ENGLISH only

Country Visit to Georgia Report of June Zeitlin, the Special Representative of the OSCE **Chairperson-in-Office on Gender Issues** September 25-September 27, 2013

Introduction

The goal of my visit to Georgia was to examine and evaluate gender equality issues in the country. During my visit I focused specifically on issues of women's political participation, non-discrimination, violence against women, and gender and security issues. My trip to Georgia was framed by the OSCE's commitments to gender equality and non-discrimination. These include the promotion of equality and gender mainstreaming within the organization, and encouraging participating States to undertake steps to implement the OSCE gender equality commitments in six priority areas (protections against discrimination, prevention of violence against women, promotion of women's participation in the political and public sphere, promotion of women's participation in conflict prevention and resolution, enhancement of equal opportunities for women in the economic sphere, and the creation of national mechanisms to promote the advancement of women).

I wish to thank the Georgian Ministry of Foreign Affairs for arranging my program of meetings with government officials and members of Parliament. I would also like to thank UN Women for arranging a meeting with a group of civil society organizations. Finally, I would like to give a special note of thanks to all of the individuals who took the time to meet with me during my visit to Georgia.

The following report reflects my views as the Special Representative of the OSCE Chairperson-in-Office on Gender Issues based on discussions that took place with government officials, members of Parliament, representatives of NGOs and civil society and representatives of other international agencies (see attached list of meetings). This report concludes with my recommendations.

Legal and Institutional Context

In preparation for my visit, I reviewed the following documents: the fourth and fifth periodic report from Georgia to the CEDAW Committee², the "Women Connect Across Conflicts: Building Accountability for Implementation of UNSCRs 1325, 1820, 1888, 1889: Mapping Study of Georgia, Armenia and Azerbaijan" with regards to Georgia's implementation of Security Council Resolution 1325³, the "Gender and Society: Georgia" Report prepared by the Institute for Policy Studies⁴, and the "National Research on Domestic Violence against Women in Georgia: Final Report". These documents provided a comprehensive overview of the legal, cultural and social

¹ See generally "Gender Equality," at http://www.osce.org/gender/41497

² U.N. Doc. *CEDAW*/C/GEO/4-5 (October 30 2012), at

http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-GEO-4-5_en.pdf
3 "Women Connect Across Cultures: Building Accountability for Implementation of UNSCRs 1325, 1820, 1888, 1889: Mapping Study of Georgia, Armenia and Azerbaijan," at www.unwomeneeca.org/module/project/img/511.pdf

[&]quot;Gender and Society: Georgia"

⁵ "National Research on Domestic Violence against Women in Georgia: Final Report," at http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/GeorgiaAnnexX.pdf

aspects of gender equality and non-discrimination. In addition, I also received a copy of the 1325 National Action Plan for Georgia.

Article 14 of the Georgian Constitution guarantees men and women equality before the law. One of the most significant and concrete steps was the passage of the Law on Gender Equality in 2010, which seeks to promote gender equality and non-discrimination throughout society. The Law provides for the equal rights of women and men. The purpose of the Law is to eradicate gender based discrimination in all areas of public life, to create a proper environment for enjoying equal rights, freedoms, and opportunities for men and women, and to support the prevention and elimination of all forms of gender-based discrimination. Furthermore, this law creates the Gender Equality Council within the Georgian Parliament to coordinate gender equality work and oversee implementation of the National Action Plan on Gender Equality. NGOs and civil society, and the Gender Equality Advisory Council supported by UNDP (which later became the Gender Equality Council under the Parliament of Georgia), played a large role in the development and passage of this legislation. Apart from this, there are ongoing inter-agency discussions on the elaboration of 2014-2016 National Action Plan on Gender Equality

In 2006, Georgia adopted a Law on Fighting Domestic Violence, which was later amended in 2009. NGOs and international actors were key to the passage of this legislation. The legislation defined domestic violence and referred to it, for the first time, as a violation of one's constitutional rights. It focuses on prevention through the use of protective and restrictive orders and the provision of services to victims. In 2008 the Inter-Agency Council Implementing Measures to Eliminate Domestic Violence in Georgia was established to support implementation of the law. Georgia has also developed a 2013-2015 National Action Plan on the Fight against Domestic Violence. A similar piece of legislation and National Action Plan aimed at combating human trafficking also exists.

In December 2011, Georgia adopted a National Action Plan for 2012-15 on the implementation of UN Security Council Resolutions 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security." The plan was developed over a nine-month period with technical and financial support from UN Women and includes specific priority areas, goals, objectives and indicators to measure the success of implementation. The Georgia plan is an important model for the region.

With regard to international commitments, Georgia became a party to CEDAW in 1994 with no reservations, and in 2002 ratified the Optional Protocol to CEDAW. The government has also expressed its support for the Beijing Platform for Action and the Millennium Development Goals.

⁷ Article 2 of Law on Gender Equality

⁸ U.N. Doc. *CEDAW*/C/GEO/4-5 (October 30 2012), at

http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-GEO-4-5_en.pdf; "National Research on Domestic Violence against Women in Georgia: Final Report," at http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/GeorgiaAnnexX.pdf

⁶ Constitution of the Republic of Georgia, art. 14, at http://www.parliament.ge/files/68 1944 951190 CONSTIT 27 12.06.pdf

⁹ "Resolution of the Georgian Parliament On approval of the 2012-2015 National Action Plan for implementation of the UN Security Council Resolutions ## 1325, 1820, 1888, 1889 and 1960 on 'Women, Peace and Security'"

Institutional Mechanism

The Law on Gender Equality is an important step towards achieving equality in Georgia. The law creates a Gender Equality Council within the Georgian Parliament to coordinate gender equality work and oversee implementation of the National Action Plan on Gender Equality. The Gender Equality Council under the Parliament also periodically invites civil society organizations working on specific issues to participate. The leadership to advance gender equality and monitor the implementation of laws and policies rests with the Gender Equality Council of the Parliament. The members of Parliament who lead this Council are currently the principal drivers of equality laws and practice.

The Gender Equality law, however, does not include the creation of an institutional mechanism in the executive branch to monitor gender issues. The Prime Minister created a new position reporting directly to him, an Assistant to the Prime Minister of Georgia on Human Rights and Gender Issues. Ms. Tamar Chugoshvili, an experienced human rights lawyer, was appointed in February 2013 and is focused on paying attention to, and advancing policy, on human rights and gender equality. She currently has no staff, however, to coordinate implementation of the Action Plan. Every ministry has also appointed a gender focal point.

The CEDAW Committee has called for the creation of an institutional mechanism in the executive branch to coordinate implementation and promote accountability.¹⁰ Several international organizations have advocated for the creation of an institutional mechanism of this type and have drafted recommendations for such a mechanism. Such a mechanism would monitor activities at both the national and local levels.¹¹

Non-Discrimination

The Constitution of Georgia prohibits discrimination on the basis of sex. The Ministry of Justice is now developing a non-discrimination law, which would prohibit discrimination based on additional grounds, including race, ethnicity, gender identity, sexual orientation, disability, health status, and maternity and pregnancy among other factors. The law would focus on prevention and elimination of discrimination, as well as awareness raising efforts. The Government of Georgia acknowledges the necessity of effective implementation of the anti-discrimination provisions and has created a new administrative institutional mechanism in the proposed law called the Inspector of Equality Protection. The proposed Inspector will be authorized to collect statistical data, present draft laws to Parliament, make legally binding decisions, including imposing fines and determining binding measures for elimination of discrimination. Where administrative remedies are inadequate, the Inspector will be able to refer alleged discrimination claims to the Ombudsman for possible action.

The new labor code also deals with non-discrimination with regards to pregnancy. It extends leave during pregnancy, child-birth and child-care and increases pay for women on maternity leave. There is some concern, however, that focusing on

¹¹ Gender Theme Group Recommendations from Gender Theme Group retreat, Kazbegi, Georgia, October 25-23, 2012.

¹⁰ U.N. Doc. *CEDAW*/C/GEO/4-5 (October 30 2012), at http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-GEO-4-5 en.pdf.

maternity leave alone without addressing other issues of discrimination in the workplace will be perceived as reinforcing women's traditional roles in the home.

In addition, pursuant to the amendments of Article 53.3¹ of Criminal Code of Georgia (March 28, 2012) envisages aggravating circumstance if crime is committed based on *inter alia* gender identity.

As noted above, the Georgian Ombudsman, the public defender, plays a role in non-discrimination efforts. This office is considered to be the national human rights institution in Georgia, and the Gender Equality department within the Ombudsman's office is the first special department on gender equality; it was founded in May 2013. With regard to gender, the Ombudsman takes cases regarding women's rights and human rights issues, provides legal assistance, issues recommendations about laws that need to be changed in order to properly comply with non-discrimination requirements, and can take cases to the constitutional court. The office not only publishes information about general trends regarding gender discrimination, but also makes public the outcomes of complaints made. 80% of complaints made to the Ombudsman regarding gender equality are about domestic violence.

Women's Political Participation

As of October 2012 women held 12% of seats (or 18 seats) in the 150-person Parliament in Georgia. While this is higher than the data reported in the 2012 CEDAW report (2008 elections yielded 6% of seats held by women), this is well below the goals set by the international community. According to data provided by its most recent CEDAW report, women make up 59% of the electorate and 30% of political party members. In order to increase the number of women in the parliament, Georgia implemented a program in 2011 to give financial incentives to political parties, which include women candidates on their party lists. Specifically, parties could receive 10% extra funding if two out of every 10 candidates on the list is a woman. Neither of the two major political parties applied for this funding. For the 2014 elections, the requirement was increased to three women out of every 10 candidates, and will provide a 30% increase in funding for those parties in compliance. In my discussions, government officials and women's organizations expressed hope that the major parties will take advantage of these increased funds and list a greater number of women candidates.

Additionally, the Gender Equality law requires that further steps be taken to deal with gender disparities in national and local elections, but these requirements are vague and lack concrete steps to address the low representation of women.¹⁵ Women's representation in the executive branch and in ministerial and deputy ministerial positions has also been low. At the time of my visit, the cabinet approved in 2012 included four female ministers out of 19, an improvement from previous years.¹⁶

http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-GEO-4-5 en.pdf

¹² see http://www.ipu.org/parline-e/reports/2119 A.htm

¹³ U.N. Doc. *CEDAW/C/GEO/4-5* (October 30 2012), at

http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-GEO-4-5_en.pdf i ibid

¹⁵see http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/GeorgiaAnnexIII.pdf

¹⁶ "U.N. Doc. CEDAW/C/GEO/4-5 (October 30 2012), at

Women's NGOs have advocated for the creation of a quota system as the most effective way to increase the number of women in the parliament, as quotas have been successfully used in other countries. However, they explained that the concept of affirmative action measures is not well received in Georgia, and there are many in Parliament who are opposed to this approach.

The percentage of women in local government has increased slightly in terms of numbers from 192 in 2008 to 199 women in local government in 2010. Some blame this on changes to election law¹⁷ while others claim it is due to the fact that men are beginning to realize the importance of local government and therefore fewer women are able to obtain seats at the local level. There were, however, more women elected in regions affected by conflict than in other places in the country. Georgians see the participation of women in local government as significant as local officials are most connected to the people they serve.

One of the major barriers to increasing women's political participation and other measures to advancing gender equality is the persistent cultural stereotypes and attitudes about the socially acceptable roles of men and women. Despite the laws promoting gender equality, these hidden barriers, which are often not discussed, perpetuate traditional roles and make it difficult for women to participate fully in decision-making and throughout the society.

Violence Against Women

The Georgian government has made violence against women a priority. As a result, they have taken many positive steps, including the passage of the Domestic Violence law, the development of a National Action Plan aimed at preventing domestic violence (the most recent one is for the years 2013-2015) and helping its victims, and the creation of a National Referral Mechanism to aid in this effort.²⁰ In 2008 the Inter-Agency Council Implementing Measures to Eliminate Domestic Violence in Georgia was created to oversee and increase implementation of the domestic violence policies and legislation.²¹ The Council includes the deputy ministers of the relevant agencies and they periodically report to Parliament on the implementation of the Action Plan.

Additionally, in June 2012, the Government of Georgia criminalized domestic violence and it was labeled as a separate criminal act in the Criminal Code. The new Article 126¹ of the Criminal Code of Georgia defines domestic violence as coercion, systematic insult, blackmail, or humiliation committed by one family member against another, which has given rise to physical pain or suffering.²² Pursuant to new Article 126¹ family members include, spouses, parents, grandparents, children, siblings, former spouses, and others. Paragraph 2 of Article 126¹ envisages the aggravating

²⁰ U.N. Doc. *CEDAW*/C/GEO/4-5 (October 30 2012), at

http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-GEO-4-5_en.pdf.
21 "National Research on Domestic Violence against Women in Georgia: Final Report," at

"National Research on Domestic Violence against Women in Georgia: Final Report," at http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/GeorgiaAnnexX.pdf.

¹⁷ "Gender and Society: Georgia"

¹⁸ "National Research on Domestic Violence against Women in Georgia: Final Report," at http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/GeorgiaAnnexX.pdf.

^{19 &}quot;Gender and Society: Georgia"

The definition of domestic violence also requires that the act does not produce the consequences referred to in Article 117 (intentional damage to health), Article 118 (less serious damage to health on purpose) or Article 120 (intentional light damage to health) of the Criminal Code of Georgia.

circumstances for domestic violence. Apart from this, new Article 11¹ introduces domestic crimes into the Criminal Code for the first time. Domestic crimes are crimes committed by one family member against another and envisaged by Criminal Code of Georgia under multiple Articles.²³ These new provisions made it easier to classify crimes and collect statistics about domestic violence. Since this 2012 reform, statistics show that the number of investigation and protection orders carried out in response to violence against women has increased significantly.²⁴ The government also included steps to prevent gender-based violence in the context of conflict in its National Action Plan on the implementation of Security Council Resolution 1325.²⁵

Despite an increase in attention by the government, reporting of domestic violence is still very low as many people consider domestic violence to be a private matter.²⁶ Awareness raising and educational campaigns have shown some success in increasing reporting of domestic violence to NGOs, but not to the police. The government is working to combat the cultural beliefs about gender-based violence through educational programs aimed particularly at children.

In addition to trying to change the stereotypes about domestic violence, the government also provides services to victims. There are currently three state-run shelters, with a fourth one opening in 2014, a helpline for victims, and an overall increase in funding for domestic violence programs. The shelter provides temporary accommodations or for the victims of domestic violence providing them with psychosocial rehabilitation, legal and medical assistance, and measures of protection. The three State based shelters for domestic violence are provided for under the State Fund for the Protections and Assistance of the (Statutory) Victims of Trafficking. It should be noted that shelters are equipped with relevant facilities for child victims and victims accompanied persons, and they are accessible around the clock (24 /7) for all women. The shelters are placed in various parts of the country, and law enforcement agencies help ensure the transfer of victims of domestic violence to shelters if they wish. Furthermore, children witnessing violence against their mothers are given protection and assistance to meet their needs, including age-appropriate psychosocial counseling. Additionally, the statewide round-the-clock (24/7) telephone helpline is free of charge and provides advice to callers confidentially in relation to all forms of violence against women, including domestic violence and trafficking.

UN Women, with support from SIDA, first funded these shelters. The Georgian government is now providing funding for two of them, and has made a commitment to take over the funding of the other two beginning in 2015. This progress towards more government-funded services is to be commended. One of the biggest challenges for the government, however, is providing services to women in rural and conflictaffected areas. Additionally, in order to access some of these services women must be granted official "victim status". The Interagency Council established a Group for granting the Status of Victim of Domestic Violence that is made up of a coordinator

http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-GEO-4-5_en.pdf.

^{381&}lt;sup>1</sup>, 381² ²⁴ U.N. Doc. *CEDAW*/C/GEO/4-5 (October 30 2012), at

[&]quot;Resolution of the Georgian Parliament On approval of the 2012-2015 National Action Plan for implementation of the UN Security Council Resolutions ## 1325, 1820, 1888, 1889 and 1960 on 'Women, Peace and Security' ⁶ "Gender and Society: Georgia"

and experts. The Interagency Council is responsible for defining the composition, competence, and activities of the Victim Identification Group.

The government is also working to increase the number of women in police, with a goal of reaching 20%, and to train police to better respond to violence against women. This past year the number of protection orders nearly doubled, and efforts to increase reporting are continuing. This shows increased initiative by police to deal with domestic violence.

Some support services are also provided by NGOs.²⁷ NGOs run additional information, awareness-raising, and capacity-building programs about gender-based violence. One of the most innovative is a program called "Men talk to Men," run by the Women's Information Center (jointly with UNFPA). It is a program that trains men about domestic violence; it grew out of the global White Ribbon Campaign that encourages men to join in efforts that seek to end violence against women.

In terms of international commitments addressing violence against women, the government has indicated it plans to sign the Istanbul Convention in 2014. Ratification will occur after the country passes a series of amendments, which would conform its laws to the provisions of the Convention. This commitment to sign and ratify the Istanbul Convention has been re-affirmed also in the Domestic Violence Action plan for 2013-2015.

Gender, Peace, and Security

Georgia has been dealing with issues relating to conflict for the better part of the past 20 years. As a result of the tensions within Georgia with the regions of Abkhazia and South Ossetia and the 2008 war with Russia, Georgia has experienced devastation and destruction and an influx of IDPs unable to return home even after the ceasefire agreements have been reached.²⁸

Georgia has shown a significant commitment to gender, peace and security through the adoption of a comprehensive "National Action Plan for the implementation of UN Security Council Resolutions 1325, 1820, 1888, 1889, and 1960 on 'Women, Peace and Security." The plan, drafted through a participatory process engaging government and civil society actors, seeks to increase the level of participation of women in conflict resolution and prevention discussions, and aims to address the specific needs of women in conflict and post-conflict situations.²⁹ As part of additional conflict resolution and reconciliation measures, NGO programs have brought together people from different conflict regions to try to foster cooperation and understanding. Sometimes gender equality trainings have been part of these programs. Efforts, such as these, have been supported and praised by the international community. NGOs raised concerns, however, that the government has not allocated sufficient funds and that at the executive branch there does not exist a body responsible (i.e. interagency council) for the full implementation of the 1325 National

²⁷ "Gender and Society: Georgia"

²⁸ "Women Connect Across Cultures: Building Accountability for Implementation of UNSCRs 1325, 1820, 1888, 1889: Mapping Study of Georgia, Armenia and Azerbaijan," at www.unwomeneeca.org/module/project/img/511.pdf

[&]quot;Resolution of the Georgian Parliament On approval of the 2012-2015 National Action Plan for implementation of the UN Security Council Resolutions ## 1325, 1820, 1888, 1889 and 1960 on 'Women, Peace and Security''

Action Plan. Currently, however, the Gender Equality Council under the Parliament is in charge of the implementation on NAP for the UNSCR 1325.

RECOMMENDATIONS

Legislative and Institutional Accountability

- 1. The Parliamentary Council on Gender Equality has played a leadership role that has helped to advance women's rights in Georgia and it should continue to play such a role in advancing legislative and policy reform. In addition, to promote more effective implementation, the government should develop an institutional mechanism within the executive branch with appropriate staff, funding and other resources to monitor and strengthen implementation of gender equality and domestic violence laws, programs, and policies. A mechanism of this type could focus on the implementation of the National Action Plan on Gender Equality³⁰ and could oversee the 1325 National Action Plan as well as other activities, such as public education campaigns to challenge cultural stereotypes about the roles of men and women.
- 2. As noted by the CEDAW Committee, I would also recommend that Georgia look to CEDAW general recommendation number 6 and the Beijing Platform for Action for guidance on the development of a national mechanism for the advancement of women.

Women's Political Participation

- 3. Georgia recognizes the need to increase the representation of women in decision making at all levels. They have tried to address this problem by offering political parties an incentive to increase the number of women on their party lists. As noted, the initial approach did not lead to significant change and as a result the government has increased the financial incentives for political parties. Since 2014 will be the first election under this new system, officials will have to monitor the outcome to see if it results in a significant increase in women's political representation. If this is not the case, the implementation of an effective quota system should be seriously considered.
- 4. I recommend that an international organization or university center convene a seminar on the use of quotas in other countries, drawing on research and documentation in an effort to dispel myths and overcome objections by showing how the use of quotas can effectively remove barriers that women face in seeking public office.

Violence Against Women

5. The government should allocate additional resources to fully implement the domestic violence law to prevent violence and support its victims. Priority

³⁰ "National Research on Domestic Violence against Women in Georgia: Final Report," at http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/GeorgiaAnnexX.pdf

- should be given to vulnerable regions including impoverished and conflict-affected areas.
- 6. Public education efforts should be a priority to help combat the negative stereotypes surrounding victims of violence and the traditional beliefs around the reporting of gender-based violence. Such a campaign could also encourage the reporting of violence against women to the police.
- 7. The government should set a timeline for meeting its commitment to sign and ratify the Istanbul Convention.

Gender, Peace, and Security

- 8. The government should allocate adequate resources for the implementation of the 1325 National Action Plan and should designate a body to oversee the implementation of the plan.
- 9. International organizations, including the OSCE, and national organizations should make a systematic effort to include women in confidence building measures and conflict resolution efforts.

List of State and interagency representatives who met with Ms. June Zeitlin

- Ms. Guguli Maghradze, First Deputy Chairperson of Healthcare and Social Issues Committee of Parliament and member of Gender Equality Council of the Parliament
- Ms. Tamar Chugoshvili, Assistant to the Prime Minister of Georgia on Human Rights and Gender Issues
- Mr. Ucha Nanuashvili, Ombudsman of Georgia
- Mr. Kote Elizbarashvili, Deputy Director of the Reforms and Development Agency of the Ministry of Internal Affairs
- Mr. Gocha Lortkipanidze, Deputy Minister of Justice of Georgia
- Ms. Sopio Japaridze, Deputy Minister of Corrections and Legal Assistance of Georgia
- Mr. Davit Sergeenko, Minster of Labour, Health and Social Affairs of Georgia
- Ms. Mariam Jashi, Deputy Minister, Ministry of Labour, Health and Social Affairs of Georgia
- Ms. Nino Chavchavadze, Deputy Minister, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees
- Ms. Erika Kvapilova, UN Women Country Representative in Georgia
- Ms. Tamar Sabedashvili, UN Women, Georgia

List of civil society organizations that met with Ms. June Zeitlin

- Women's Information Center
- Sakhli
- Anti-violence Network of Georgia
- IDP Women's Association Consent
- Cultural Humanitarian Fund Sukhumi
- Union of Wives of Invalids and Lost Warriors
- Center for Social Sciences
- Institute for Policy Studies
- International Center for Conflict and Negotiations Samtskhe-Javakheti branch
- Gender Media Caucasus Journalists' Association
- Women's Political Resource Center
- Gender Justice