trafficking. (Article 6)
- Endemic corruption among governmental officials seriously impedes efforts to effectively address trafficking. (Article 6)
- Current Georgian legislation does not specifically criminalize the activities of legal entities, which would include tourism firms that arrange illegal migration processes such as trafficking. (Article 6)

- Georgia has not yet passed comprehensive human trafficking legislation. (Article 6)
- Women are frequently placed at the end of party lists, thereby harming their prospects for greater representation in politics. (Article 7)
- Few women participate in high levels of government. (Article 7)
- No temporary special measures have been undertaken to ensure women's equal representation in public and political life. (Article 7)
- Women's NGOs must often compete for funding, impeding their effective cooperation. (Article 7)
- The small number of women in official international delegations signals Georgia's failure to ensure that women enjoy professional opportunities on par with men. (Article 8)
- There is a striking lack of women's participation in national peace processes. (Article 8)
- Outdated textbooks, which contain gender stereotypes, continue to be widely used. (Article 10)
- Disabled girls have virtually no access to education. (Article 10)
- Girls and women in rural areas have limited access to higher and continuing education. (Article 10)
- Among ethnic minorities, pre-adolescent girls are often removed from school at a young age. (Article 10)
- The State does not provide reproductive health or sexual education as a part of the standard curriculum. (Article 10)
- Weak enforcement mechanisms provide women with virtually no protection from discrimination in the private sector. (Article 11)
- There is no legislation protecting women against retaliatory dismissal for filing complaints regarding workplace discrimination. (Article 11)
- Protective legislation impedes women's equal employment opportunities. (Article 11)

- Generous pregnancy and maternity leave legislation discourage employers from hiring women. (Article 11)
- Unemployment benefits do not meet the minimum cost of living requirements. (Article 11)
- Sexual harassment is commonplace but is rarely reported. (Article 11)
- The growing number of women emigrating, mostly illegally, in search of employment constitutes a highly vulnerable social group without legal protection. (Article 11)
- There is a conspicuous lack of information on gender-based violence in Georgia, as well as specific legislation addressing the issue. (Article 12)
- Abortion remains the prevailing form of birth control. (Article 12)
- Quality healthcare is largely inaccessible to those who cannot afford to pay private doctors' fees, and for those living in rural areas. (Article 12)
- Family benefits are not consistently provided by the State. (Article 13)
- Rigid gender stereotypes dictate social behavior, limiting women's participation in development planning and civic participation. (Article 14)
- Health care facilities are inadequate in rural areas, and the high cost of services and remoteness of their location make them inaccessible for most women. (Article 14)
- The lack of basic necessities, such as clean water, reliable electricity, transportation and communications exacerbates women's workload. (Article 14)
- The high-level of women's participation in unpaid labor results in their exclusion from the receipt of standard social benefits, including pension funds and health care coverage, and their work remains undervalued. (Article 14)
- Bride price, the marriage of minors and marital kidnapping continue to be practiced in rural areas. (Article 14)
- While Georgian legislation provides for equality between men and women, the courts are not regarded as a reliable mechanism for protecting one's rights, to resolve disputes or to appeal for civil remedies. This is true for both women and men. (Article 15)

- The lack of consciousness among women concerning gender discrimination coupled with the absence of a strong legal culture at present limits the use of the legal system as a tool for promoting women's rights. (Article 15)
- Traditional Georgian values are considered far more important, than those associated with the law, and human and individual rights. (Article 15)
- Traditional gender roles limit women's equality in marriage, despite their equal legal status with men. (Article 16)
- There is no effective mechanism to enforce the payment of alimony and child support. (Article 16)
- The engagement of minors, bride price, bride kidnapping and polygamy continue to occur in rural areas. (Article 16)