

## Georgia

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

Women have to the same rights as men to enter into marriage in Georgia (Constitution, Article 36) and an amendment to the Criminal Code in 2014 criminalises forced marriages, including unregistered marriages. Forced marriage falls under the criminalisation of coercion, defined as the ‘Illegal restriction of a person's freedom of action, i.e. coercing physically or mentally a person to perform or not to perform a certain action the implementation of or abstinence from which is his/her right, or coercing a person to experience an influence that is against his/her will (Criminal Code, Article 150). The crime can be punished by community service between 200 and 400 hours and imprisonment up to two years, and penalties increase for forced marriage of a minor to imprisonment between two to four years. Only marriages registered at the Civil Registry Agency are legally recognised in Georgia. Despite the above legislative amendments, child and forced marriages (mostly unregistered) are still practiced, particularly in rural regions and among some ethnic groups (e.g. Azeris, Kabali) for, among other reasons, controlling women’s sexuality. Forced and child marriage is not always viewed by authorities and the broader public as a form of violence and discrimination against women, such that cases are not always investigated or prosecuted (CEDAW Alternative Report, 2016b, p.4).

#### b) Child marriage

As of January 1, 2017, the age of marriage in Georgia is 18 for both men and women. Women and men can marry under the legal age of marriage with the consent of the court (Law. No. 4646, Amending Civil Code). Previously, the Civil Code had allowed minors who had reached 16 years of age to marry with the approval of their parents or custodians. In December of 2015, the legislature prohibited the marriage of minors of 16 years of age and, as a temporary measure, allowed 17-year-old minors to contract marriages of their own volition, but only with the approval of the court and only if there was a valid reason for marrying, such as the birth of a child. Effective from January 1, 2017, only adults (i.e., persons who have reached 18 years of age), are legally allowed to marry.

The adoption of this Law was prompted by the fact that many child marriages in Georgia are performed at churches and mosques and are not registered by the government, together with the fact that child marriage of girls is a well-established practice in Georgia. Data from UNICEF report that 14% of girls in Georgia are married before their 18<sup>th</sup> birthday (UNICEF, 2016). Child marriage is a nationwide issue in Georgia, but its motives vary according to religious, ethnic and regional factors. Urban women tend to marry young and are free to choose a partner on their own, while many rural women maintain strong kinship ties with family are often married in arranged unions driven by the economic and social welfare of the two families involved. Child marriages are particularly prevalent among religious minorities in the mountainous areas of Adjara, and ethnic minorities in the region of Kvemo Kartli, and in the Lagodekhi region (Kabali community) (UNFPA, 2014; Public Defender, 2016, p.8). The expectations that brides should be virgins, that women should live with their parents until marriage, as well as situations of poverty, often push

teenage couples to wed. While marrying a child is not a criminal offense itself, coercion into marriage (as described above) was criminalized in 2014, and sexual intercourse with a minor is punishable under the Criminal Code (Article 140). Compelled marriages as a result of abduction also represent a concern. Cases are rarely investigated by the police, although bride abduction is illegal under Article 23 of the Criminal Code (Public Defender, 2016). The Public Defender expresses concern more generally over the lack of attention of the relevant authorities and a lack of information on institution where those affected can applying cases of violation of a child's rights (idem).

While there are no public measures or specific awareness-raising programmes relative to the minimum age of marriage, in late 2015 a task force on the Issues of Child marriages was established by the Inter-Agency Council and Gender Theme Group (GTG). The group has undertaken a mapping of the Government Strategies and Action Plans relevant to address/integrate child marriage prevention and have made several relevant policy recommendations that were integrated in the Governmental Human Rights Action Plan for 2016-2017 (CEDAW, 2016, p.4).

### **c) Household responsibilities**

Women have equal rights to men to be recognised as head of the household, and wives are not required to obey their husbands. Women also have to the same rights as men to be legal guardians of their children during marriage. They also have equal rights and responsibilities to men with regard to towards their children during marriage (Civil Code, Articles 1152; 1155; 1197). Although informal unions are not specifically covered in Georgian legislation, Article 4 of the Law on Gender Equality states that to protect gender equality the following shall be ensured without discrimination: equal rights and duties in matters relating to children, and equal rights and duties of men and women with regard to guardianship [...] of children. Married and unmarried women have to the same rights as men to choose where to live.

Only civil law is legally recognised in regard to parental authority; customary and religious law have no legal standing under the Constitution. According to a USAID report, men are usually considered the head of the household in Georgia, and have the ultimate say in decision-making. The report notes that while women are usually responsible for the day-to-day care of children and related decision-making, they do not necessarily make decisions about expenditure for services such as healthcare and education. In addition, a 2016 CEDAW alternative report notes that women's equal rights in marriage under civil law are often ignored, and customary and / or religious laws dictate family relationships.

A World Bank study reported that attitudes towards gender roles within the household are changing in Georgia (particularly in urban areas), with younger men more involved in child care and domestic work. The research notes that the increasing importance of women's income to the household in the face of on-going economic uncertainty and high levels of male unemployment are contributing factors to this development (World Bank, 2011, p.332). However, this view is tempered by research by the United Nations Population Fund (UNFPA) and a CEDAW Alternative Report, which find that traditional gender roles in regard to responsibilities within the household, and household decision-making, remained firmly entrenched (UNFPA, 2015; CEDAW Alternative Report, 2014, Mills, 2013).

Women and men have the same rights initiate and finalise divorce (Civil Code, Articles 1123, 1126, 1127). It is illegal for a husband to seek a divorce without his wife's consent if she is pregnant, or they have a child under the age of one year (Article 1123). Women and men continue to have equal decision-making authority and rights and responsibilities to their children following divorce (Civil Code, article 1199, 1200, 1202).

Divorce rates are very low in Georgia. The Orthodox Church does, however, accept divorce when all avenues for reconciliation have been exhausted and allows second marriages with prayers of repentance for the first divorce uttered during the second marriage ceremony. Couples who experience a third divorce are not, however, allowed to remarry in the Orthodox Church (Mills, 2013, p.494). Divorce, especially in rural areas, carries high stigma, and many couples do not officially register their divorces; others simply do not consider divorce as an option (Mills, 2013, p.494). In addition, married women commonly live in properties belonging to their father-in-law, such that should they wish to divorce, they have not rights to claim a share of this property (Alternative CEDAW Report, 2014).

### **e) Inheritance**

Daughters and female surviving spouses have equal rights to men to inherit land and non-land assets (Constitution, Article 21; Civil Code, Article 1336; CEDAW, 2013). In practice, however, it is customary for men to be given preference in property inheritance, and sons most often inherit property from parents. Alternative CEDAW reports and the CEDAW committee have called for an increased awareness of women's rights to inherit property and land, but little action has been taken (Alternative CEDAW report, 2014, p.13; CEDAW, 2013b, p.3). A study conducted by the UNDP in Georgia (2013) revealed that many respondents believe that a major part of a parent's property, or even all of it, should be given to a son (United Nations in Georgia, 2013, p. 201). One of the reasons supporting these norms is the strong belief that men function as the continuers of the patrimonial line. In addition, sons often continue to live with their parents, while daughters move to live with their husbands' families. Sons are expected to take care of their parents, and belief often used to justify their claims to full inheritance of their parents' property (UN in Georgia, 2013).

## **2. Restricted Physical integrity**

### **a) Violence against women**

Georgia ratified the Council of Europe's 'Convention on preventing and combating violence against women and domestic violence' in May of 2017 and the Convention will enter into force in September of 2017. In conjunction with this ratification, Georgia has adopted a legal framework aimed at harmonizing the domestic legislation of the Istanbul Convention consisting of a package of amendments to 24 laws, including the simplification of issuance procedures for restraining orders and the criminalisation of forced sterilization, female genital mutilation and stalking (UN Women, 2017). Despite such legislative advances, an Alternative CEDAW report (2014, p.4) notes that the number of murders of women by their partners in Georgia has increased in recent years. As a result, members of

Parliament have proposed amendments to the Criminal Code to criminalize femicide and increase penalties for these crimes, but the Parliament has thus far not accepted the suggested changes. Generally, however, the Public Defender has expressed concern that legal regulations and national action plans are not effectively implemented (Public Defender, 2016, p.6)

## **b) Domestic violence**

A Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence was adopted in 2006 and substantially amended in 2009. These amendments included clauses to strengthen the referral system in cases of domestic violence, and to introduce criminal charges for violations of civil protection orders. The definition of domestic violence in the law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence includes all forms of physical, physiological, economic, and sexual violence or coercion, and defines the crime as the systematic abuse, blackmail, or humiliation of one family member by another if such acts cause physical pain or suffering. The definition of ‘family member’ includes anyone living in the same household as the victim.

Under the Law on Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence, courts can impose protection orders of up to one month on perpetrators of domestic violence. The Law on Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence includes a comprehensive mechanism to oversee its implementation, drawing in health services and social services in addition to police and judiciary. For instance, training on how to deal with domestic violence cases is now included as part of police basic training, and state-sponsored shelters and rehabilitation programmes for victims have been opened. Amendments made in 2009 saw the establishment of a national referral system. Research on domestic violence by UNFPA found, however, that many police officers had little understanding of domestic violence or of the legislation in place to protect women from it. For instance, some police officers typified examples given of incidents of domestic violence as men using ‘traditional’ methods to resolve conflict in the family. This is despite the fact that police now routinely receive training on how to deal with domestic violence cases.

Domestic violence became a specific criminal offense in 2012 (Criminal Code, Articles 11 and 126). Penalties under the Criminal Code are 80 to 200 hours of community service, or up to a year’s deprivation of liberty if the violence was committed against a pregnant woman, a minor, or a disabled person, or in the presence of a minor, or against two or more people. Prison sentences of up to six years can also be imposed under general assault charges. Article 26 of the Criminal Code covers abuse from former partners as well as within the family and

Alternative CEDAW Reports (2014, 2016a, 2016b) report that despite such legislative progress, women experiencing domestic violence largely seek help from friends and relatives rather than from official institutions due to feelings of shame or embarrassment, fear that they would be blamed for the violence, or thinking that the violence was not serious enough to warrant seeking help. They also raise concern over the promptness and efficiency with which protection measures are implemented (Public Defender, 2016, p.4; CEDAW Alternative Report AHR/ANG, 2016b, p. 5) as well as a low level of awareness about legal protection mechanisms from domestic violence among the rural population (CEDAW Alternative Report, 2016a, p.3)

The State Fund for the Protection and Assistance to the Victims of Human Trafficking (State Fund) is the main statutory institution providing assistance to the victims/survivors of domestic violence and human trafficking. The State Fund provides services for the victims/survivors of domestic violence such as shelters, psychological and medical assistance, legal aid; and since 2010, a 24-hour nationwide hotline (CEDAW, 2016, p.13). The phone service can also be used by anyone to report on cases of domestic violence (CEDAW Alternative Report, AHR/ANG, 2016, p.3). Currently, there are 4 State funded shelters for victims of domestic violence (CEDAW, 2016, p.14). The Public Defender has, however, reported the number of shelters is insufficient (Public Deference CEDAW alternative report, 2016, p.6; CEDAW Alternative Report, AHR/ANG, 2016, p.3).

In June of 2016, the Government of Georgia approved the “Human rights action plan for 2016-2017,” which addresses combatting violence against women, including domestic violence, and measures of protection. The action plan defines protection mechanisms, explains detailed activities for State agency responsibilities, and implementation deadlines for relevant State party structures. For example, the action plan states that measures to prevent violence against women and domestic violence should be included in training programs for law enforcement offices, social workers, health care workers, and that information and educational campaigns raise public awareness on violence against women and domestic violence. The action plan also states that each relevant agency should identify a person or entity to work on domestic violence issues (CEDAW Alternative Report, AHR/ANG, 2016).

In addition, Georgia is currently implementing a National Action Plan on the Measures to be Implemented for Combating Violence against Women and Domestic Violence and Protection of Victims/Survivors (for 2016-2017) (UN Women, 2016; CEDAW, 2016, p.2). Previous National Action Plans adopted in Georgia have focused solely on domestic violence. The VAWG/DV NAP 2016-2017 will cover violence against women more broadly, including both, domestic and sexual violence issues. The Inter-Agency Council on Implementing Measures to Combat Domestic Violence is tasked with the coordination and monitoring of Government Agencies involved in the implementation of the National Action Plan (CEDAW, 2016, p.2).

### c) Rape

Although the current action plan, mentioned above, will include sexual violence issues, there is no specific law on sexual violence in Georgia.

Rape is a criminal offence under article 137 of the Criminal Code and is specifically defined as ‘sexual intercourse by use of violence, threat of violence or abusing the victim's helpless condition’. Article 138 of the Criminal Code of Georgia further foresees “coercive acts of sexual nature” implying rape through homosexual intercourse or by using objects. The legal definition of rape includes marital rape (Criminal Code, Arts. 11-1 and 137). According to most recent official report to the CEDAW Committee (2013), cases of spousal rape are treated in exactly the same way as other rape cases. In addition, Article 11 of the Criminal code mandates that crimes committed by one family member against another family member (including a spouse) shall be considered a domestic crime (including specific reference to Article 137). Rape is punishable by between 3 and 20 years imprisonment, depending on the age of the victim, number of perpetrators, and severity of violence of the attack (Criminal Code, Article 137). In addition, the State Fund for the Protection and Assistance to the

Victims of Human Trafficking (State Fund) provides assistance to the victims/survivors of domestic and sexual violence, including rape, such as shelter, psychological and medical assistance, and legal aid.

However, according to Alternative CEDAW reports (CEDAW Alternative Report, AHR/ANG, 2016a, p.4), sexual violence remains a deeply taboo issue in Georgia, with many women extremely reluctant to talk about experiences that they may have had. Moreover, fear of social stigma acts as a significant barrier to reporting. When a girl is raped, she is no longer a virgin and is often shamed in her community for losing her virginity before marriage and shamed for bringing dishonor to her family. Sexual assault crimes thus remain underreported and as for cases of domestic violence, victims fear retaliation from the perpetrator, and there remains a lack of confidence in law enforcement (CEDAW Alternative Report, AHR/ANG, 2016a, p.4).

#### **d) Sexual harassment**

Sexual harassment is not well developed in Georgian law, despite reports that sexual harassment in the workplace is a widespread problem (US Department of State, 2016; Public Defender, 2016). A report by USAID states that the issue has not garnered significant attention in Georgia, in comparison to other forms of violence against women.

Sexual harassment in the workplace is covered by the Law on Gender Equality (Article 6): “In employment relations, the following is inadmissible: a) Discrimination, persecution or coercion of a person that is aimed at creating a threatening, hostile, belittling, or insulting environment; b) Any undesirable verbal, nonverbal or physical action of sexual character that is aimed at or results in the creation of a threatening, hostile, belittling, or insulting environment.” This definition, however, remains as a stand-alone principle that is not yet included in the Labour Code or other legislation. There are no legal sanctions for such harassment.

However, sexual harassment can be considered under Article 332 of the Criminal Code of Georgia which determines the sanctions for abuse of official position “by a civil servant or a person of the equal status for the purpose of gaining benefits or other advantages for oneself or for others that caused substantial violation of the rights of a physical person, and of legitimate interests of the society or the state” and sanctions for such behaviour can be fine or imprisonment for a term of up to three years, and at the same time the right to hold office or pursue an activity is deprived for up to three years.

Generally, the Public Defender (2016, p.6) has underscored the low level of public awareness on issues of women’s harassment and low public activism for the identification and elimination of such harmful practices. Often, harassment in the street or on public transport are not considered to be violent or illegal. Similarly, the Public Defender expresses concern over the lack of tolerance of victims of harassment such that the latter suffer from double discrimination. Consequently, victims often decide to endure harassment in order to avoid public blaming (Public Defender, 2016, p.6).

#### **e) Female genital mutilation**

There is no evidence to suggest that female genital mutilation is practised in Georgia. There is no law addressing female genital mutilation.



Abortion is available on request during the first 12 weeks of gestation (United Nations Department of Economic and Social Affairs, Population Division, 2013). Between 12 and 22 weeks of pregnancy, abortions may be performed on the following grounds: a) if there is a risk to the life of the woman; b) if there is a risk to the physical health of woman; c) if there is a risk to the mental health of a woman; d) if there is a risk of fetal malformation; e) if a woman is diagnosed with HIV/AIDS; f) in cases of rape or another sexual crime; e) if the woman is under 16 years old or over 40 years old; and g) on social grounds (e.g., the woman is a widow, she is pregnant and in jail, her husband is in jail, she has many children and her family income is below the minimum, fertilization happened in a high radiation area, she is homeless). After 22 weeks of pregnancy abortions may be performed on the same grounds with the approval of a special three-member medical committee. Women do not require the approval of the father to seek a legal abortion. Parental consent is required for minors under the age of 16 (Law 21 of July 2000).

The rate of induced abortions is relatively high in Georgia. Some studies have suggested that this is because women tend to have their children early in life and are then at risk of unintended pregnancies due to prohibitively expensive contraception or because the latter are not supported by men. Abortion consequently becomes a means of birth control (Mills, 2013, p.493). An Alternative CEDAW report (2014, p.13) also notes with concern the rising number of abortions in Georgia, a portion of which are sex-selective abortions, and relatedly, a growing gender imbalance.

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

Married and unmarried women have equal ownership, use, decision-making power over land and non-land assets (Civil Code, Articles 170, 1159, Gender Equality Law, Article 10). Customary and religious laws are not considered valid sources of law under the Constitution, in regard to land and property rights or any other matter (Constitution of Georgia). The default marital property regime is partial community of property (Civil Code, Articles 1158 and 1161) and both spouses must agree in the administration of marital property (Civil Code, Articles 1159 and 1160)

That said, tradition, customary law and religious law have a strong influence on attitudes to land ownership in practice, and these often discriminate against women. In practice, land is usually registered solely in the husband's name. This is particularly true in rural areas, where women often have little involvement in economic decision making, and generally lack information about their rights under civil law (Alternative CEDAW Report, 2014). Many married women live in properties belonging not to their husbands, but to their fathers-in-law (Alternative CEDAW Report, 2014). As with land ownership, many women are unaware of their rights under civil law, and most property is registered to men. Women in Georgia are more often 'co-owners' of property (e.g. as shareholders of parents' property or in case of a divorce) (UN Women, 2013). A report from the World Bank (2016) shows that ownership of land in Georgia is largely male-dominated (World Bank, 2016, p.23). There are currently no special measures, action plans or policies in place to protect women's land and non-land assets rights, promote their legal literacy, or ensure their participation in cooperatives, producer organizations or rural committees.

## b) Secure access to formal financial resources

Married and unmarried women have equal rights as men to open a bank account and obtain credit. A study from UN Women (2013) notes, however, that it is difficult for women living in rural areas to access credit. The same study reports that the majority of women interviewed said that their main source of information for loan products was through social networking (either through a neighbour, friend, or a relative), rather than through direct marketing (UN Women, 2013). Women in Georgia often struggle to obtain a loan from a microfinance institution since collateral is required as security (such as immovable property) and men are usually the owners of residences or household farms (UN Women, 2013, p.12, CEDAW Alternative Report, 2014). A study by the World Bank (2016, p.24) reports that while women have equal access to the formal financial system, they rely on it less. Georgia is one of the few countries in Eastern Europe and Central Asia in which women are more likely than men to have a bank account. However, they are more likely to use their accounts to deposit government payments and remittances. Although there is no sex gap in account holdings in Georgia, account penetration is lower than elsewhere in Eastern Europe and Central Asia, where 47.0 percent of women and 55.7 percent of men hold bank accounts. The World Bank suggests that greater inclusion in the formal financial system would likely increase asset ownership and trigger greater economic empowerment among women.

## c) Workplace rights

Georgia has ratified ILO Conventions 100 and 111, but not 156, 183 or 189.

The Labour Code (Article 2) mandates non-discrimination on the basis of sex in labour relations, but Georgian law does not specifically cover job advertisements, selection criteria, recruitment, hiring, terms and conditions, assignments, or termination. There are similarly no laws mandating equal remuneration for work of equal value. The Law on Gender Equality of Georgia (Article 4) does, however, stipulate that “free choice of occupation or profession, career promotion, vocational training” (Article 4) is guaranteed without discrimination and “everybody has the right to choose a profession and field of expertise according to their individual capacities” (Article 7). The law does not require women to have permission for their husband to choose a profession or to register a business.

While the law does not prohibit women from entering certain professions and they may work the same night hours as men, Article 6 of the Gender Equality Law prohibits pregnant women and nursing mothers to work in ‘hard, harmful, and dangerous environments, or to work at night’. In addition, the same Article states that during recruitment and in the course of employment, ‘persons may be put in unequal conditions and/or given priority over others on the basis of sex due to the substance and specificity of work or due to specific conditions required for its performance, and also if it serves a legitimate purpose and is appropriate and necessary for achieving that purpose.’ (Gender Equality Law, Article 6).

Under the Labour Code, pregnant women are entitled to up to 183 calendar days of fully paid maternity leave (Article 28), financed entirely by the Government (Article 30); 200 calendar days shall be paid in the event of pregnancy complications or multiple births (Labour Code, Art. 27). The law does not, however, mandate paid paternity or paid parental leave. Moreover, the law protects women’s employment security when they are on maternity leave (Labour Code, Art. 37), but employers are not prohibited from asking about a woman’s pregnancy or her intention to have



children during the recruitment or promotion process. The Public Defender and Alternative CEDAW Reports have raised concern over the dismissal of pregnant women from employment and the resignation of women themselves which point to discrimination. They have also strongly recommended the ratification of ILP Convention 183 (Public Defender, 2016, p.7; Alternative CEDAW Report, 2014, p. 13)

Generally, it is extremely difficult for women to prove that they have experienced gender discrimination in the workplace, as the burden of proof falls on the woman (CEDAW Alternative report, 2014). The gender pay gap remains significant in Georgia (CEDAW, 2014a, p.2; Public Defender 2016, p.7), and there continues a lack of transparent procedures for positional promotion and professional development programs and trainings for women (Public Defender, 2016, p.7). A Report from a Women's NGO notes that women are increasingly taking on a range of jobs and gender segregation in employment is lessening. This has, however, been coupled with hesitancy on the part of men to take on more household and care duties, leading to an increasing double-burden for women (Women's Political Resource Centre, 2013).

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

Married and unmarried women have the same rights as men to acquire, change and retrain their nationality (Constitution of Georgia, Article 12; Organic Law of Georgia on Georgian Citizenship, Articles 3 and 5). Married and unmarried women also have equal rights to men to confer nationality to their children and married women may equally confer nationality to their spouse (Organic Law of Georgia on Georgian Citizenship, Articles 13 and 14). Married and unmarried women also have equal rights as men to register the birth of their children (Law of Georgia on Civil Status Acts, Article 26). Generally, birth registration rates are very high in Georgia (UNICF, 2013). The government has carried out several birth registration campaigns, led by the Civil Registration Agency (and supported by the UNHCR and UNICEF). Such campaigns have particularly targeted minority communities, such as the Azeri, where birth registration tends to be much lower (UNCF, 2010; UNICEF 2012). There is no evidence to suggestion that there are discriminatory practices against women in terms of conferring nationality or registering the birth of a child.

Married and unmarried women have equal rights to men to apply for identity cards (Issuance of ID card instructions) and passports (Information on obtaining a passport). The law and regulations on passports do not discriminate against women with respect to their minor children. Married and unmarried women have the same rights as men to travel outside the country. There is no evidence to suggestion that there are discriminatory practices against women in terms of their rights to apply for identity cards or passports.

### **b) Political Voice**

Women in Georgia have equality with men in voting, irrespective of marital status (Constitution, Article 28). They also have equal rights to hold public and political office in the legislature, executive, and judiciary. There are no quotas or special measures to promote women's political participation but the Law on Political Unions (Article 30) provides an incentive for parties to include more women on

party lists (at both the national and local levels) through supplementary public funding. Parties who comply receive an additional 30% in public funding. The legislation was first introduced in late 2011 and provided a lower financial incentive (10 per cent additional public funding) for parties which included at least 20 per cent women in every group of ten candidates on their lists. There are no specific legal sanctions for non-compliance, other than not receiving the supplementary public funding (Quota Project, 2015).

In 2015, parliamentary debate over the establishment of a quota system took place, but was ultimately not supported. Moreover, gender statistics from the results of local government elections published by the Elections' Administration of Georgia show that steps taken by parties for achievement of gender equality were not noticeable (Public Defender, 2016, p.6). A recent CEDAW report notes that a draft law initiated in 2016 proposed an amendment to the Election Code by which each third candidate on the electoral list must be of a different sex. A discussion in a parliamentary plenary session failed, however, to reach consensus and a decision was made to re-discuss the proposal in the next session (CEDAW, 2016, p.16). An amendment to the Law on Gender Quality and Code for Local Self-Government was adopted in mid-2016, which aims to establish Gender Equality Councils in the municipalities (CEDAW, 2016, p.16).

According to UNDP research, the Georgian population believes politics are more appropriate for men and that women should only have a limited role in politics (UNDP, 2013, p.22). Other barriers include a lack of confidence to run in elections, the perception of 'dirty' and corrupted politics, and the influence of the media which portrays women as 'sex objects' while not paying enough attention to women's activities and issues, and ignoring the problem of female political underrepresentation (Council of Europe, 2014). The Council of Europe further reports that the current political culture in Georgia often sees discriminatory attitudes towards women in decision-making roles, and such attitudes play an important factor in women's entry into elected office. Traditions still emphasize women's primary roles as mothers and housewives, complicating their involvement and participation in the public sphere (Council of Europe, 2014; Public Defender 2016).

### **c) Access to justice**

Married and unmarried women have to the same capacity as men to sue and be sued (Civil Procedure Code, Article 81) and a married or unmarried woman's testimony carries the same evidentiary weight in court as a man in all types of court cases. Legislation that ensures that women are able to exercise their capacity to sue is relatively limited, although Article 17 of the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence mandates free legal assistance for victims of domestic violence. Courts may also, on their own initiative, or with the request of a party, hold a closed session if a case refers to domestic violence. Since 2010, the procedures of applying to court by and on behalf of domestic violence victims have been streamlined, taking into account the particular interests of women and girls (CEDAW, 2013, p.36)

While there is no legislation or other measures in place to protect women from violence in political and public life, in 2014 the Georgia Parliament adopted the National Strategy on Human Rights with the aim to ensure effective realization of human rights with relevant legislative, institutional and practical changes. The document set forth strategic plan to tackle prevalent human rights problems in number of directions, including protection of rights of minorities, combating gender-based violence,

safeguarding freedom of religion, ensuring right to peaceful assembly and manifestations, developing mechanism for effective investigation of human rights violations by Georgian law enforcement bodies. However, the documentations by Georgian human rights organizations reveal that there is a gap between official discourses and policies and actual practices in some of the fundamental areas of human rights protection (CEDAW Alternative Report 2014; Public Defender 2016).

The Public Defender's Office has a mandate to monitor human rights and investigate allegations of abuse and discrimination. While the Public Defender's Office cannot initiate prosecutions or other legal actions, it can recommend action, and the government must respond. This does not, however, always happen in practice and human rights violations remain a concern in Georgia, especially as this concerns LGBT and religious minorities (US State Department, 2016). The parliamentary Committee on Human Rights and Civil Integration, the Ministry of Internal Affairs Human Rights Division, and the National Security Council's human rights advisor also have mandates to investigate claims of human rights abuses (US State Department, 2016). In addition, Article 13 of the Law on Gender Equality calls on state bodies to protect universally recognized human rights.

The Law on Gender Equality also mandates the establishment of a Gender Council (a permanent body within the parliament), tasked with monitoring gender quality, this specialized body has the power to receive complaints on discrimination (Article 12(3)(g)), monitors compliance of national laws and policies with international human rights standards (Article 12(4)), as well as develop and plan education and public awareness activities on equal rights for women and men (Article 12(3)(d)). The Law on Gender Equality also contains an article on gender statistics which states that 'official statistical reports on gender issues shall contain sex-disaggregated data.

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