



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention**

**Combined fourth and fifth periodic reports of States parties  
due in 2011**

**Georgia\* \*\***

[26 June2012]

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\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not edited.

\*\* Annexes can be consulted in the files of the secretariat.

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## I. Introduction

1. In line with the requirements of article 18, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter – the Convention) Georgia herewith submits in one document its fourth and fifth periodic reports to the Committee on the Elimination of Discrimination against Women. In accordance with the guidelines on the form and content of reports to be submitted by States parties to the International Human Rights Treaties and reporting guidelines of the Committee on the Elimination of Discrimination against Women, the State party endeavoured to focus on the period between the consideration of the State party's previous report and the presentation of the current report, structured so as to follow the main clusters (parts I-IV) of the Convention.

2. The Gender Equality Council at the Parliament of Georgia, chaired by Mrs. Rusudan Kervalishvili, Deputy Chairwoman of the Parliament of Georgia has coordinated the reporting process. The new Law on Gender Equality having entered into force in 2010 authorizes the Gender Equality Council, to prepare reports on the status of implementation of obligations assumed at the international level with respect to gender equality (art. 12, para. 4). The Gender Equality Council at the Parliament of Georgia commenced the preparation of the Report by holding a meeting with all the stakeholders on the planning of the report preparation and inviting contributions for Georgia's report. The following agencies contributed to the drafting of the report: Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Labor, Health and Social Protection, Ministry of Education and Science, Ministry of Corrections and Legal Assistance, Ministry of Finance, Ministry of Justice, including Civil Registry Agency, Ministry of Youth and Sports, Georgian Statistical Service, National Security Council.

3. Georgia submitted its combined second and third report regarding implementation of the Convention in November 2003 (CEDAW/C/GEO/2-3). The Committee on the Elimination of Discrimination against Women (hereafter 'the Committee') considered the report at its thirty-sixth session on 7-25 August 2006. Along with acknowledging the positive developments and measures taken by Georgia to implement the Convention, the Committee adopted its concluding comments, including, inter alia, principle areas of concern and recommendations requiring the State party's priority attention.

4. The report, which in accordance with the new United Nations guidelines is Georgia's response to the comments of the Committee on the Elimination of Discrimination against Women following the consideration of Georgia's last report (CEDAW/C/GEO/2-3), addresses implementation of articles in parts I-IV of the Convention during 2007-2011.

5. After the Rose Revolution of 2003 Georgia strengthened the development of a gender equality policy, together with other important reforms, which are reflected in pronounced political, social, and economic transformations in Georgia. The reforms were aimed not only at introducing changes in political and economic systems, but also at transforming the mindsets of Georgians from a Communist-times ways of thinking and approaches to a more liberal, western thinking. This process, despite of being quite difficult, was unique in terms of speed of reforms, degree of innovations, and extent of institutional restructuring.<sup>1</sup>

6. In order to undertake appropriate steps and measures towards the implementation of the Convention, Georgia has dynamically undertaken complex measures in a variety of

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<sup>1</sup> World Bank, April 2009, report No. 44400-GE.

directions. Since the last report submitted by Georgia was considered by the Committee there have been substantial changes introduced in both legislative framework as well as practice in Georgia in the field of ensuring equality for women.

7. All the novelties in the Georgian legislation and practices, including the drafting of the above-mentioned strategies, coordination councils, institutional mechanisms and laws were introduced and implemented with the active participation of civil society organizations and academia. These processes were outlined due to widest possible participation of all the interested parties and the degree of transparency.

8. The Government of Georgia faces significant challenges with regard to the implementation of the Convention on the occupied territories of Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia, where the Government of Georgia is unable to exercise effective control.

9. It is obvious that the human rights situation in the areas currently under occupation is grave and requires international attention. Numerous incidents of serious human rights violations include arbitrary arrest, denial of property rights, forced renunciation of Georgian citizenship, forced labor and forced conscription, ill-treatment and torture, denial of the right to education in mother language, denial of the right to practice religious beliefs and gender-based violence.

10. Moreover, before August 2008, Georgia already had over 300,000 internally displaced persons. The Georgian-Russian war of August 2008 and resulted in a new flow of IDPs. As of today, Due to the Russian occupation of Georgian regions of Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, approximately half a million displaced persons are unable to return to their original place of residence.

11. Georgia has always stressed its positive obligation to prevent the human rights violations in the occupied territories as well as to provide an effective remedy in case of breach. Moreover, in January 2010, the Government adopted the “State strategy on Occupied Territories: Engagement through Cooperation”, which envisages a policy of engagement with the population living in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia.

12. However, due to the lack of effective control over the occupied territories and lack of cooperation from the Russian authorities, Georgian authorities are unable to ensure effective investigation of the cases of violations of human rights. Therefore, Georgia emphasizes the human rights obligations of the Russian Federation as an authority exercising effective control over the said territories. Georgia particularly stresses the Russian Federation’s obligation to respect and ensure respect of rights laid down in relevant human rights and humanitarian law treaties that it is party to.

13. Unfortunately, the situation on the ground has further deteriorated since the last report, given the lack of the human rights monitoring mechanisms on the occupied territories, which would contribute to more active involvement of other international organizations (EU, OSCE, Council of Europe) on the ground and facilitate the unrestricted access of humanitarian aid to the population residing on the occupied regions of Georgia. As a result of the closure of the OSCE Mission to Georgia and the United Nations Observer Mission to Georgia, together with the only human rights monitoring mechanism – United Nations Human Rights Observation Mission in Abkhazia, Georgia, – as well as the inability of the EUMM to access these regions, international community lacks instruments and mechanisms to control the HR situation on the occupied territories.

14. Georgia has actively advocated for the involvement of international organizations in human rights and security monitoring and is engaged in close consultations with United Nations Agencies in order to identify an effective way for their involvement in

humanitarian and monitoring activities in the occupied territories and to prevent further escalation of the situation including possible loss of life, and to diminish the possibility of reoccurrence of a military aggression.

## **II. Issues raised by the Committee on the Elimination of Discrimination against Women in its concluding comments on Georgia's second and third periodic reports**

### **Reply to the recommendations contained in paragraph 8 of the concluding comments (CEDAW/C/GEO/CO/3)**

15. Following the consideration of Georgia's report in 2006, the comments of the Committee were translated in Georgian and distributed to all relevant ministries and Government institutions to ensure the respective follow-up. The Parliament of Georgia was actively seized with the following on the recommendations. The issues identified fell within the priority attention of the Georgian authorities that is also demonstrated by the progress reached in the respective sectors covered by the provisions of the Convention throughout the period following the consideration of Georgia's previous report by the Committee.

16. During 2006-2011 priority attention was given by Georgia to implementation of the recommendations between the time when recommendations were issued and the submission of this periodic report while undertaking all the measures required to systematically and continuously implement all the provisions of the Convention, including the further enhancement of the legislative basis to ensure the gender equality, as well as efficient implementation of the respective measures to ensure the gender equality at the highest degree possible.

17. Herewith Georgia submits the Report on actions taken and results achieved in the sectors identified by the Committee in the recommendations issued following the consideration of the preceding periodic report of Georgia, after the submission of the respective concluding comments to all relevant ministries and Parliament.

### **Reply to the recommendations contained in paragraphs 9 and 10 of the concluding comments**

18. To address the limited availability of sex disaggregated statistical data to assess progress and trends over time Georgia addressed the issue of enhancing collection of data disaggregated by sex covering entire population, and the sectors of health care, social security, education, households, employment and unemployment, incomes and expenditure, business sector, agriculture, crime, power. In this regard the reference shall be made to the attached publication of the National Statistics Office of Georgia "Women and Men in Georgia", published in 2011 in Tbilisi (See annex 1 to this report) and the Statistical Booklet published by the Department of Statistics, Ministry of Economic Development of Georgia, in 2008 called "Women and Men in Georgia" (See annex 2 to this report).

19. At the same time it shall be highlighted herewith that pursuant to the article 3 of the European Framework Convention for the Protection of National Minorities that guarantees right of self-identification, Georgian Government, like some European countries, does not collect data on ethnic affiliation of its citizens. Under the Law on the Official Statistics of Georgia, which replaced the Law on Census and which was adopted by the Parliament on 11 December 2009, the compulsory character of the collection of ethnic data has been abolished. State agencies in Georgia do not collect personal data on ethnic affiliation of public servants, although several ministers and deputy ministers, three presidential advisors, ambassadors, judges, MPs and many other high ranking officials are self-declared national

minorities, given the lack of the integrated mechanism for determining the ethnic origin of civil servants it is impossible at this stage to fully depict the positive dynamic of civil integration programmes that are mainly focused on education. Therefore, in other sectors, only estimated figures are available regarding the members of the various national minorities and other ethnic groups traditionally resident in Georgia.

20. The Government of Georgia mainly relies on data provided by different international organizations and surveys conducted by NGOs in this regard: according to the OSCE, in Kvemo Kartli, Samtskhe-Javakheti and Kakheti regions, 142 out of 587 elected representatives were from national minorities. The United National Movement (hereinafter - UNM) had the highest number of candidates from national minorities in regions inhabited by minorities. The UNM campaigned more actively than other parties in these areas, including with printed campaign materials in Azeri and Armenian. Along with this, the report of the International Crisis Group (Georgia: The Javakheti Region's Integration Challenges -2011) indicates that of the 75 single mandates in the 150-seat Georgian parliament, two are from Javakheti, both held by ethnic Armenians from the ruling National Movement party. Proportionally, this is roughly in line with Javakheti's population of slightly less than 100,000. The Armenian community is well represented in the locally elected *Sakrebulo* and other state bodies, such as the *Gamgeoba* and police. 26 of 32 members of the Akhalkalki *Sakrebulo* and 19 of 20 members of the Ninotsminda *Sakrebulo* are minorities.

21. The survey conducted by the NGO *United Nations Association* in 2008 provides following data: 14.4 per cent (1222 employees) of the Ministry of Interior staff belong to national minorities, (estimated percentage of persons belonging to national minorities in the population of the country is 16 per cent according to the 2002 census). These employees are dispatched between administrative functions (552 national minority employees in the Ministry's General Administration, Ministry Departments and Ministry's Regional Offices) and law enforcement or field functions (670 national minority staff in the Border Police, the Police Academy, the Ministry Healthcare Services, the Protection Police Department, the Forest Patrols).

22. To ensure active involvement of national minorities in the political and social life of the country, the Government of Georgia carries out an affirmative action policy in the field of education and police.

23. In November 2009, the Law on Higher Education established a new quota system for Armenian, Azerbaijani, Abkhazian and Ossetian language speakers allowing better access for national minorities to institutions of higher education in Georgia. Armenian and Azerbaijani language speakers are being allocated 10 per cent of all state university seats, while Ossetians and Abkhazians – 2 per cent. As a result of these amendments, the number of minority speaking students enrolled in the Georgian State Universities significantly increased - representing an improvement of more than 300 per cent over the previous two years. The Zurab Zhvania School of Public Administration operates since 2005 in order to enhance the qualification of public servants deployed in regions densely populated by ethnic minorities and their integration into a society at large. The School also delivers a special state language programme for minority students. In 2007-2009, adult education centres "Language Houses" were established in Akhalkalaki and Ninotsminda of Samtskhe-Javakheti regions as well as in Kvemo Kartli region. The centres serve teachers, school directors, public servants, social workers, police officers, business representatives and representatives of other social groups. By the end of 2011, 8 language houses were opened in the minority populated Samtskhe-Javakheti, Kvemo-Kartli and Kakheti.

24. The official policy of the Ministry of Internal Affairs is to give priority to self-declared minority applicants when recruiting police officers in regions inhabited by substantial numbers of national minorities. Since 2007, the Police Academy under the

Ministry of Internal Affairs provides special courses on investigative issues for Armenian and Azerbaijani language speaking citizens of Georgia. Since 2008, Police Academy runs the Georgian language-learning course, which is intended for the acting, as well as future police officer of minority ethnic origin. It is also very important that towards women representatives of national minorities, as towards one of the target groups, 2011-2013 Action Plan for implementation of Gender Equality defines state responsibilities to conduct seminars/trainings/conferences /events targeted towards women, men and youth (particularly, the rural population, IDPs and ethnic minority women) on the following issues: Gender stereotypes and gender based discrimination (inter alia cultural/traditional grounds); Women economic empowerment; Reproductive Health; Increasing women's participation in the peace building process; Property Rights; (2.3.3)

25. Along with biannual pocketbook version of the publication Women and Men in Georgia, with UN Women's technical support the National Statistics Office prepared more expanded analytical version of the publication as well as guide on gender statistics and its application in policy planning. These publications were developed in close consultation with users and producers of gender statistics in Georgia and have been respectively widely shared with government structures, academia, NGOs and international organizations. The National Statistics Office of Georgia through these initiatives has particularly concentrated on the gender statistics, devoting the statistical publication to this issue, recognizing that the gender equality means equal opportunities, rights and responsibilities for women and men and this is the policy, ensuring equal access to the economic resources, economic independence, equal sharing of responsibilities for the family by women and men, participation in decision-making, public life and social activities.

26. The development of gender statistics by the National Statistics Office of Georgia, is compliant with the Concept on Gender Equality adopted by the Parliament of Georgia in 2006 and the Law on Gender Equality, appended to this report as annex 3 (adopted by the Parliament of Georgia in 2010), where special emphasis is given to ensuring the equal rights between women and men and improving women's participation in the political, economic and social processes and article 5 of the Law of Georgia on Gender Equality specifically relates to the collection of Gender statistics, according to which official statistical reports related to gender issues shall contain gender-disaggregated data.

27. The National Statistics Office of Georgia underlined that the gender equality has both quantitative and qualitative aspects and once again stressed that the gender statistics is statistics about the status of women and men in all spheres of public and economic activity. It is one of the key instruments, which look into the characteristic traits of women and men - as specific social-demographic groups - in the process of developing optimal policies of equal rights and opportunities.

28. The gender statistics is aimed at ensuring existence of objective data through comparison and evaluation with regard to the status of women and men and of the gender equality. Improvement of collection and coverage of statistical data on the ground of gender is very important for people working on the gender issues, as well as for the representatives of legislative bodies, government bodies and civil society organizations.<sup>2</sup>

29. With regard to the monitoring of the impact of laws, policies and action plans through measurable indicators to evaluate progress achieved towards realization of women's de facto equality, Georgia has since the last reporting period included and used in practice the indicators in the respective Action Plans covering all sectors relevant to the

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<sup>2</sup> See: National Statistics Office of Georgia (2011) Women and Men in Georgia Statistical Publication, Tbilisi, (annex 1), p. 4. Also: Ministry of Economic Development of Georgia, Department of Statistics (2008) Women and Men in Georgia Statistical Booklet, Tbilisi, (annex 2), p.3.

Convention. Namely, Georgia's National Action Plans on the fight against Trafficking in Persons (2009-2010, 2011-2012<sup>3</sup>), on the fight against Domestic Violence (2009-2010, 2011-2012<sup>4</sup>) on Gender Equality (2011-2013)<sup>5</sup> and for implementation of the United Nations Security Council resolutions 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security" (2012-2015)<sup>6</sup> all contain indicators. The indicators included in the action plans mentioned are used in the process of formulation of laws, policies and programmes for the effective implementation of the Convention.

30. The respective developments in the fields covered by the Convention are monitored by the Georgian authorities responsible for the particular sectors as well as by international and non-governmental organizations working in the respective fields.

31. The statistical data and the respective analysis are provided in the annexes 1 and 2 to this report. Georgia actively uses the respective data and analysis in the process of further advancement of gender equality in Georgia.

#### **Reply to the recommendations contained in paragraphs 11 and 12 of the concluding comments**

32. The Georgian authorities have developed comprehensive policies and programmes aimed at achieving women's equality with men, addressing all types of discrimination against women. To further advance achieving equality between women and men the Law on Gender Equality as well as Gender Equality Strategy and Action Plan were developed, as outlined above.

33. The Law on Gender Equality establishes the fundamental guarantees of equal rights, freedoms and opportunities of women and men granted by the Constitution, defines legal mechanisms and conditions for their implementation in relevant sectors of social life. According to article 2 of the Law the aim of the Law is to ensure prohibition of discrimination based on the sex in all spheres of social life, create appropriate conditions for implementation of equal rights, freedoms and opportunities of women and men, support prevention and elimination of all kinds of discrimination based on sex. The Law provides for gender equality guarantees, gender equality in labor relations, state guarantees for ensuring gender equality in the sector of education and science, equal access to information, gender equality in the sectors of healthcare and social protection, in family relations, equal voting rights and elimination of any direct or indirect gender based discrimination by means of involvement of the Parliament of Georgia, local authorities, Public Defender of Georgia.

34. It shall be mentioned herewith that according to the Law, with the aim of ensuring systemic and coordinated work on gender issues, the Parliament of Georgia created a Gender Equality Council. The Council is entitled to: (a) develop and submit an Action Plan on ensuring gender equality to the Government of Georgia for endorsement, and ensure coordination and monitoring of its implementation; (b) carry out gender audit and develop proposals for overcoming existing gender disparities in the legislation; (c) conduct gender review of draft laws; (d) develop targeted programmes and plan separate activities for achieving gender equality and enjoyment of equal rights by women and men; (e) develop and institutionalize the system of monitoring and evaluation of interventions for ensuring gender equality, as well as develop respective recommendations; (f) request and receive any information or documentation from any State or local self-governing bodies related to gender equality issues, except for documents, confidentiality of which is ensured by the

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<sup>3</sup> See annex 4 to this report.

<sup>4</sup> See annex 5 to this report.

<sup>5</sup> See annex 6 to this report.

<sup>6</sup> See annex 7 to this report.

current legislation; (g) review statements, documentation or other information regarding violation of gender equality, respond to them, and develop relevant recommendations under its authority; (h) invite representatives and/or experts from international or local organizations working in the relevant field to discuss issues related to gender equality; (i) perform other activities defined by the legislation of Georgia. The Council shall coordinate and exercise oversight over the ministries and sub-agencies institution activities in the field of gender equality protection and implementation, and provide recommendations for ensuring gender equality, as required. The Council shall annually submit a report on gender equality in Georgia to the Parliament of Georgia, and prepare reports on the fulfilment of obligations in terms of ensuring gender equality under international agreements. Based on the decision of the Chairman of the Parliament of Georgia, the Gender Equality Council is authorized to represent the Parliament of Georgia on gender equality issues in international relations.

35. To further strengthen the comprehensive approach to achieving equality between women and men and gender mainstreaming the financial incentives to political parties to encourage recruitment of women candidates were introduced at the legislative level by the Parliament of Georgia in 2011. In this respect, Georgia will provide financial incentives to political parties to encourage them recruit women candidates in their party lists for the parliamentary elections, under the new Election Code adopted at the end of December 2011. According to these changes in the legislation, some portion of the state funding allocated for political parties will be linked to the proportion of women in the party lists. The organic law of Georgia on Political Union of Citizens and Electoral Code about financial encouragement of political parties, according to the amendments the additional funding is received only if the electoral subject which will have different sex represented in the party list not based on its own view, to have no less than 20 per cent different sex represented in the party lists, but among every 10 candidates.

36. As a part of the comprehensive approach to achieving equality between women and men, gender training has been introduced in all the training curricula of the governmental agencies. Along with this, the trainings on the fight against domestic violence and trafficking in persons especially women and children are also delivered for the respective Governmental agencies at the central as well as regional levels of the governance in Georgia. There are respective focal points appointed in all sectoral Government ministries and offices both – at the political (deputy ministerial level) as well as administrative (staff of the respective ministries) levels, who have been actively involved in drafting or amending the respective laws, sub-laws, strategies and action plans with regard to the issues falling within the ambit of the Convention.

37. The Gender Equality Council currently works on establishing the gender equality focal points at the self-government level by the end of 2012.

38. The timeframes are included in all the respective action plans aimed at achieving equality between women and men (e.g. Gender Equality Action Plan for 2011-2013, Action Plans on the Fight Against Trafficking in Persons for 2007-2008, 2009-2010, 2011-2012, Action Plans on the Fight Against Domestic Violence 2007-2008, 2009-2010, 2011-2012, Action Plan for implementation of the Security Council resolutions 1325, 1820, 1888, 1889 and 1960 on “Women, Peace and Security” 2012-2015, as mentioned above and attached to this report).

#### **Reply to the recommendations contained in paragraphs 13 and 14 of the concluding comments**

39. Georgian authorities have undertaken concerted efforts to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee’s general recommendations by means of information campaigns targeting specific target

groups, including rural women and men by means of variety of town hall meetings and public discussions, as well as by conducting the respective public awareness campaigns in close partnership with civil society organizations, along with targeting non-governmental organizations working on women's issues, especially in the regions of Georgia.

40. To make the implementation of the policies targeting gender equality more efficient and to more effectively ensure protection of women from discrimination, the topics of fight against domestic violence and gender equality are an important part of the curriculum of the Academy of Ministry of Internal Affairs of Georgia. The basic course delivered on a yearly basis is provided to this end to all the Police officers in Police Academy of the Ministry of Internal Affairs. The teaching includes interactive training modules, among other tools using role-play exercises to train officers in situations close to reality. In this context, following issues are covered: rights and liberties, physical and psychological inviolability of any person, including of family members, legislative guarantees for the protection of family values; protective and restrictive orders; components of violence in the family; Possible consequences of domestic violence; detection and prevention of domestic violence; protection, assistance and rehabilitation of the victims of domestic violence. In parallel, Ministry of Internal Affairs actively cooperates with the local NGOs and international community and with joint efforts over 1770 practicing police officers were trained in 2010-2011 via specialized trainings in different regions of Georgia.

41. Likewise, the training curriculum of prosecutors includes specific slot dedicated to fight against gender inequality and domestic violence. The specific training curricula is used which had been elaborated by taking into consideration the specificities of the role of the prosecution service in the fight against inequality between women and men.

42. The equality among others on the basis of gender is a particularly important part of the training of judiciary. Both – on job trainings and the preparatory trainings for High School of Justice students specifically include this issue. The specific discussions are held with judges to consider the recent best practices and relevant case law to be used in practice.

43. To encompass the issues relevant to the Convention the respective state agencies also employ the ad hoc training methods, targeting specific professionals like judges, prosecutors, police and lawyers.

44. To make the information about the Convention to future lawyers and social workers the special courses are included in the university curricula. The courses teaching international and Georgian standards in the fight against domestic violence, trafficking in persons, especially women and children and promotion of gender equality are included in the programmes of law and social sciences students.

45. The knowledge of the Convention and the respective legal instruments in Georgia is indicated by the fact that one of the effective mechanisms – the restrictive order issued by police – is used and there is a gradual increase in the employment of the latter. There were 121 Restrictive Orders issued by Police officer in 2009 and 182 Restrictive Orders were issued in 2010. There were 258 Restrictive Orders issued in 2011. The Courts had been using the rights provided by the legislation to protect the victims of domestic violence by issuing the respective orders throughout the reporting period. Namely, there have been 94 restrictive and 2 protective orders issued in 2007, 44 restrictive and 11 protective orders were issued in 2008, 111 restrictive and 30 protective orders were issued in 2009 and 44 protective and 182 restrictive orders – in 2010, whereas there were 52 protective and 251 restrictive orders issued by the Courts in 2011. The courts of first instance had considered administrative cases related to the fight against domestic violence, protection of and support to victims of domestic violence as follows: in 2007, there were 492 cases considered, in 2008 – 197, in 2009 – 159, in 9 months of 2010 – 177.

46. The active work has been undertaken throughout 2011 to include the crime of domestic violence in the Criminal Code of Georgia. The respective legislative process commenced at the end of 2011 in the Parliament of Georgia. The statistics of court cases over the domestic violence does not exist, as there is no respective article in the Criminal Code of Georgia. This certainly does not mean that the courts do not consider the domestic violence cases, as violence, rape, other forms of abuse, as well as murder are the same crime when committed both – within domestic setting, as well as outside family. However, due to the technical matter of not having the crime of domestic violence mentioned in the Criminal Code, the cases of domestic abuse and violence, when considered by the Courts, naturally fall under the statistics of the respective articles of the Criminal Code – e.g. homicide, rape, etc. Therefore, even though the court cases on the domestic violence do exist, they are not systematized for the purpose of statistics. The work on inclusion of article on crime of domestic violence is planned to be finalized in 2012. The introductions of this article will not in any way has any influence over the existing and well-functioning administrative mechanisms introduced in Georgia in 2006. This will provide for an opportunity to collect precise data on court criminal cases that are being considered by the courts, but for statistical data gathering, are scattered between a varieties of criminal code articles.

47. Office of the Public Defender (Ombudsperson) of Georgia has a special service – Centre for Children and Women Rights – as a specialized centre in its organizational structure. The staff and lawyers working therein are specifically trained to monitor the developments relating to protection of rights of children and women and ensuring gender equality.

48. Particular mention shall be made of the Georgia's State Fund for the Protection of and Assistance to Victims of Trafficking in Persons (hereinafter – the State Fund), established by the Decree of the President of Georgia in July, 2006, the mandate of which was amended in 2009, following the comprehensive changes introduced into the Law of Georgia on the Fight against Domestic Violence, to address the issues related to domestic violence. The State Fund has conducted no less than 45 different awareness raising actions disseminating information about the Convention throughout Georgia, particularly targeting women and officials in rural areas.

49. The Legal Aid Service of Georgia has specifically trained lawyers with the support of the State Fund in the issues relevant to the convention targeting gender based violence, domestic violence related particular matters, as well as trafficking in persons, particularly women and children.

50. The Legal Aid Service and the State Fund together with Police provide all necessary support to women to be encouraged and empowered to avail themselves of procedures and remedies for violations of their rights under the Convention.

51. All the above-mentioned institutions as well as the educational institutions work actively on the dissemination of information via sustained awareness-raising and legal literacy training campaigns to target women, especially rural women and non-governmental organizations working on women's issues, including at times in very close partnership with UN Women, a variety of non-governmental organizations, particularly in the regions of Georgia. The work shall be maintained, as the task of providing the sustained awareness-raising required constant work in the population at large.

#### **Reply to the recommendations contained in paragraphs 15 and 16 of the concluding comments**

52. In December 2009, in compliance with the recommendation of the Committee about the establishment of the permanent institutional mechanism to address all forms of

discrimination against women, to further strengthen efforts of Georgia to promote equality between women and men and further advance the effective national machinery, institutions and procedures, and taking into consideration the importance of the work of the Gender Equality Council, the latter was turned into the permanent body. The act on changes and amendments N 2314 to the Regulation of the Parliament of Georgia institutionalized this decision.

53. The Gender Equality Council, composed of representatives of the legislative and executive branches of Georgia and NGOs, is chaired by the Deputy Chairwoman of the Parliament Mrs. Rusudan Kervalishvili. This high level institutional mechanism brings non-governmental and governmental organizations on a regular basis to discuss and elaborate recommendations on gender issues, support ensuring that women's voices are heard on an equal footing with those of men in the process of formulation of public policy and decision making at the national and local levels. The list of the legal initiatives that have been initiated by or in the formulation of which the Gender Equality Council has contributed along with others include the Draft Law on the Fight against Trafficking in Persons, draft Law on the fight against Domestic Violence, draft Law on gender Equality, draft law on local government, draft law on amendments to Civil Code, ascertaining of paternity for children born outside marriage, mandatory seat belts amendments in Administrative Law, variety of gender equality related action plans, etc.

54. The Gender Equality Council, as a result of highest degree political commitment and the respective resources allocated for its efficient functioning, has high visibility and decision-making power as well as general institutional sustainability to promote effectively the advancement of women and gender equality. To this end the Gender Equality Council, acting as a lobbying unit for gender issues, efficiently addresses the identification and solution of gender equality related obstacles at all levels of governance, and focuses its activities on among others the following issues: elaboration of recommendations on gender issues, drafting of proposals and recommendations on National Gender Policy setting out the actions to integrate gender equality in all fields and sectors of the political, economic and social life of Georgia, ensuring gender mainstreamed legislation and approximation of Georgian legislation with the EU legal framework with regard to gender equality, within its competence observation of the implementation of the international agreements and conventions involving the rights of women and gender equality issues, close cooperation with international and local organizations working on gender issues. The Gender Equality Council is fully equipped to function efficiently in the process of attaining the goal of advancement of women, and promotion of formal and substantive equality of women and men, as well as for the monitoring of the practical realization of the respective actions. The Deputy Chairwoman of the Parliament, chairing the Gender Equality Council, is personally very highly esteemed politician. The transformation of the previously existing advisory body into the permanent Gender Equality Council at the level of highest leadership of the Parliament of Georgia has proved to be politically strong enough mechanism to promote and achieve considerable political transformations in the field of gender equality, gradually followed with efficient implementation of the introduced policies in the gender equality arena in Georgia.

55. NGOs and representatives of academia working in the field of women rights protection and gender equality closely cooperate with the Gender Equality Council. The Expert Group follows-up on thematic issues within the ambit of the Gender Equality Council. The Council persistently cooperates with the UN agencies, other international organizations and wider spectrum of governmental and non-governmental entities.

**Reply to the recommendations contained in paragraphs 17 and 18 of the concluding comments**

56. The ongoing substantial reforms in the education system of Georgia have encompassed a variety of directions. The statistical analysis show that there were 285,793 female and 312,027 male pupils attending the public general education schools and 19,713 female and 25,766 male pupils attending the private general education schools at the beginning of academic year 2008/2009, whereas there were 276,822 female pupils and 299,981 male pupils attending the public general education schools at the beginning of academic year 2009/2010, whereas 20,854 female and 26,869 male pupils were attending the private general education schools at the beginning of academic year 2009/2010.<sup>7</sup> The same indicator for the academic year 2011/2012 is provided in the following percentage: 44,2 per cent female and 55,8 per cent male school pupils attended private schools, whereas 47,7 per cent female and 52,3 per cent male school pupils attended public schools, with the total of 47,4 per cent of female and 52,6 per cent of male school pupils attending schools.

57. The school education material is age and gender sensitive, in no way promoting the negative gender stereotypes in school textbooks at the primary school level. The Ministry of Education and Science is involved in the major school textbook reform currently, ensuring the education based on the principle of gender equality.

58. As for the concerns of the Committee regarding the roles and responsibilities of women and men in the family and society reflected in women's education choices, there were 10,040 female and 8,317 male students enrolled at the High Educational Institutions in Georgia by the beginning of the academic year 2008/2009, 13,430 female and 9,855 male – in 2009/2010 and 14,499 female and 11,635 male students were involved at the beginning of academic year 2010/2011 at the High Educational Institutions in Georgia, with that having 55,5 per cent of female and 44,5 per cent male students at the High Educational Institutions in Georgia by 2010/2011 academic year. Unified National Exams were passed by 55,4 per cent female and 44,6 per cent male candidates, out of whom female candidates constituting 58,5 per cent and male candidates making up 41,5 per cent were admitted to academic programmes whereas 34 per cent of female and 66 per cent of male candidates were admitted to professional programmes. The data of the National Examination Centre shows that women are also well-represented in the departments of science, where number of male and female students is almost equal and at some stages number of female students has been even higher. It is relevant to look a performance of female students in unified national examinations in science, math, general abilities test and English language. Although technical fields have been traditionally male dominated in Georgia, in recent years slight increase in number of female students in such technical areas as departments of engineering can be observed. Namely, in 2005-2010, number of female students admitted to the departments of engineering increased by 9 per cent. Hereby it has to be mentioned that number of male students increased by 73.6 per cent and the overall increase of student numbers in these fields has been conditioned mainly by the increase of male student numbers. As it was already mentioned, decrease in 2007 is explained by the fact that Georgian Technical University failed to receive state accreditation.

59. The admission of doctoral students by fields of science looks as follows: in 2008 there were 682 female and 391 male candidates admitted, out of whom 51 female and 12 male candidates chose education field, 257 female and 67 male – humanities and arts, 183 female and 140 male – social sciences, business and law, 84 female and 77 male - general science, engineering, 40 female and 59 male - manufacturing and construction, 13 female

<sup>7</sup> See: National Statistics Office of Georgia (2011) Women and Men in Georgia Statistical Publication, Tbilisi, p. 25.

and 10 male – agriculture, 51 female and 24 male – healthcare and social security, whereas three females and two males chose the field of services. The same figures for 2009 look as follows: out of total 927 female candidates and 717 male candidates admitted to the doctoral programmes in 2009 39 female and 18 male candidates chose education field, 189 female and 76 male candidates – humanities and arts, 275 female and 229 male candidates chose social sciences, business and law, general science was chosen by 133 female and 122 male candidates, engineering – by 90 female and 161 male candidates, agriculture – by 81 female and 52 male candidates, healthcare and social security – by 95 female and 36 male candidates and services – by 25 female and 23 male candidates.<sup>8</sup>

60. The teaching staff undergoes continuous training including about gender equality issues. The special courses designated for teachers include the specifics related to gender equality, issues related to gender based violence, etc.

61. The information on the Convention in programmes in the educational system, including human rights education and gender training from the perspective of views on and attitudes towards women's and men's roles are included in the educational programmes.

62. Awareness-raising campaigns on gender equality targeting population at large, as well as specific target groups (e.g. students) address both women and men.

63. With regard to the recommendation of the Committee to the media encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres, several important legislative acts and amendments have been adopted since submission of the second and the third periodic reports by Georgia in the field of broadcasting containing safeguards to eliminate discrimination against women. Namely, on 23 December 2004, Law of Georgia on Broadcasting was adopted. Before turning to particular provisions relating to the elimination of discrimination against women contained in various broadcasting legislation and other regulations, at the outset it is important to mention that according to Georgian Law of Broadcasting of 2004, "Interpretation of legislation in the broadcasting sector shall be provided according to the European Convention on Human Rights, the judicial practice of the European Court of Human Rights and other international legal acts that have a legal effect for Georgia"(art. 3.2). In accordance with the requirements of the Convention, Georgian Law on Broadcasting proscribes for holders of broadcasting license from broadcasting programmes containing material to stir up hatred or discrimination that is offensive to any person or group based on ethnic background, religion, opinion, age, gender, sexual preference or disability, or any other feature or status. Special emphasis of these features or statuses is only permissible within the context of a programme if it aims merely to illustrate such hatred or discrimination, as they already exist in society (art. 56.3). Furthermore, the Law on Broadcasting establishing the Public Broadcaster of Georgia (a legal entity of public law, independent of the state and accountable to the public, established under Georgian legislation, on the basis of public financing, for television or radio broadcasting) stipulates that the obligation of the Public Broadcaster shall include reflection of ethnic, cultural, linguistic, religious, age and gender diversity in programmes (art. 16).

64. The Georgian Law on Freedom of Expression grants everybody the right of freedom of expression which means, among others the liberty from constraint to express person's opinion about religion, belief, conscience, ethnical, cultural and social belonging, origin, family, property and social position as well as all the facts that may become a ground for restriction of his rights and freedoms (art. 3.j).

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<sup>8</sup> See: National Statistics Office of Georgia (2011) Women and Men in Georgia Statistical Publication, Tbilisi, p. 27.

65. In 2009, the Georgian National Communications Commission, acting in pursuance of the Georgian Law on Broadcasting, approved the Code of Conduct for Broadcasters. In order to ensure the conformity of the conduct of broadcasters with international human rights standards, the Code of Conduct for Broadcasters at the outset stipulates that “the Code shall be interpreted in accordance with the Constitution of Georgia, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court on Human Rights so as to ensure the maximum protection of the freedom of speech and expression” (art. 2.2). Among the basic principles of the Code of Conduct for Broadcasters along with impartiality, equality, diversity and tolerance, is the principle that the broadcasters shall accommodate interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender (art. 3). The Code contains separate chapter on diversity, equality and tolerance. Based on the principle of diversity, equality and tolerance, “the broadcaster shall refrain from publishing any material likely to incite hatred or intolerance on the grounds of race, language, gender, religious convictions, political opinions, ethnic origin, geographic location, or social background” (art. 31).

66. In addition, Georgian Law on Advertising prohibits placement and distribution of improper advertising (art. 4.8). Improper advertising is defined by the Law to include unethical advertising that is “advertising employing offensive language and comparisons in regards to physical persons’ nationality, race, occupation, social standing, age, sex, language, religious, political and philosophical affiliation, violates universally recognized humane and ethical norms, impairs artworks and artifacts of history and architecture of national and world cultural heritage, insults state symbols (flag, emblem, anthem), national currency, religious symbols, natural or legal persons of Georgia and other countries, their activity, occupation or commodity.” According to the Law, placement and distribution of improper advertising is subject to the sanctions established under the Georgian legislation commensurate with committed action, degree and nature.

67. Apart from the above legal acts, safeguarding provisions exists in other regulations. In this respect, the Code of Conduct of Public Broadcaster should be mentioned. One of the fundamental principles of the Code of Conduct of Public Broadcaster is the principle of equality prohibiting discrimination based inter alia on gender belonging. In addition, the Code of Conduct of Public Broadcaster contains separate paragraph on women. The aim of this paragraph is to ensure that discriminatory statements, opinions and behavior against women as well as their stereotyping are avoided. Namely, paragraph 15.7 stipulates the following: “Notwithstanding recent dramatic changes in the attitude towards women and the fact that the present-day Georgian women lead rather an active life, there have been still preserved stereotypes that are offensive for many women. When speaking about women, we should avoid the use of sexist expressions, the making sexist assessments or comparisons. Sexism means a discriminatory opinion, statement, behavior, and attitude of one sex to the other. For example, such characterization of a woman as: “she is not inferior to man”, “she has a man’s mind”, etc. some women might take as an offence.” In addition, journalists are prohibited to use such words and phrases that can be offensive for different groups of persons for various reasons, including for the reason of their sex belonging (para. 14.9). Moreover, when preparing reports and programmes on ethnic and religious minorities, discrimination of minorities on the basis of race, color, sex, language, religion, political or other opinion, cultural or social origin, family, property, birth or other status, residence, state of health, age, as well as any other sign shall be impermissible (para. 15.1).

68. Finally, it should be mentioned that the Broadcasters are obliged to create public appellate bodies that will review complaints from the public and take binding decisions. Georgian National Communications Commission exercises overall supervision over the system and it is responsibility of the broadcasters to enforce self-regulation mechanisms.

69. With regard to the Committee's recommendation on the situation in the labor market, along with the article 14 of the Constitution of Georgia, article 2(3) of the Labor Code of Georgia, which provides that "any type of discrimination due to race, colour, ethnic and social category, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, family conditions, political or other opinions are prohibited in employment relations".

70. Along with the above mentioned, the Law of Georgia on Gender Equality, adopted on 26 March, 2010, via its article 6(2) stipulates that "[t]he State shall facilitate equal access to employment to both men and women". According to article 6(3) of the same Law, "[d]uring the recruitment and performing professional obligations, individuals may be subject to unequal treatment on the basis of sex and/or put in unequal conditions, provided that it is defined by the type of work, its specifics or conditions of performance, serves the legitimate purpose and represents adequate as well as necessary means for its achievement". According to the Law, the Labor relations shall not allow for: (a) discrimination, persecution and/or harassment of a person, which is aimed at or results in the creation of intimidating, hostile, humiliating, degrading or offensive atmosphere; (b) any adverse verbal, non-verbal or physical behaviour of sexual nature aimed at or resulting in personal offence or creating intimidating, hostile or humiliating environment. At the same time, the State shall facilitate equal access to employment to both men and women.

71. During recruitment and performing professional obligations, individuals may be subject to unequal treatment based on sex and /or put in unequal conditions, if it is defined by the type of work, its specifics or conditions of performance, serves the legitimate purpose and represents adequate as well as necessary means for its achievement. Rules defined by the Georgian legislation shall ensure provision of favourable conditions of work for pregnant women and breastfeeding mothers, which does not allow for their employment in extreme, harmful or hazardous conditions, as well as in night shifts.

72. To note one more aspect of the changing existing stereotypical views on and attitudes towards the roles of women and men, as well as the work undertaken to further encourage diversification of the educational choices of boys and girls, the number of women employed in the system of the Ministry of Internal Affairs of Georgia shall be noted herewith briefly, as in 2010 women constituted 12 per cent of the employees of the system of the Ministry of Internal Affairs of Georgia, whereas 17 per cent of the Patrol Police Department of the Ministry were women by the end of 2011.

73. With respect of the participation of women in political and public life, the following shall be mentioned: the women are represented in a variety of sectors of political and public life, including in Georgia's Foreign Service. Herewith the reference is made below to Georgia's replies to the Committee's recommendations contained in paragraphs 23 and 24 of the concluding comments, where the issue of participation in political and public life is extensively addressed.

#### **Reply to the recommendations contained in paragraphs 19 and 20 of the concluding comments**

74. With the comprehensive change of the agenda, the Government of Georgia directed the efforts towards not only changing different pieces of legislation and providing separate trainings on the matters related to fight against domestic violence, but also undertook the consistent and comprehensive policy to address the perception of domestic violence being a private matter. In this respect, a solid legal basis was created and efficiently implemented, as the implementation of the Law on Elimination of Domestic Violence was put high on the

political agenda of Georgia. The Permanent Interagency Coordination Council for Prevention of Domestic Violence<sup>9</sup>, set up by Presidential Decree on 26 December 2008 is chaired by the Judge of the Constitutional Court and composed of Deputy Ministers of: Labor, Health, and Social Protection; Internal Affairs; Justice; Education and Science; Foreign Affairs. It has invited members from international organizations, NGOs, embassies to Georgia, Parliament and Public Defender's Office. In order to coordinate the work of the Gender Equality Council and the Permanent Interagency Coordination Council for Prevention of Domestic Violence the chairperson of the Gender Equality Council also participates in the work of the Permanent Interagency Coordination Council for Prevention of Domestic Violence. The Law on the fight against Domestic Violence adopted in 2006 was substantially amended in 2009. The Deputy Chairwoman of the Parliament, who is a majoritarian member of the Parliament and who at the same time chairs Gender Equality Council initiated the changes and amendments to the Law and with the support of all the players in the field of gender equality succeeded in having the following acts changed along with the changes and amendments to the Law on fight against Domestic Violence: Administrative Procedural Code of Georgia; The Code of Administrative Offences of Georgia; The Law of Georgia on Firearms; The Law of Georgia on Fighting Domestic Violence, Protection and Support to Victims of Domestic Violence; The Labor Code of Georgia; The Law of Georgia on Public Service.

75. A new norm (art. 381<sup>1</sup>) was added to the Criminal Code of Georgia, which defines criminal responsibilities in case of non-compliance with requirements and obligations prescribed by protective and restrictive orders committed by a person who had been imposed administrative sanction for committing such crime. Responsibility prescribed by the amendments comprises fine or socially useful labor for up to 180-240 hours or deprivation of liberty for a term up to one year. Along with these, the decrees on "Identification of victims of domestic violence"; on "Minimum Standards for the Arrangement of Temporary Shelters for Victims of Domestic Violence and Rehabilitation Centres for Abusers"; the "Minimum Standards for the Establishment and Functioning of the Crisis Centre", as well as National Referral Mechanism were adopted in 2009. The National Referral Mechanism is particularly important, as this is a guideline for prevention of domestic violence, protection and rehabilitation of victims of domestic violence, as well as a document providing the details of cooperation of Georgian state institutions, international organizations and NGOs addressing domestic violence. In 2010 the Child Referral Mechanism was approved jointly by the Minister of Health, Labor and Social Protection, Minister of Internal Affairs and Minister of Education and Science. In 2010, Police Guiding Manual on Domestic Violence was drafted and approved by the Ministry of Internal Affairs. In 2011, a Concept on Rehabilitation of Perpetrators of Domestic Violence was elaborated and approved by the Government.

76. To make the Law of Elimination of Domestic Violence widely known to public officials and society at large the respective public awareness raising and professional training activities were implemented and the corresponding state institutions were developed since the submission of the previous Report to the Committee. Therefore, the Government of Georgia actively addressed the prevalence of violence against women, including domestic violence, and introduced the systems to collect the statistics and other information on domestic violence.

77 Georgia completed and implemented the National Action Plan, which was being drafted by the time of consideration of Georgia's last Report by the Committee. The implementation of that National Action Plan was followed by the drafting and

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<sup>9</sup> See annex 8 to this report on the composition and mandate of the Interagency Council

implementation of two further Action Plans, covering the gradually changing needs in Georgia in the field of fight against domestic violence. Therefore, in 2007 the 2007-2008 National Action Plan on the Fight against Domestic Violence was adopted. The Decree 304 of 2009 of the President of Georgia approved the 2009-2010 National Action Plan for the fight against Domestic Violence and Protection of its Victims. The 2011-2012 National Action Plan was approved in the beginning of 2011.

78. As stated above, in reply to the recommendations contained in paragraphs 13 and 14 of the concluding comments, the respective information is being collected. The work on drafting a special provision on domestic violence to be inserted into the Criminal Code of Georgia, which will for the statistical purposes make it easier to classify and distinguish the criminal cases of domestic violence from other crimes, is currently actively being conducted. Once the article on domestic violence in the Criminal Code is formulated, as planned by mid-2012, the separate criminal cases statistics will also be available on the crime of domestic violence. Even though crime committed within the domestic arena is currently investigated and prosecuted under a variety of articles in the Criminal Code (e.g. manslaughter, damaging one's health, etc.) the criminal statistics is collected under the heading of those crimes and therefore it is difficult to have the separate criminal case statistics on domestic violence.

79. The Government of Georgia since the consideration of Georgia's previous report by the Committee undertook substantial work in terms of efficient implementation of anti-domestic violence legislation, which is also directed at providing support and protection to victims. To ensure easy access of domestic violence victims to the services provided by the state and quick response to their needs, particularly in the regions of Georgia, the rule of granting a status of a victim of domestic violence was simplified. In particular, the 2009 Decree of the President of Georgia established unified rules for the identification of victims of domestic violence, granting the right to identify a victim of domestic violence to a Victim Identification Group that functions at the Interagency Council for Prevention of Domestic Violence. The Victim Identification Group operates via mobile groups throughout Georgia and is entitled to grant the status of a victim of domestic violence to a person along with the law enforcement agencies. Therefore, the Victim Identification Group, the Patrol Police Department of the Ministry of Internal Affairs, territorial units of the Ministry of Internal Affairs and the court carry out the identification of victims of domestic violence within their own mandates and according to the procedures established by the legislation of Georgia.<sup>10</sup> To ensure that all women victims of domestic violence, including rural women, have access to immediate means of redress and protection, as recommended by the Committee, in 2009-2010 two fully State funded shelters for victims of domestic violence were opened under the umbrella of the State Fund, the mandate of which, as mentioned above under the replies contained in paragraphs 13 and 14, in 2009 was broadened by the Decree of the President of Georgia to also provide support and assistance to victims of domestic violence.

80. The shelters established pursuant to the Law of Georgia on the Fight against Domestic Violence, one of which is located in the region of Georgia, initially were established with support of UN Women and Sida; however, since May 2011 they are fully supported from the State budget of Georgia. The shelters assist victims of domestic violence from the emergency support and protection to the point of rehabilitation, including free of charge: legal counseling, medical assistance, psychological assistance, food and clothes, provision of information in the language the victim understands. UN Women

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<sup>10</sup> See: Annex 9 to this Report Decree of the President of Georgia #665, on Identification of Victims of Domestic Violence dated 5 October 2009

support NGOs who work with the professional re-training of victims of domestic violence. The programme has contributed to finding employment to tens of victims of domestic violence in a variety of sectors of services. UN Women supported programme operates in addition to employing opportunities within State Funded vocational education institutions supported by the Ministry of Education and Science, that actively cooperates with the State Fund in rehabilitation of victims of domestic violence. In 2010 a nationwide, 24/7, hotline on domestic violence issues started operating under the State Fund. Code of Ethics was drafted and put in operation to ensure the actions of the employees of the State Fund shelters in conformity with professional ethics.

81. The State Fund also actively cooperates with the civil society organizations throughout the country, which along with the provision of safe shelters are also authorized by the legislation of Georgia to operate the crisis centres for victims.

82. Along with provision of shelter and rehabilitation opportunities for women victims of domestic violence, Georgia trained all the lawyers of the Free Legal Aid Service on Domestic Violence matters as well as provided additional staff to the State Fund to represent the victims of domestic violence free of charge at any court and provide any legal aid they may be in need of. The work with the Georgian Bar Association is also ongoing to have the free training for lawyers to work with women victims of domestic violence.

83. During 2007-2011 in addition to the trainings for lawyers, Georgia undertook vast attempts and trained all the relevant public officials, including school teachers, law enforcement officials, prosecutors, judges, healthcare providers and social workers on all the mechanisms provided by the Georgian legislation for the protection of victims of domestic violence. The Interagency Council for the Prevention of Domestic Violence held meetings with media representatives to further enhance the professional standards. The Council also held meetings with the NGOs working in the regions of Georgia largely populated with ethnic minorities. The trainings were directed at providing the specific information and skills to each of the groups of professionals concerned and sensitizing them to all forms of violence against women and children and adequately responding them, along with teaching in details the specifics of the Georgia's National Referral Mechanism.

84. In 2007 in the course on domestic violence was introduced in the curricula of the Academy of the Ministry of Internal Affairs of Georgia. Over 1000 candidates for employment in patrol and district police attend the course each year.

85. The International Narcotics and Law Enforcement Affairs office (INL) of the U.S. Embassy in Tbilisi organized three daylong conference "Women in Policing". 142 female police officers from various regions of Georgia participated the conference. Topics of the agenda was designed to enhance the skills and role of female officers, they need to be a leader, mentors and valuable assets in Georgian law enforcement.

86. The issue of domestic violence became one of the most discussed issues in both conventional and non-conventional media.

87. With the initiative of the State Inter-agency Council for the Prevention of Domestic Violence information meetings concerning domestic violence were held for the representatives of ethnic minorities, pupils, students of Universities and academic personnel. The awareness raising campaign conducted in Georgia on the issues of Domestic Violence covers different initiatives – events, meetings dedicated to the issue of domestic violence organized with the initiative of the State inter-agency Council for the Prevention of domestic violence, information meetings in Tbilisi and different regions of Georgia held with the initiative of local NGOs working in the field of domestic violence, public debates, printing and dissemination of public awareness raising materials in all regions of Georgia (leaflets, calendars), articles in printed media, Public Service Announcements, TV talk shows and radio programmes, PSAs on public transport and bus stops with anti-domestic

violence slogans, as well as dissemination of respective information and viral spots on domestic violence in social media. The work is undertaken on the initiative of the Interagency Council for the Prevention of Domestic Violence together with the Gender Equality Council, NGOs and UN Women to fully harmonize the Georgian legislation with the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence. It shall be particularly underlined that on the initiative of the Inter-agency Council for the Prevention of Domestic violence the independent experts, with the financial support of the Government of Norway and UNFPA co-funded project "Combating Gender-based Violence in the South Caucasus" and Government of Sweden and UNIFEM co-funded project Shield - Enhancing Prevention and Response to Domestic Violence in Georgia, elaborated the Monitoring Report on Implementation of the Action Plan on Elimination of Domestic Violence, Protection and Support to its Victims for 2009-2010. The abovementioned report states that the Governmental structures/bodies put crucial input and made a number of positive and coordinated actions for effective implementation of the Action Plan 2009-2010<sup>1</sup> and overall the activities defined by the Action Plan had been carried out.

88. With regard to the Committee's call to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention, it shall be mentioned that with the support of UNFPA the *National Research on Domestic Violence against Women* was conducted in 2009<sup>11</sup>. This was the nationwide survey with a sample that provided information for the whole of Georgia.<sup>12</sup> It collected the representative data at the national level from approximately 3,000 women on the prevalence and perceptions on GBV, causes and consequences of GBV, the extent to which intimate partner violence is associated with range of health, educational, legal and administrative outcomes, the effect of internal displacement on GBV, the strategies and services that women use to deal with violence and other relevant information. The survey findings are used as a baseline for formulating informed national policies and plans as well as for advocacy and public awareness-raising campaigns on domestic violence and women's rights in Georgia.

89. The team of researchers used a mixed quantitative and qualitative methodology, which included interviewing 2385 women of the ages of 15-49 (within quantitative component) and 14 focus groups, 34 in-depth interviews and 2 participant observations.<sup>13</sup> According to the findings of the survey, 6.9 per cent of women acknowledged experiencing physical violence, out of them 2.6 per cent experienced moderate and 4.3 per cent severe physical violence. 3.9 per cent of women reported having experienced sexual violence,<sup>14</sup> and 2.3 per cent of women said that they had experienced both sexual and physical forms of domestic violence.<sup>15</sup> Among women who have ever been married, every eleventh had faced physical violence and 34.7 per cent of them had been severely injured several times.<sup>16</sup> 2.7 per cent of women who have ever been pregnant had admitted experiencing physical

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<sup>11</sup> The full text of the Research report is appended to this report as annex 10.

<sup>12</sup> UNFPA / CSS / ACT, Marine Chitashvili, Nino Javakhishvili, Luiza Arutiunov, Lia Tsuladze, Sophio Chachanidze (2010) *National Research on Domestic Violence in Georgia* (Tbilisi), p; 9.

<sup>13</sup> *Ibid.*, p. 10.

<sup>14</sup> *Ibid.*, pp. 11, 33.

<sup>15</sup> *Ibid.*, p. 35.

<sup>16</sup> *Ibid.*, pp. 12 and 33. The largest number among these women belonged to the 45-49 age group. The most frequently named forms of injuries were scratches, abrasion, bruises (84.4%) and injuries internal organs (29,1%). 18.8% of women reported brain concussions, 15.3% needed medical assistance at least once due to violence suffered from their husbands/male partners and among them 18.2% received medical assistance, while others did not for various reasons. *Ibid.*, 33.

violence during pregnancy.<sup>17</sup> The survey also found that experiences of physical violence were not linked significantly with respondents' place of residence, education level, marital status, and income.<sup>18</sup> According to the survey, 14.3 per cent of women reported having experienced emotional violence (threatening, insult, humiliation).<sup>19</sup> With regard to economic violence, 4.7 per cent of the women interviewed admitted that their husbands/male partners have taken their earnings against their will.<sup>20</sup> The survey also revealed that 34.1 per cent of women thought that husbands have a right to beat their wives in certain cases.<sup>21</sup> Another important finding of the survey was that women perceive the family as a sacred place, and thus, the prevailing attitude emphasized that whatever happens in the family should stay within family – 78.3 per cent of women thought that family problems should only be discussed within family.<sup>22</sup>

90. With regard to the Committee's recommendation to enhance the action beyond domestic violence to all forms of violence against women, in the light of the Committee's General Recommendation 19, the following shall be emphasized: to further strengthen the measures to overcome all forms of gender-based violence, whether by public or private act the Law on Gender Equality having entered in force on 26 March, 2010, in all spheres of public life: (a) ensures the prohibition of all kinds of discrimination based on sex, (b) creates appropriate conditions for the realization of equal rights, freedoms and opportunities of women and men, (c) supports prevention and elimination of all kinds of discrimination based on sex and provides for legal mechanisms and conditions for realization of equal rights.

91. Along with that, the laws of Georgia substantially amended during 2009 directed against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services are provided for victims, as outlined above. Gender-sensitive training of judicial and law enforcement officers and other public officials have been conducted and are being planned to further promote the effective implementation of the Convention.

92. The respective statistical programmes and public awareness campaigns have been designed. The work with media to ensure that the media respect and promote respect for women has been ongoing.

93. With regard to trafficking, as outlined in general recommendation 19 it shall be briefly noted that since the submission of Georgia's previous report to the Committee, the anti-trafficking legislation of Georgia have completely changed, the respective practices and institutions were introduced by Georgia to efficiently prevent trafficking, protect its victims, punish perpetrators and partner in all these with the civil society and international community. To this end, Georgia provides deprivation of liberty for traffickers of adults from 7 to 20 years, whereas trafficking in minor is punishable with eight years of deprivation of liberty to life sentence. The further details including penal provisions, preventive and rehabilitation measures in this regard, as well as complaints procedures and remedies, including compensation, are provided below.

<sup>17</sup> Ibid., p. 48.

<sup>18</sup> Ibid., pp. 11, 33.

<sup>19</sup> Ibid., p. 35.

<sup>20</sup> Ibid., p. 36.

<sup>21</sup> Ibid., p. 38.

<sup>22</sup> Ibid., pp. 12, 15 and 37. Out of the 78.3% of women who think that family problems should only be discussed within a family, 48% are rural, 30.3% are urban and 21.7% are from the capital Tbilisi. Ibid., p. 37.

94. With regard to the Committee's concern as the marital rape has not been included in any proposals for new legislation it is herewith submitted that the Criminal Code of Georgia criminalizes infringing upon the equality of persons (art. 142) and its Chapter XXII concerns "Crimes against Sexual Freedom and Inviolability" (Criminal Code of Georgia, Chapter XXII, Crime against sexual freedom and inviolability. Article 137, Rape; article 138, Sexual abuse under violence; article 139, Coercion into sexual intercourse or other action of sexual character; article 140, Sexual intercourse or other act of sexual character with a person under sixteen). Article 137 of Criminal Code of Georgia envisages rape as a separate crime.<sup>23</sup>

95. The Georgian legislation does not provide for distinction in between marital rape and rape in general. Article 137.1 of Criminal Code of Georgia treats the both cases in the same manner. The sanctions for rape and rape in marriage are absolutely the same, as there is no distinction in between the two. As rape, including, the marital one, by itself already constitutes criminal act, the act is immediately subjected to Criminal proceedings. All the protection mechanisms for victims of domestic violence apply in the case of marital rape, as well as there is a support provided from the criminal proceedings perspective to support a victim. To make more emphasis on marital rape, as well as any other crime committed within domestic setting, as mentioned above the special article is currently being drafted to be inserted into the Criminal Code "domestic violence", which will encompass any of the criminal acts committed within domestic setting and equaling domestic violence, including rape.

#### **Reply to the recommendations contained in paragraphs 21 and 22 of the concluding comments**

96. Since the previous Report was submitted to the Committee a whole range of activities were directed towards the establishment and stable development of standards corresponding to internationally recognized norms for combating the crime of trafficking in persons in Georgia. The Government of Georgia has dynamically undertaken measures to suppress the trafficking in persons in Georgia and for the purpose of prevention of this crime to conduct respective wide public awareness campaign. To meet the requirements of the well-known "three Ps": Prevention, Protection and Prosecution of the crime, active

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<sup>23</sup> Rape is defined therein as follows:

(1).Rape, i.e. sexual intercourse through violence, threat of violence or abusing the helplessness of the victim, -

Aggravating circumstances for committing rape are listed as follows:

(2).The same action perpetrated:

(a) repeatedly;

(b) by the one who had previously committed one of the offences set forth in Articles 138-141 of this Code

(Article 138. Sexual Abuse under Violence; Article 139. Coercion into Sexual Intercourse or Other Action of Sexual Character, Article 140. Sexual Intercourse or Other Action of Sexual Character with One under Sixteen, Article 141. Perversion), -

(3).Rape:

(a) by a group;

(b) of a pregnant woman or other person at the previous knowledge of the offender;

(c) under extreme violence against the victim or other person;

(d) by using one's official position;

(e) that through negligence has resulted in the death of the victim;

(f) that through negligence has been corollary to the victim's contraction of AIDS, serious rupture of health or other grave consequence,

(g) of a person less than fourteen years.

measures have been undertaken both – at the legislative and implementation levels. There has been efficient use of the fourth "P" – partnership throughout the process. In 2003, Georgia was in Tier 3 of the US State Department ranking of countries fighting against Trafficking in Persons, whereas in 2007 the country has moved to Tier 1, where it remains stable since.

97. The Permanent Interagency Coordination Council for Carrying out Measures Against TIP (The Coordination Council)<sup>24</sup>, set up by Presidential Decree N534, on September 1, 2006 is chaired by the Minister of Justice of Georgia and composed of Deputy Ministers of: Labor, Health, and Social Protection; Internal Affairs; Justice (together with the Prosecution Service); Education and Science; Foreign Affairs. It has invited members from international organizations, NGOs, embassies to Georgia, Parliament and Public Defender's Office.

98. The Criminal Code through article 143<sup>1</sup> criminalizes trafficking in adults (7-20 years of deprivation of liberty); article 143<sup>2</sup> criminalizes trafficking in minors (8-20 years or life sentence). In May 2007, article 143<sup>3</sup> was introduced in the Criminal Code, which criminalizes use of services of a TIP victim (3-15 years of deprivation of liberty). Criminal Code does not differentiate between trafficking in persons for the purpose of labor exploitation and sexual exploitation. The scope of application of these articles covers internal (within territory of Georgia) as well as external forms of trafficking (trans-border).

99. Since 2006, Georgia has ratified international agreements regarding combating Trafficking in Persons. The United Nations Convention against Transnational Organized Crime (Palermo Convention) as well as its protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air was ratified in 2006. Apart from this at the end of 2006, the Parliament ratified Council of Europe Convention on Action against Trafficking in Human Being and therefore Georgia became the fifth State Party of the European Convention.

100. The 2007-2008, 2009-2010 and 2011-2012 Anti-Trafficking Action Plans were elaborated as a result of close cooperation of the Government of Georgia, international organizations and NGOs. Following the successful implementation of the 2009-2010 NAP, the Chairman of the Coordination Council referred the 2011-2012 National Action Plan, drafted with active participation of the Government, NGOs and international organizations to the President of Georgia for the final approval at the end of 2010. The implementation of the National Action Plans has been monitored by NGOs and/or international organizations, proving their consistent and results-oriented implantation.

101. Georgia demonstrated strong efforts to identify and assist victims of trafficking and consistently increasing its victim assistance funding throughout years starting from 2006. The government also demonstrated impressive law enforcement success, significantly increasing the number of individuals convicted of trafficking, and again ensuring all convicted trafficking offenders served time in prison.

102. State Fund, as mentioned under the replies to the Committee to the Committee's Recommendations 13 and 14 above was founded according to the article 9 of Law of Georgia on Combating Trafficking in Persons in 2006. The State Fund is a legal entity of public law, established by the Decree of the President of Georgia. The Ministry of Labor, Health and Social Affairs exercises state supervision over the activities of the Fund.<sup>25</sup>

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<sup>24</sup> See the annex 11 to this Report on the Coordination Council Mandate

<sup>25</sup> See annex 12 to this report on the State Fund Charter and mandate

103. There are two State funded shelters for victims of trafficking in persons since 2007, one in the East, one – in the West of Georgia, managed by the State Fund.

104. In addition to providing victims with secure place of residence with decent living conditions via shelters Government also introduced the state sponsored support and rehabilitation activities for victims<sup>26</sup>, including free of charge: legal counselling and court representation, medical assistance, psychological assistance, food and clothes, provision of information in the language the victim understands. At the same time Government provides long-term and short-term programmes of rehabilitation and reintegration funded by the state budget, as well as in cooperation with NGOs. The system is fully operational.

105. State Fund also provides one-off payment in the amount of USD 650 to trafficking victims, in addition to other opportunities to claim the damage from offender.

106. Law enforcement agencies, following the establishment of the special investigative unit in the Ministry of Internal Affairs and the special supervisory body over the investigation in the Georgian Prosecution Service have been strengthened in terms of both – human and administrative resources throughout 2006-2011 and today even are approached as resource persons and institutions by other countries.

107. Georgia based on its Rehabilitation and Reintegration Strategy for Victims of Trafficking, adopted in 2007, fully covers all the needs related to rehabilitation and reintegration into society of any victim of Trafficking in Persons since 2007.<sup>27</sup>

108. Georgian authorities provided foreign victims legal alternatives to their removal to countries where they would face hardship or retribution; the Law on Legal Status of Foreigners provided a foreign person suspected of being a victim of trafficking, the right to a residence permit even if authorities could not prove beyond a reasonable doubt that the person was a victim. Moreover, Georgia continued cooperation with law enforcement agencies in Turkey, resulting in successful investigations and prosecutions.

109. A robust public information campaign ensures that information about trafficking is widely available through law enforcement agency web sites, public service announcements, anti-trafficking television programming, and brochures at the country's main ports of entry. In addition, Georgian authorities continued cooperation with the local and international NGOs in initiatives to combat trafficking, including seminars and public awareness events.

#### **Reply to the recommendations contained in paragraphs 23 and 24 of the concluding comments**

110. Georgia had been undertaking a variety of comprehensive actions to further promote the representation of women in public and political life. Women comprise over 59 per cent of voters, being equally active voters in villages, as well as in cities.<sup>28</sup> It shall be noted that 30 per cent of political party members are women.<sup>29</sup> To increase women's political participation, in addition to the constitutional guarantees to this end, the 2010 Law on Gender Equality refers to the equality of men and women in election process. However, the challenge of women's low participation in the legislative body – 6 per cent for the time being – remains. The main reason of this figure after the Constitutional amendments and the last Parliamentary elections in 2008 was the reduction of total number of MPs. In order

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<sup>26</sup> See The Strategy for Rehabilitation and Social Reintegration of the (Statutory) Victims of Trafficking in Persons as annex 13 to this report.

<sup>27</sup> See annex 14 to this Report for the National Referral Mechanism for TIP Victims.

<sup>28</sup> Nana Sumbadze (2008) *Gender and Society: Georgia*, Tbilisi, p.35.

<sup>29</sup> Maia Kuprava-Sharvashidze (2006) *The Situation around Women's Political Participation in Georgia*, Tbilisi, see Reality: Women's Equal Rights and Equal Opportunities in Georgia, p.18.

to address this challenge special legal incentives to the Election Code and Law on Political Unions were introduced. According to the newly introduced regulation, some portion of the state funding allocated for political parties are linked to the proportion of women included on party lists. 108. At the same time, according to the new Election Code adopted at the end of December 2011 Georgia provides financial incentives to political parties to encourage them recruit women candidates in their party lists for the parliamentary elections. Under the Organic Law on the Political Unions of citizens the political parties will receive the funding allocated for the direct distribution from the state budget according to rule approved by the article 30 of the same law. By the legislative amendment of 28 December 2011, Section 7<sup>1</sup> was supplemented to the article 30 of the same law that defined additional encouraging funding terms, more specifically: 7<sup>1</sup>. The election subject, who receives the funding according to this article, will receive the supplementary funding with the amount of 10 per cent if in the submitted party list (in all party list – for the local government elections) among every 10 candidate gender differences is represented by at least 20 per cent.

111. On 27 December 2011, the Parliament approved the 2012-2015 Georgian National Action Plan for the implementation of the Security Council resolutions 1325, 1820, 1888, 1889 and 1960 on “Women, Peace and Security”). This is one more novelty in the process of active involvement of women in political and public life. The National Action Plan is built on four pillars: increasing the participation of women in the peace process and the security sector; preventing all forms of violence against women, especially those related to sex or gender; protecting women against all kinds of threats, and safeguarding their physical, mental and economical security; and addressing the specific needs of women during and after conflict periods. It shall be also noted that four women participate in the Geneva Talks launched after the August 2008 war, co-chaired by representatives from the EU, OSCE and the United Nations.

112. Georgia had 6 women and 27 ambassadors Plenipotentiary and Extraordinary in 2005, 5 women and 30 men – in 2006, 4 women and 34 men – in 2007, 5 women and 29 men – in 2008, 6 women and 38 men – in 2009, 6 women and 39 men – in 2010. By December 2011, there were five women ambassadors representing Georgia as ambassadors extraordinary and plenipotentiary along with 43 male ambassadors, there were 13 women and 54 men performing consular functions, whereas there were 162 women employed in the central office of the Ministry of Foreign Affairs along with 102 men. Out of the contracted staff, members of the Ministry of Foreign Affairs 27 were women along with 35 men. Along with this, Georgia is represented by women at international fora, including by having women in different committees and commission of international organizations. As an example, the following shall be cited: Member of CDMM- Steering Committee on the Mass Media, the deputy member of ECRI (Council of Europe) in respect of Georgia, contact person for ECRI in Georgia, contact person for GRETA (Council of Europe) in Georgia, etc.

113. It is important to note that on 22 June, 2011 the Permanent Commission of the Election Administration working on gender equality issues was established based on the order of the CEC Chairman. The Commission is composed of the Central Election Commission members and heads of structural units. The main goal of the Commission is to support the implementation of the gender policy at the election administration in compliance with the Georgian legislation and recommendations of international organizations. Respectively, the Commission provides the Central Election Commission with the proposals on gender policy issues at the election administration.

114. In the 2004-2008, a woman chaired the Parliament of Georgia and women were chairing three committees. In the Parliament elected in 2008 the Deputy Chair of the Parliament is a woman, who also chairs the Parliamentary Council on Gender Equality Issues and is an enormous supporter of women’s rights groups. In addition, one Chair of the

Parliamentary Committee and five Deputy Chairs, including three First Deputy Chairs of the Parliamentary Committees are also women. The following was the number of members of the Parliament of Georgia: 23 women, 198 men in 2007, 7 women, 130 men in 2008, 7 women, 132 men in 2009, 9 women, 131 men in 2010; Number of employees of the Parliament was as follows: 435 women, 234 men full staff, 147 women, 174 men contractors in 2008; in 2009: 409 women, 205 men full staff, 154 women, 184 men contractors, in 2010: 397 women, 206 men full staff, 157 women, 180 men contractors.

115. Out of 19 ministers, three are women in 2011. There were 3 women ministers and 16 men ministers in 2010, no women minister and 19 men ministers – in 2009, 2 women ministers and 16 men ministers – in 2008 along with 15 Deputy Ministers being women and 56 – men in 2010, 14 women and 57 men – in 2009, 14 women and 50 men – in 2008.

116. In 2008, the Chancellery of the Government of Georgia had 102 women and 132 men staff members, in 2009 – 111 women and 132 men staff members, whereas in 2010 – 60 women and 83 men staff members. Number of the Employees of the Administration of the President of Georgia: 83 women, 57 men in 2008, 93 women, 63 men in 2009, 79 women, 57 men in 2010. Central Election Commission had 26 women and 42 men staff members in 2008, 51 women and 58 men – in 2009, 50 women and 58 men – in 2010.

117. The gender representation at the local level with the elected local self-government bodies is as follows: there were 192 women and 1495 men in 2008, 196 women and 1484 men - in 2009, 199 women and 1477 men - in 2010.

118. The gender statistics of the common courts of Georgia looks as follows: there were 131 women and 135 men judges in 2007, 114 women and 133 men judges - in 2008, 107 women and 120 men judges – in 2009, 106 women and 111 men judges – in 2010. By the end of 2011 there are 6 women in the 19-judge Supreme Court.

119. It is also noteworthy that the number of women working in Police is being increased from the year to another. The reforms undertaken by Ministry of Internal Affairs made more women attracted to work in Police. The normative to be overcome by women candidates upon entering Police are tailor made to specifics of women, to allow them to be equal competitors with men candidates to join Police. To date there is an Association of Policewomen unifying around 90 police officers. The purpose of the Association of Policewomen is the strengthening of the profile of women in the criminal justice system of Georgia, the unification of women policemen and their representation at the international plane, along with further developing equal opportunities within Police, and promoting the women to occupy high positions within Police structures, to also influence over the increase of percentage of women within Police in general. The Association is a member of the International Association of Women Policemen. Out of all employees of the Ministry of Internal Affairs, the leading positions (from the Head of Division to the First Deputy Minister) are held by 85 women, which constitute 4 per cent. It is noteworthy that the First Deputy Minister of Internal Affairs is a woman.

#### **Reply to the recommendations contained in paragraphs 25 and 26 of the concluding comments**

120. As mentioned above, in line with the 2007-2009 Action Plan on Gender Equality, the Law on Gender Equality was adopted in March 2010 to strengthen the legal basis for gender equality. The Law entered into force in April 2010. The Law promotes and ensures equal rights for man and woman in political, economic, social and cultural life. According to the Law, in order to protect gender equality, among others the following shall be ensured without discrimination:

- Equal treatment of man and woman in the evaluation of work quality;

- Equal individual rights of man and woman;
- Equal availability of education for man and woman and free choice of education at every stage of learning;
- Assistance in eradication of violence in family and society;
- Free choice of profession or job type, official promotion, professional training/retraining;
- Taking positions in public service in accordance with profession, skills and qualification, etc.

121. The principle regarding equal treatment of man and woman in the evaluation of work quality into the legislation implies equal remuneration for men and women for work of equal value. Therefore, the Law envisages the equal remuneration for men and women and legislation is herewith further strengthened.

122. The 2010 Law contains provisions on gender equality in employment relations. Pursuant to the Law, in employment relations, the following is inadmissible:

- Discrimination, persecution or coercion of a person that is aimed at or results in the creation of a threatening, hostile, belittling, or insulting environment;
- Any undesirable verbal, non-verbal or physical action of sexual character that is aimed at or results in the creation of a threatening, hostile, belittling, or insulting environment.

123. The principle of equal treatment of men and women in the evaluation of work quality as provided by the legislation implies equal remuneration for men and women for work of equal value. Accordingly, the equal remuneration for men and women is envisaged by the 2010 Law and the legislation is respectively further strengthened in this regard. Consequently, the Law on Gender Equality prohibits any kind of discrimination based on gender. The Law ensures, inter alia, gender equality in labor relations. Labor relations include the equal remuneration for men and women.

124. Moreover, the legislation of Georgia contains provisions of positive discrimination, as according to the Tax Code favorable treatment for personal income tax is granted to single mothers, whereas the legislation does not envisage any concession for a single father. There is a difference between retirement age of men and women. According to the legislation of Georgia a retirement age for man is 65 and for woman – 60.

125. The Labor Code stipulates the following principles regarding rights of women at work: it is prohibited to conclude a contract with an underage, a pregnant woman or a breast-feeding mother to perform hard, unhealthy and dangerous work; an employee shall ensure the protection of a pregnant woman from a labor that endangers the well-being, physical and mental health of the woman and fetus; overtime employment of a pregnant woman, a woman in a postnatal period or a person with limited capabilities without her/his consent shall be inadmissible; it shall be impermissible to employ a minor, a pregnant woman, a woman in a postnatal period, a breast-feeding woman or a person with limited capabilities, on a night job (22.00 p.m. to 6.00 a.m.). A baby-sitter who takes care of a child under age of three and/or a person with limited capabilities can be employed on a night job only by her/his consent; an employee, upon request, is entitled to a total maternity leave of 477 calendar days to cover pregnancy, delivery and child care. Of pregnancy, maternity and child care leave, 126 calendar days will be paid, while in case of a complicated delivery or if mother gives a birth to two or more babies – 140 calendar days of paid leave will be granted; compensation of pregnancy, maternity or adoption leaves is paid from the State Budget according to the rule set by the legislation. An employer and an employee can reach an agreement regarding an additional compensation paid by an employer; during the five

years following the birth of a child, the employee, upon her/his request shall have the right to an additional 12 weeks of unpaid childcare leave. Childcare leave can be taken either all at once or incrementally, but not less than 2 weeks of leave should be used per year. Article 2, paragraph 3 of the Labor Code stipulates that discrimination of any kind as to race, color, language, ethnic and social belonging, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions are prohibited in employment relationship. Paragraph 4 of the same Article stipulates that direct or indirect oppression of a person, aimed at or causing creation of intimidating, hostile, degrading, humiliating or insulting environment, or creation of such conditions which directly or indirectly impair her/his state compared with other persons being in the similar conditions shall be deemed as discrimination.

126. Distribution of population aged 15 and older by economic status is as follows: 933,500 women and 1,031,800 men in 2007, 889,700 women and 1,028,000 men in 2008, 920,500 women and 1,071,300 men in 2009. Out of these 816,200 women and 888,100 men were employed in 2007, 746,300 women and 855,600 men were employed in 2008, 778,600 women and 877,600 men were employed in 2009, whereas 293,500 women and 331,900 men were hired in 2007, 259,200 women and 313,100 men were hired in 2008, 278,500 women and 317,400 men were hired in 2009. 522,600 women and 556,200 men were self-employed in 2007, whereas 487,000 women and 541,500 men were self-employed in 2008 and 500,000 women and 559,000 men were self-employed in 2009.

127. Ratio of salary of females to salary of males by economic activity is provided in annex 15 to this Report. According to the information from the Geostat covering 2011, on average monthly nominal salary of employees by economic activities and sex shows that the gap between female and male earnings narrowed significantly. Namely, in the first quarter of 2011 average monthly salary of men was USD 413 that is 24.4 per cent higher than the same indicator for women (earning USD 332) occupied in the construction sector. In the field of education women earned USD 175, whereas men - USD 226 (22.6 per cent less earned by women than men). In financial intermediation, the average monthly salary of men was USD 1035 and USD 621 of women (40 per cent less than men). Men occupied in production of electricity, water and gas earned USD 507 versus women earning USD 481 (5.1 per cent less than men). In the public administration the average monthly salary of men was USD 584 and of women – USD 473 (19 per cent less than men). In the sector of transport and communication, men earned USD 490, while women USD 410 (16.3 per cent less than men). The above prove that the gap between monthly earnings of women and men have decreased in some areas.

128. Even though both men and women are engaged in entrepreneurship, women are more likely to own micro-business than small and medium businesses. According to the USAID Gender Assessment report (June 2010), 40.8 per cent of Georgian firms have at least one female owner, but at the same time women are in the top manager position in only 19.7 per cent of firms. When the firm is owned by female, the number of employed women is increased. In female-owned firms, 60 per cent of full-time workers are female as compared to firms where there is no female-ownership and only 31 per cent of the workforce is women.

129. It should be emphasized, that according to the Charter of the Tripartite Social Partnership Commission, the tripartite Commission is entitled to discuss and study all issues related to labor relations, including equal remuneration for men and women, equality of opportunity and treatment in employment and occupation, etc. Pursuant to the Charter of the Tripartite, Social Partnership Commission, each social partner has the right to raise the issue, which should be studied and analyzed in the framework of the tripartite social dialogue. Respectively, the Tripartite Social Partnership Commission can deal with the

issues regarding equal remuneration for men and women in case any social partner raises the issue. There have not been any discussions on the above-mentioned issue within the framework of the social dialogue format, as the issue has never been raised by any social partner, due to the fact that no case of infringing the equal remuneration for the work of equal value principle had been infringed. In case such issue is raised by any of the social parties, the Tripartite Social Partnership Commission will be obliged to consider the issue.

**Reply to the recommendations contained in paragraphs 27 and 28 of the concluding comments**

130. It should be mentioned, that the Law on Entrepreneurship is gender-neutral. Notably, women's representation in financial sector is higher than men's. According to the Georgian legislation, women and men are equal before the law with regard to property. Women have the right to independently apply for, and receive financial resources (credit, loans).

131. Reduction of unemployment and jobs creation is one of the main priorities of the Government of Georgia for reduction of poverty. It should be mentioned, that in 2008 the research "Labor Market in Georgia: Lack of Jobs or Structural Mismatches?" was provided by the World Bank. According to the research, in spite of establishment lots of working places in Georgia, the unemployment rate is still high, because of unqualified human capacity. Consequentially, low qualification of the local labor force is one of the most acute problems for Georgia's growth and more specifically for the labor market and employment. Accordingly, the Government of Georgia is oriented on enhancement and development of quality of education for further facilitation of employment in particular in view of decreasing the labor mismatch through better quality human capital in the country. The Government sees this problem as the critical impediment for creating the grounds for economic and social advancement, as well as for modernization of the country. Taking into account the above-mentioned, the Government of Georgia is aiming at the enhancement of the human capital quality in the country. This in turn will allow to effectively solving the labor market mismatch problem through increasing the quality and subsequently competitiveness of the Georgian labor force for reduction of unemployment.

132. The consultative meetings with the business sector revealed their clear dissatisfaction with the locally-educated labor force quality. The same has been confirmed at the focus groups with the business representatives. In particular, it was revealed that education at the tertiary level rather than secondary is perceived as most problematic by the businesses. The need for improvement of the education quality in Georgia is also acknowledged by international expert assessments. For instance, the Survey 'Capital and Conflict: Georgia' points out the supply of skilled labor in Georgia among the top negative factors hindering foreign investment ('Capital and Conflict: Georgia,' 2011, University of California, San Diego).

133. The high accessibility of education for women positively affects employment through the higher quality employees and better development prospects. Unemployment rate of women in 2010 reduced compare to the 2009. Moreover, unemployment rate of men is higher than the same indicator for women. Share of female students in the total number of students is higher than share of men and keeps increasing. USAID Gender Assessment report of June, 2010 suggests that women have slightly greater representation in institutions of higher education (55.5 per cent of the enrolled are women as compared to 44.5 per cent men). However, based on the most recent data from the National Examination Centre, in 2010, number of female students admitted to Georgian higher educational institutions is even higher and equals 59 per cent of total admitted students. In 2005-2010 number of admitted female students increased by 40.4 per cent, while number of male students increased by 31.9 per cent. This means that in a merit-based system, both genders have at

least equal opportunities to study in higher educational institutions and no discrimination towards women in this regard is applied in Georgia.

134. Female students dominate in the total number of students with highest grades in the science exam in the unified national examination. Namely, in 2010, share of female students in the top 20 per cent per cent segment was 71.4 per cent per cent. In 2005-2010 number of female students in the top 20 per cent per cent segment in science exam increased by 125.4 per cent per cent, while the number of male students increased by 80.3 per cent per cent. While the share of male students in the top 20 per cent per cent segment of math exam is generally higher than share of female students, during the last three years share of male and female students in this regard became almost equal and in 2010 female students constituted 48.7 per cent of the top 20 per cent segment. It should be also noted that in 2005-2010, number of male students in the top 20 per cent segment in math exam decreased by 35.5 per cent, while number of female students increased by 1.6 per cent. Female students stably outperform male students in the English exam and over the years dominate in the number of students with the highest grades in this exam. In 2010, female students constituted 60.1 per cent of the top 20 per cent segment in the English exam.

135. When it comes to the distribution of state grants, it should be emphasized that number of female students receiving state grants is higher than number of male students. As grants are distributed based on performance in the unified national exams (see above), it also indicated that women general perform better than man performs and have higher scores. For instance, in 2010, females constituted 61.9 per cent of total state grant receivers. In 2005-2010, number of male students receiving state grants increased by 94.5 per cent, while the number of female students increased by 112.6 per cent.

136. It should be emphasized, that municipalities carry out a number of programmes for enhancement of employment. For example, the executive body of the largest municipality Tbilisi City Hall provides the following employment programmes, with the specific accent on employment of women: From 2010, "English and Computer Skills Program" was started. The aim of this Program is to provide for job seekers English and computer courses free of charge. From 2010, September special employment programme was started. Everyone who is 18 years old can participate in the Program. There is no age limitation; accordingly, older workers also may participate in the Program. Residents of 30 other municipalities may participate in the programme. The Program includes Registration of job seekers in unified electronic database. The data-base is daily updated and includes information regarding: personal data, education, job experience of job seeker; Consultations with businesses in order to allocate vacancies; Selection of persons from data-base for the business; Provision of vocational education and trainings for job-seekers with particular attention on women.

137. To overcome the problems related to development of human capital and promote the employment of vulnerable groups Georgia has paid particular attention to the development of vocational education system. The goal of vocational education is to create new vocational education system, oriented on labor market, which would influence economic development of country, would be compatible with European and international educational space and would assist individual's self-realization. The aim is to transform the soviet-style professional education system into a market driven one, where emphasis is put on the needs of the growing economy and quality of education. Starting from 2005, several new conceptual documents were prepared by the Government, leading to enacting a new Law on Professional Education in spring 2007. In 2009 the Government developed and approved a special strategy of professional education, which contains all necessary steps to be undertaken in the years to come. Government embarked on the institutional reform of the VET system. The latest wave of reforms was undertaken in September 2010, which resulted in optimization of the professional education centres, the quantity of which is currently 20.

The new professional education system consists of five levels, which is in full compliance with the relevant system existing in Europe. The professional education centres have been reformed into professional colleges, which provide education at first three levels.

138. Currently there are 20 State and 75 private vocational education institutions, in addition to 17 state and 5 private higher education institutions offering vocational education programmes. Around 8000 students are educated in the state institutions and around 5000 - in private ones. According to the data by the Ministry of Education and Science of Georgia, the last two years saw the doubling of private education institutions, which shows increasing demand, and is an evidence of the private sector trying to overcome the constraint. There is one unified system of Vocational Education that covers/includes five levels of vocational education. The first three levels are provided by Vocational Colleges, community colleges, higher educational institutions and general educational schools; the last two levels (IV and V) are provided by community colleges and higher educational institutions. All education institutions with appropriate licenses are also authorized to carry out VET programmes).

139. The Government of Georgia pays huge attention to the development of the agricultural sector as Georgia's agricultural sector is characterized by a large number of employed (ca 50 per cent) in the sector. For this purpose, 150 mln GEL is allocated from international financial institutions and funds. The following projects will be financed from 150 mln GEL: Agricultural logistic centers – 40.5 mln GEL; Facilities for drying and storage of corn – 22 mln GEL; Acquisition of tractors and combines – 29.5 mln GEL; Greenhouse – 15 mln GEL; Renovation of drainage ditches - 5 mln. GEL; Organization of pilot space for berry – 3 mln. GEL; Other infrastructural projects - 35 mln GEL.

#### **Reply to the recommendations contained in paragraphs 29 and 30 of the concluding comments**

140. Right to health comprised of access to safe, quality and affordable healthcare services is embedded in the Constitution of Georgia for all citizens, independent to their gender, age, ethnicity or other socio-economic status (art. 37). However, due to devastating impact that the collapse of the Soviet Union had on overall health systems in Georgia, and especially that of women causing a demographic crises in the country, the Government of Georgia places protection of maternal and child health high on political agenda. This priority is entrenched in the country specific policy documents, public funding structure and health system development strategies. As the signatory of number of international conventions and declarations, including ICPD Action Plan (1994), the United Nations Millennium Declaration, the Convention on the Elimination of All Forms of Discrimination against Women and the Fourth World Conference on Women (1995), Georgia is striving to achieve set out objectives and generate reliable information assessing health status of Women in the country for evidence-based policy making. Health Care Strategy of the Government of Georgia for 2011-2015 – “Affordable and Quality Healthcare” summarizes strategic goals and objectives targeted at improving health and access to health for all citizens, with a special consideration of needs of mothers and children. Overall, during the past decade significant achievements had been demonstrated in the country in terms of improving key health indicators, such as maternal mortality. Notably, besides routine statistical data collection, the country supports independent surveys to provide additional data on the health status of women and access to SRH (sexual and reproductive health) services. In 2010, the third Reproductive Health Survey (RH Survey) was conducted (the survey is conducted by the National CDC with a technical assistance from CDC Atlanta and John Snow International). Maternal mortality rate reported as a part of RH survey conducted in Georgia in 2006 was nearly three times more than the data reported through official channels. However, subsequent improvements in data collection had greatly

improved quality of routine data collection system and 2010 RH survey findings and official statistical reporting now closely match.

141. Information about maternal mortality by cause, overall mortality by cause and sex, morbidity statistics by sex are published annually by the National Centre of Disease Control, including additional information specific to women's health, such as abortion, fertility, use of contraception, access to health services such as antenatal care, delivery and post-delivery care. Along with the improved birth and death registration systems in the Georgia, in 2010, the country had introduction and mandatorily implemented international classification system (ICD-10) for mortality and morbidity statistics (Decree of the Minister of Labor, Health and Social Affairs N92/n; 12.04.2010). All of the above had improved the quality of data. Currently, Georgia is working on the development electronic health information systems and the completion of the system will further improve quality of statistical data.

142. Major aspect of recent health system development is health infrastructure development. By 2013 complete renovation of health infrastructure in the country will be completed that will ensure access to modernized healthcare facilities in every region of the country. This had a particularly positive impact on ensuring access to healthcare for women and girls in rural areas, where health infrastructure was particularly deteriorated and often lacked basic sanitary and hygienic conditions. It should be noted that out of planned 150 new healthcare facilities in the county, over 10 per cent are already constructed in rural areas with comparatively dense ethnic minority population, making healthcare for ethnic minority women more accessible. Therefore, number of deliveries without attendance of skilled provider had declined from 8 per cent (1999) to less than 1 per cent (2010).

143. In order to increase affordability of healthcare services, starting from 2007, every household below a set poverty threshold is receiving health insurance coverage. Full premium for the insurance is paid by the State, while insured received coverage for family physician services, specialist services and emergency and surgical hospitalizations. Furthermore, delivery and any complications during pregnancy are also covered. As the State Budget Law for 2012 of Georgia already has a sufficient allocation to insured children and every pensioner that will also improve the health status of women especially of an older age. It shall be noted herewith as well that the law provides for the right to decide freely the number, spacing, and timing of their children. Information is widely accessible and families and individuals can make reproductive decisions freely. For more details, the Annex 16 and Annex 17 to this Report shall be consulted.

#### **Reply to the recommendations contained in paragraphs 31 and 32 of the concluding comments**

144. As noted above, under Georgia's replies to the Committee regarding the Committee's recommendations contained in paragraphs 9 and 10, pursuant to the article 3 of the European Framework Convention for the Protection of National Minorities that guarantees right of self-identification, Georgian Government, like some European countries, does not collect data on ethnic affiliation of its citizens. During 2012 the establishment of the concept of gender focal points at self-government level is planned according to the Gender Equality Action Plan, that will significantly increase the gender planning and respective information collection at the local self-government level,

145. The data about the rural population in Georgia is as follows: the rural population equaled 2,091,000 in 2006, constituting 47,5 per cent of the population, whereas by 2011 this figure made 2,098,000, making up to 46,9 per cent of the total population of Georgia. By 2006, the economically active population consisted of 935,900 women, whereas by 2010 the same figure constituted 905,900 women. In 2006 there were 826,800 women employed out of the mentioned total, whereas by 2010 the figure was 776,700 women. Out

of the total rural population, 287,400 rural women (47,4 per cent) were self-employed in 2006, whereas by 2010 the same indicator equaled 300,200 (47,5 per cent).

146. In 2006, the salary of persons employed in the sectors of rural development, forestry and hunting constituted at average GEL 277.9, whereas by 2010 the same figure equaled at average to GEL 597.6. Women had at average 426.6 GEL, which is a considerable growth, as compared to the same indicator in 2007 (GEL 240.2). The Poverty Reduction Program of the Government of Georgia does specifically address the solution of problems the rural women face as well.

147. Abduction of women for the purpose of marriage occurs very rarely. Such abductions are often arranged elopements. The law criminalizes kidnapping.

#### **Reply to the recommendations contained in paragraphs 33 and 37 of the concluding comments**

148. As demonstrated throughout the current report, the Beijing Declaration and Platform for Action have been taken into account by Georgia in its implementation of the obligations under the Convention. The Millennium Development Goals and the full and effective implementation of the Convention are considered as intertwined by the Georgian authorities. Therefore, the Government of Georgia try to the maximum extent possible to integrate gender perspective and to have the provisions of the Convention reflected in all efforts aimed at achieving the Millennium Development Goals, as demonstrated herewith throughout the Report. For more details, annexes 16 and 17 to this report shall be consulted.

149. Georgian Government commenced malty-angled migration management policy planning in 2010. Along with putting together the respective legislation and practices, the consideration of joining by Georgia of the relevant international legal instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will be undertaken in due course, along with drafting the State Migration Action Plan and other respective legal basis.

150. As already noted above, the concluding comments of the Committee had been widely disseminated in Georgia from the very outset. Therefore, the information had been publicized and the respective policy changes as well as changes in practice had been incurred, as demonstrated in this Report. As requested by the Committee, Georgia continues to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

### **III. Information relating to the articles in parts I to IV of the Convention**

#### **Article 2**

151. The Law on Gender Equality entered into force on 26 March 2010. The drafting and adoption of the Law was a result of fruitful cooperation between the Georgian authorities and non-governmental sector, the positive trend of which for the promotion of equal participation of women and men in the governance of the country was noted by the Committee during the consideration of the second and third periodic reports of Georgia in 2006. The Law on Gender Equality, in all spheres of public life: (a) ensures the prohibition of all kinds of discrimination based on sex, (b) creates appropriate conditions for the realization of equal rights, freedoms and opportunities of women and men, (c) supports

prevention and elimination of all kinds of discrimination based on sex and provides for legal mechanisms and conditions for realization of equal rights.

152. The entry into force of the Law on Gender Equality was one of the most important steps made towards the regulation of gender equality issues at the legislative level. The following principles recognized by the Law shall be outlined herewith: (a) the meaning of terms related to gender equality were defined; (b) the basic principles of the State (its organs) in the field of regulation of gender equality and their further planning and implementation were defined; (c) the Law explicitly states that a measure intended for correction of results induced by an act of discrimination and targeted at the group of people in need of special protection due to gender characteristics is not a discrimination based on sex. For example, during employment and performance of service obligations persons of both sexes can be placed in unequal position and/or the basis of the scope, specific character or terms and conditions of work performance, serving as a lawful cause and representing an adequate and necessary measure for accomplishment of work (para. 3, art. 6).

153. According to the new Law, the novelty is introduced in the Georgian legislative field. Namely, the prohibition of any kind of direct or indirect discrimination, persecution and/or forcing measure based on sex which is aimed at or induces conditions that are intimidating, hostile, humiliating, impairing dignity or abusive to a person and any type of unwanted verbal, non-verbal or physical act of sexual nature that is aimed at or induces impairment of a person's dignity or creates humiliating, hostile or abusive conditions for him/her (para. 1, art. 6). In addition, the Gender Equality Law sets forth concrete mechanisms, and ways for the realization of the rights declared in the Constitution and tries to translate international women's rights and gender equality standards into Georgian national legislation. The Law is a very positive step and a powerful mechanism for awareness rising on gender equality and women's rights issues in Georgia.

154. According to the new Law, the Public Defender of Georgia is involved within the scope of Public Defender's authority in the system of monitoring of the gender equality (art. 14).

155. One of the most important novelties introduced by the new Law is the introduction of the institutional mechanism.

156. The Law of Georgia on Elimination of Domestic Law Violence, Protection of and Support to its Victims and the Law of Georgia on Combating Trafficking in Human Beings regulate different aspects and manifestations of Gender Based Violence. The Law of Georgia on Gender Equality condemns sexual harassment at workplace. The Criminal Code of Georgia criminalizes inflicting upon the equality of persons (art. 142) and its Chapter XXII concerns "Crimes against Sexual Freedom and Inviolability" (Criminal Code of Georgia, Chapter XXII, Crime against sexual freedom and inviolability. Article 137, Rape; article 138, Sexual abuse under violence; article 139, Coercion into sexual intercourse or other action of sexual character; article 140, Sexual intercourse or other action of sexual character with one under sixteen.)

157. The legislation of Georgia recognizes the principle of gender equality. Article 14 of the Constitution of Georgia states as follows: "Everyone is born free and is equal before the law, regardless of race, skin color, language, sex, religion, political and other beliefs, national, ethnic and social origin, property and title of nobility or place of residence." Here "sex" is listed among other variables upon which a person cannot be discriminated against before the law. The Georgian Constitution uses "person", "citizen" or "individual" for both sexes that once again underlines the equality of both sexes. Article 18, paragraph 1 states as follows: "The freedom of a person is inviolable". Article 30, paragraph 4 of the Constitution states: "the working conditions of minors and women are determined by the

law”. This underlines that the drafters of the Constitution acknowledge that women need special protection. Article 36 states as follows: “marriage is based upon the equality of rights and free will of spouses” and below, paragraph 3 states: “the rights of mothers and children are protected by law”.

158. The recognition of non-discrimination on the basis of sex are envisaged in almost all the major legislative pieces of Georgia, e.g.: Labor Code of Georgia, Law on Public Service of Georgia, Civil Code of Georgia and its V part- Family Law, Law of Georgia on Secondary Education, Law of Georgia on High Education, Law of Georgia on Elimination of Domestic Violence, Protection of and Support to its Victims, Election Code of Georgia, etc.

159. The civil legislation of Georgia emphasizes the principle of equality or non-discrimination on any grounds, including sex. The Code emphasizes that no direct or indirect restriction of rights of women shall be allowed in marital relationships.<sup>30</sup> Furthermore, both spouses have equal legal rights of ownership over the couple’s joint property.<sup>31</sup> Spouses enjoy equal rights, regarding possession, purchase, governing, usage and/or disposition of property.<sup>32</sup>

160. The Election Code of Georgia recognizes equal active and passive political rights of men and women.

161. The Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims represents a commitment to address domestic violence through a wide array of social and legal services. The Law defines domestic violence, provides new remedies for victims and guarantees legal and social protection for victims. The Law calls upon the government to empower the legal and social systems to provide these services.

162. Legislation of Georgia envisages crimes against women, including domestic violence, rape and sexual assault, as well as child sexual abuse, sexual harassment, and pornography.

163. Criminal Code of Georgia contains separate provision on criminalization of violation of equality of humans. Namely, According to article 142 of the Criminal Code, “Violation of equality of humans due to their race, color of skin, language, sex, religious belonging or confession, 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. According to paragraph 2 of the same article, “the same action committed: (a) by using one’s official position; (b) that has produced a grave consequences, - shall be punishable by fine or by imprisonment for up to three years, by deprivation of the right to occupy a position or pursue a particular activity for up to three years in length or without it.” Criminal Code of Georgia envisages sanctions for violence (article 126, as amended on 28/04/2006), which is defined as systematic beating or other assault, causing victim’s physical or psychological misery, but has not resulted into acts envisaged by article 117 (Intentional Damage to Health) or article 118 (Less Serious Damage to Health on Purpose) of the Criminal Code.

<sup>30</sup> Article 1153 of Civil Code of Georgia;

<sup>31</sup> Article 1158 of Civil Code of Georgia: “Property acquired by the spouses during the marriage shall constitute property owned by them in common (community property), unless otherwise stipulated in a marital agreement concluded between the spouses. The community-property regime shall likewise arise if one of the spouses has been keeping the household, has been providing care for the children, or was lacking an independent source of income for other legitimate reason.”;

<sup>32</sup> Article 10 (6) of the Law of Georgia on Gender Equality;

The Article, under its aggravating circumstances, has envisaged the commission of this crime among others against two or more persons, against a pregnant woman at the previous knowledge of the perpetrator, as well as against a minor, person being in a helpless conditions or a person dependent on the criminal materially or otherwise.

164. In 2009 to make the protection of women from any form of violence more efficient the changes and amendments were introduced into the following legal acts: (1) The Administrative Procedural Code of Georgia; (2) The Code of Administrative Offences of Georgia; (3) The Law of Georgia on Firearms; (4) The Law of Georgia on Fighting Domestic Violence, Protection and Support to DV Victims; (5) The Labor Code of Georgia; (6) The Law of Georgia on Public Service

165. In a very brief manner, the introduced changes and amendments among others: Exempt from state duty payment the court cases related to protection and assistance to DV victims; Streamlines the procedures of application to court by and on behalf of DV victim, including children; Simplifies the application to a court in a view that application on use of protective order shall be submitted to a first instance court according to the place of residence of a victim; Introduces that a court may, on its own initiative, or with the request of a party, hold a closed session, if a case refers to domestic violence; Establishes that court also may consider an issue of separation of a child from a violent parent; Regulates in a greater detail the issuance and appeal against of restrictive and protective orders; Introduces limitation/deprivation of access to and use by a DV offender of any firearms, including the official capacity related firearms; Streamlines administrative responsibility for violation of the restrictive and protective orders; Introduces criminal liability for violating the protective and restrictive orders by a person who had been administratively held responsible for the preceding violation of the two;

166. The Law of Georgia on Fighting Domestic Violence, Protection and Support to DV Victims, along with stipulating that the State ensures with the recognition of equal rights of family members creation of legal guarantees for protection of their rights and freedoms, physical and psychological integrity, introduces that: the aim of the Law is put together the foundation of the protection, assistance and rehabilitation of DV victims; cooperation of different agencies for the prevention of domestic violence and fighting against it; provision of rehabilitation measures for DV offenders.

167. The Law also introduces a notion of an alternative way of recognition of a DV victim, along with such a recognition by Police, by mentioning that "a DV victim is a family member, who has suffered physical, psychological, sexual, economic violence or coercion and a status of a DV victim has been granted to him/her by a respective service of the Ministry of Internal Affairs or/and by judicial organs or/and by a Group Identifying a Status of a DV Victim".

168. The Law also introduces a definition of "Rehabilitation Measure for domestic violence Offenders", that include rehabilitation of domestic violence offender and crisis intervention according to the standard established by legislation. The Law also introduces a notion of a crisis centre. The Law regulates that Protective Order shall be issued for up to six months duration. It is up to the court to decide on exact length of the order or change its duration. It shall also be noted that the Protective Order may be prolonged once for no more than three months. As for Restrictive Order, it may be issued for up to one month and Court shall consider its affirmation within 24 hours after competent applicant applies with such a request to a court. The Law stipulates also that conciliation of a DV victim and DV offender does not preclude from using protective and restrictive orders, if domestic violence damages interests of other family member, especially – children. The Law also stipulates that court also considers an issue of relation of children with violent parent(s) and a court may consider separation of children from violent parents in case of trace of violence against minor/child as an intermediary measure before the final decision is made. The Law also

regulates frequency and duration of a visit of a violent parent to a child, with the stipulation of respective security measures.

169. The Law also obliges police to immediately react on receipt of information on domestic violence and undertake actions as envisaged by Law. The Law also stipulates potential victim, witness, DV offender, including minor/child, shall be questioned separately by Police and the results of the questioning shall be fixed in a written form. The Law specifically stipulates that along with the Ministry of Internal Affairs and courts, identification of a status of a victim of domestic violence shall also be undertaken by the Group Identifying a Domestic Violence Victim, which operates with the Interagency Council of Fighting Domestic Violence in Georgia. The Law also regulates terms and duration up to 3 months, which can be further prolonged, for a DV victim for staying in shelter. The Law provides that in case of placing in a Domestic Violence shelter or a Crisis centre, a victim shall retain a work place on the same position. The Law introduces a notion of a Crisis centre. Crisis Centre is defined as follows: "Crisis Centre is a place of temporary placement of presumed victims of domestic violence and it serves as a place of their psycho-social rehabilitation, first and emergency medical aid and legal assistance." A Crisis Centre shall be established within the system of the Ministry of Labor, Health and Social Protection or on the basis of non-commercial a legal entity (e.g. NGO). In the latter case, the Crisis Centre shall meet minimum standards established by the Ministry of Labor, Health and Social Protection.

170. With regard to the changes and amendments into the legislation of Georgia regarding broadcasting and media, the details are provided above under the response to the Committee's recommendations 17 and 18, regarding several important legislative acts and amendments introduced in Georgia since submission of the second and third periodic reports under the Convention on 14 May 2004 containing safeguards to eliminate discrimination against women. Namely, on 23 December 2004, Law of Georgia on Broadcasting was adopted.

### **Article 3**

171. As noted above, the Parliament of Georgia adopted a Gender Equality Law on 26 March 2010. The legislation provides for the establishment of a national women's machinery, the enhancement of women's security, and the strengthening of women's political participation. It also introduces gender-responsive planning and budgeting by the government. The Law builds on the 2006 State Concept for Gender Equality, and has been developed since 2008.

172. The Constitution of Georgia upholds the principle of equal rights for men and women. The free consent of both spouses for marriage is required and the law sets the minimum age for marriage at 18 years for both men and women. In exceptional circumstances, marriage may be authorized from the age of 16. The equal rights for men and women regarding parental authority, is guaranteed.

173. Women have the same ownership rights as men, and there is no discrimination in relation to access to land. Rights of access to property other than land are also equal and both spouses have equal legal rights of ownership over the couple's joint property. In matters of inheritance, by law the assets are shared between children, with equal shares for sons and daughters.

174. Gender Equality Council is established in the Parliament, which is authorized to develop an Action Plan for Gender Equality. The Deputy Chairwoman of the Parliament chairs a Gender Equity Council, which included MPs as well as representatives from the executive branch, the Public Defender's Office, and NGOs. It became a permanent body at the end of 2009.

175. The “Action Plan on Gender Equality” for 2007-2009 was elaborated in cooperation with Gender Equality Council. The Plan focuses on four major directions: Exchanging information between state agencies on implementation of activities considered by Gender Equality Plan of Action; increasing public awareness on gender equality by popularizing gender issues and information spreading; discussing gender issues on TV and radio programmes; substituting gender related stereotypes by new gender equality oriented views at various levels of education: incorporating gender issues in educational standards for the Ministry of Education and Science and by developing educational programmes for boys and girls with due regard for their differences and equality, integrating a gender education component in the teachers’ lifelong learning system.

176. In 2006 UNDP launched the Component of Gender Responsive Budget Initiative (GRBI) within the frame of SIDA supported Project “Gender and Politics in the South Caucasus”. Monitoring of implementation of gender aspects in the State Budget 2007-2008-2009 was implemented; special focus was made on educational and social programmes. Based on analysis of number of State programmes and state budgets, recommendations were developed on public funds expenditure’s effect on fair and equitable distribution of resources. To achieve gender equality and social justice Gender Budgeting women’s NGO Network was set up after the international Conference in order to further involve women NGOs in gender responsive budgeting issues.

177. In December 2008, Presidential Decree N625 established Interagency Council to address domestic violence and coordinate the activities of ministries and NGOs to combat the problem. The Interagency Council prepared and received presidential approval on the 2009-10 National Action Plan to Fight Domestic Violence (the Plan). It was based on the plan that the anti-domestic violence legislation was revised in 2009. Currently the 2011-2012 National Action Plan to Fight Domestic Violence is in force. The Plan, which was drafted with active participation of all concerned governmental, non-governmental and international organizations, is one of the important documents in the course of implementation of anti-domestic violence activities. It puts together concrete actions by the Government of Georgia to prevent domestic violence, support its victims and work towards and to the extent possible on rehabilitation of domestic violence offenders. One of the important tools for this is wide information campaign directed at raising awareness of all concerned, especially as vulnerable population as may be internally displaced population.

178. The Law on Elimination of Domestic Violence, Protection of and Support to Its Victims, adopted in 2006 and substantially amended in 2009, represents a commitment to address domestic violence through a wide array of social and legal services. This Law along with Criminal, Civil and Administrative legislation and numerous subordinated legislative acts constitute legal basis to combat domestic violence.

179. Along with the Ministry of Internal Affairs and courts, provision of a status of victim of domestic violence may also be undertaken by the Group Identifying a Domestic Violence Victim, operating with the Interagency Council on Fighting Domestic Violence. Two fully state-funded shelters for victims of domestic violence were opened in Tbilisi and Gori in 2010 with the support of UN Women and Sida. In addition to providing victims with secure place of residence with decent living conditions via shelters Government also introduced the state sponsored support and rehabilitation activities for victims, including free of charge: legal counseling and court representation, medical assistance, psychological assistance, food and clothes, provision of information in the language the victim understands. At the same time Government provides long-term and short-term programmes of rehabilitation and reintegration funded by the state budget, as well as in cooperation with NGOs. The system is fully operational.

180. The Police Academy of the Ministry of Internal Affairs continues providing domestic violence classes under basic training curriculum for the Academy trainees. Apart

from the basic course, the trainings have been provided as well by the International Organizations, Partner Countries and local NGOs. The group of experts, with active support of UNFPA, has elaborated special guidebook for law-enforcements.

181. In May 2009, the first widespread research was launched on domestic violence under the aegis of the UNFPA. The purpose of the research was assisting Georgian government in elaboration of the comprehensive strategy against domestic violence.

182. There is a continuing improvement in women's access to the labor market either at middle or senior level management. At the Parliament a woman is a vice-speaker and another woman is the chair of the procedural committee in parliament. Three of government ministers are woman. Besides, the number of women occupying senior diplomatic positions is also increasing.

183. There are several international as well as national organizations active in the field of gender equality and women's issues in Georgia. These include Anti Violence Network-Georgia with their country-wide programme on domestic violence issues, UNDP Gender and Politics Program in the South Caucasus, the regional UNIFEM project on women and Security Council resolution 1325," and NDI who currently work to increase women's participation in decision-making by, for example, training of women leaders.

184. The Parliament of Georgia, in line with the Regulation of the Parliament and the Georgian legislation, ensures elaboration of legislative matters in the field of gender supports the implementation of the respective decisions of the Parliament, controls the performance of entities accountable before the Parliament.

185. The Gender Equality Council is authorized to (a) develop and submit to the Parliament of Georgia for approval the Action Plan for Gender Equality, ensure coordination and monitoring of implementation of the Action Plan; (b) perform analysis of the legislation and draft proposals for overcoming gender inequalities in the legislation; (c) provide expertise of draft legislative acts submitted under legislative initiatives with regard to gender equality assessment; (d) elaborate and plan activities to achieve gender equality, ensure enforcement of equal rights of women and men; (e) elaborate and implement the monitoring and evaluation system of activities targeted at ensuring gender equality, develop recommendations; (f) request and receive any information and document related to the study of gender equality issues, except for the confidential information, as provided by the law; (g) review applications, documentation and other information submitted with respect to violation of gender equality take steps in response within its authority and develop appropriate recommendations; (h) during review of gender equality issues invites representatives of international or local organizations and/or experts working in the relative field; (i) implement other rights granted by the legislation of Georgia. The Gender Equality Council submits to the Parliament of Georgia the annual report on the status of gender equality in Georgia, prepares reports on the status of implementation of obligations assumed at the international level with respect to gender equality.

186. On 27 December 2011, the Parliament of Georgia approved the 2012-2015 Georgian National Action Plan for implementation of the UN Security Council Resolutions NN 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security". The National Action Plan is built on four pillars: increasing the participation of women in the peace process and the security sector; preventing all forms of violence against women, especially those related to sex or gender; protecting women against all kinds of threats, and safeguarding their physical, mental and economical security; and addressing the specific needs of women during and after conflict periods. The Plan was presented to Parliament by the Gender Equality Council. The Office of the National Security Council of Georgia, among other governmental agencies and nongovernmental organizations, was actively involved in developing the plan benefitting from UN Women technical support. The

National Action Plan is the first such initiative in the South Caucasus region to ensure the implementation of Security Council resolution 1325. Georgia is the thirty-fourth country to adopt a National Action Plan related to the implementation of the Resolution. Consultations with civil society were integral part of the NAP development process. More than 25 NGOs were involved in the consultations. In total, numerous consultative meetings were held with approximately 102 organizations representing internally displaced persons (IDP's) and conflict-affected women in Tbilisi, Kvemo Kartli, Shida Kartli, Imereti and Samegrelo. The first NAP sets out some very important objectives, such as supporting the increase of participation of women in decision making at all levels; considering women's issues in conflict prevention mechanisms; eliminating gender based violence and sexual violence; promoting zero tolerance towards sexual violence against women and girls; ensuring political, economic, social and physical safety of conflict affected women and many more.

187. Government of Georgia is taking appropriate steps to exclude any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

#### **Article 4**

188. Georgia will provide financial incentives to political parties to encourage them recruit women candidates in their party lists for the parliamentary elections, under the new Election Code adopted at the end of December 2011. According to the new changes, some portion of the state funding allocated for political parties will be linked to the proportion of women included on party lists. NSC Under the law on the political unions of citizens the political parties will receive the funding allocated for the direct distribution from the state budget according to rule approved by the article 30 of the same law. By the legislative amendment of 28 December 2011, Section 7<sup>1</sup> was supplemented to the article 30 of the same law that defined additional encouraging funding terms, more specifically: 7<sup>1</sup>. The election subject, who receives the funding according to this article, will receive the supplementary funding with the amount of 10 per cent if in the submitted party list (in all party list – for the local government elections) among every 10 candidate gender differences is represented by at least 20 per cent.

#### **Article 5**

189. The reference is also made to the text above under the replies provided by Georgia regarding paragraphs 17 and 18 in this report. The school education material is age and gender sensitive, in no way promoting the gender stereotypes in school textbooks at the primary school level. The Ministry of Education and Science is involved in the major school textbook reform currently, ensuring the education based on the principle of gender equality.

190. As for the roles and responsibilities of women and men in the family and society reflected in women's education choices, as stated above, there were 10,040 female and 8,317 male students enrolled at the High Educational Institutions in Georgia by the beginning of the academic year 2008/2008, 13,430 female and 9,855 male – in 2009/2010 and 14,499 female and 11,635 male students were involved at the beginning of academic year 2010/2011 at the High Educational Institutions in Georgia, with that having 55,5 per cent of female and 44,5 per cent male students at the High Educational Institutions in Georgia by 2010/2011 academic year. Unified National Exams were passed by 55,4 per cent female and 44,6 per cent male candidates, out of whom female candidates constituting 58,5 per cent and male candidates making up 41,5 per cent were admitted to academic programmes whereas 34 per cent of female and 66 per cent of male candidates were admitted to professional programmes. The data of the National Examination Centre shows

that women are also well-represented in the departments of science, where number of male and female students is almost equal and at some stages number of female students has been even higher. It is relevant to look at performance of female students in unified national examinations in science, math, general abilities test and English language. Although technical fields have been traditionally male dominated in Georgia, in recent years slight increase in number of female students in such technical areas as departments of engineering can be observed. Namely, in 2005-2010, number of female students admitted to the departments of engineering increased by 9 per cent. Hereby it has to be mentioned that number of male students increased by 73.6 per cent and the overall increase of student numbers in these fields has been conditioned mainly by the increase of male student numbers. As it was already mentioned, decrease in 2007 is explained by the fact that Georgian Technical University failed to receive state accreditation.

191. The reference is also made to the text above under the replies provided by Georgia regarding the Paragraphs 25 and 26 in this Report. As stated respectively, the legislation of Georgia contains provisions of positive discrimination, as according to the Tax Code favourable treatment for personal income tax is granted to single mothers, whereas the legislation does not envisage any concession for a single father. The Labor Code stipulates the following principles regarding rights of women at work: it is prohibited to conclude a contract with an underage, a pregnant woman or a breast-feeding mother to perform hard, unhealthy and dangerous work; an employer shall ensure the protection of a pregnant woman from a labor that endangers the well-being, physical and mental health of the woman and fetus; overtime employment of a pregnant woman, a woman in a postnatal period or a person with limited capabilities without her/his consent shall be inadmissible; it shall be impermissible to employ a minor, a pregnant woman, a woman in a postnatal period, a breast-feeding woman or a person with limited capabilities, on a night job (22.00 p.m. to 6.00 am). A baby-sitter who takes care of a child under age of three and/or a person with limited capabilities can be employed on a night job only by her/his consent; an employee, upon request, is entitled to a total maternity leave of 477 calendar days to cover pregnancy, delivery and child care. Of pregnancy, maternity and child care leave, 126 calendar days will be paid, while in case of a complicated delivery or if mother gives a birth to two or more babies – 140 calendar days of paid leave will be granted; compensation of pregnancy, maternity or adoption leaves is paid from the State Budget according to the rule set by the legislation. An employer and an employee can reach an agreement regarding an additional compensation paid by an employer; during the five years following the birth of a child, the employee, upon her/his request shall have the right to an additional 12 weeks of unpaid childcare leave. Childcare leave can be taken either all at once or incrementally, but not less than two weeks of leave should be used per year.

#### **Article 6**

192. Since the last report was considered by the Committee, the Government of Georgia has dynamically undertaken measures to suppress the trafficking in persons (hereinafter – also TIP) in Georgia and for the purpose of prevention of this crime to conduct respective wide public awareness campaign. To meet the requirements of the well-known “three Ps”: Prevention, Protection and Prosecution of the crime, active measures have been undertaken both – at the legislative and implementation levels. There has been efficient use of the fourth “P” – partnership throughout the process.

193. In particular, the activities of the Georgian Government can be outlined as follows: The Criminal Code of Georgia does not differentiate between trafficking in persons for the purpose of labor exploitation and sex exploitation. The Code also covers both internal and trans-national forms of trafficking in persons. At the same time, trafficking in persons committed by taking a victim abroad is considered as one of the aggravated forms of the crime. The Code provides for three different articles related to TIP: Article 143<sup>1</sup> refers to

the trafficking in adults<sup>33</sup>, whereas article 143<sup>2</sup> criminalizes trafficking in minors (persons under 18). On 8 May 2007, the Parliament of Georgia introduced yet another amendment to the Criminal Code of Georgia – Article 143<sup>3</sup>, criminalizing use of services of a (statutory) victim of trafficking in persons<sup>34</sup>. This Article entered into force on 15 June 2007.

194. With the amendments of 28 April and 25 July 2006, to the Criminal Code of Georgia sanctions for crime of TIP were increased and criminal liability of legal persons for trafficking in persons was introduced. Thus, minimum sanction provided by article 143<sup>1</sup> is deprivation of liberty for seven years, whereas article 143<sup>2</sup> sets as a minimum sanction deprivation of liberty for eight years. The maximum possible sanctions, provided by these articles are as follows: Article 143<sup>1</sup> provides for 20 years of deprivation of liberty, whereas maximum sentence in aggravating circumstances, as prescribed by article 143<sup>2</sup> is life sentence. At the same time since June 20, 2006, the following amendments to the respective articles of the Criminal Code of Georgia (hereinafter - CCG) are in force:

1. *A TIP victim is exempted from criminal liability for illegal crossing of the state border, if he/she committed the said crime due to being the victim of trafficking in persons (art. 344);*

<sup>33</sup> Article 143<sup>1</sup> of the Criminal Code of Georgia (hereinafter - CCG) prohibits:

1. Buying or selling of a person or subjecting him/her to other illegal deals, as well as enticing, conveying, hiding, recruiting, transporting, handing over, harbouring or receiving a person by means of threat, violence, or other forms of coercion, abduction, blackmail, fraud, deception, using vulnerable position of a person or by abusing power, granting or receiving remuneration or other benefits, to obtain the consent of a person capable to influence another, *for the purpose of exploitation.*

Article 143<sup>1</sup> has a note, according to which “For the purpose of this article and article 143<sup>2</sup> of [the Criminal Code of Georgia], exploitation shall mean the use of a person for forced labor or service, his/her engagement in the criminal or other anti-social conduct or prostitution, placement of a person under conditions similar to slavery or modern conditions of slavery, sexual exploitation or forcing provision of other services, as well as the use of a person for transplanting an organ, part of an organ, or tissue of a human body or otherwise utilizing him/her. The placement under modern conditions of slavery shall mean the deprivation of personal identification documents, restriction of the right to free movement, prohibition of contact with a family, including correspondence and telephone communication, cultural isolation, forced labor under the conditions degrading human honour and dignity and/or without any or adequate remuneration. The consent of a person on his intentional exploitation shall not be taken into consideration.”

<sup>34</sup> Article 143<sup>3</sup> Use of Services of a (Statutory) Victim of Trafficking in Persons (8.05.2007 N4706)

1. Knowingly using such a service of a (statutory) victim of the crime envisaged by Articles 143<sup>1</sup> and 143<sup>2</sup> of the [Criminal Code of Georgia], which is considered as exploitation within the meaning of Article 143<sup>1</sup> -

*shall be punishable by the restriction of liberty for up to 4 years or by the deprivation of liberty from 3 to 5 years.*

2. The same act committed: a. repeatedly, b. knowingly against a pregnant woman; c. knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender; d. through the abuse of power -

*is punishable by deprivation of liberty from 5 to 7 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.*

3. The same act committed: a. against two or more persons; b. by using violence threatening life or health of a person or by threat of such violence -

*is punishable by deprivation of liberty from 7 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.*

4. The acts provided for in paragraphs 1, 2 or 3 of the present article committed by an organized group -

*is punishable by deprivation of liberty from 12 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.*

2. *A TIP victim is exempted from criminal liability for production, purchase or use of the forged document, seal or form if he/she committed the said crime due to being the victim of trafficking in persons (art. 362);*

3. *A TIP victim is exempted from criminal liability for refusing to testify as a witness or victim during the think-over period (30 days) (art. 371).*

195. In addition, with the amendment of December 29, 2006, a person in charge of a TIP shelter is exempted from criminal liability for concealing a fact of the crime of trafficking in persons from the law enforcement bodies (art. 375, CCG).

196. As noted by the Committee, on April 28, 2006, as a result of the cooperation of relevant Georgian authorities, NGOs and international organizations, the Parliament of Georgia adopted the Law on Fighting against Trafficking in Persons (hereinafter – the Law). The Law entered into force on 16 June 2006. It underlines the state policy to suppress TIP and is based on the relevant internationally recognized standards. The Law determines organizational and legal grounds for preventing and combating trafficking in persons, the competencies and obligations of the state agencies and public officials, as well as legal entities and identifies procedure for coordination of activities of respective state bodies and officials. Therefore, the Law is a practical tool in the fight against trafficking in persons. It is based on the principle of "three P-s", envisaging the mechanisms for the prevention of trafficking in persons, the fight against this crime as well as for the protection of, assistance to and rehabilitation of TIP victims. It precisely defines the roles of state authorities in the course of preventing and combating the crime of trafficking in persons. The Law regulates specificities of the criminal procedure in a course of the TIP prosecution, establishes exemption of TIP victims from criminal responsibility for wrongful acts committed by them due to being the victim of TIP, etc.

197. Based on the Law in 2006-2011 the following activities were undertaken:

- Creation of the State Fund for Protection of and Assistance to TIP Victims (the purpose of the Fund is to ensure financing of TIP victims' protection, assistance and rehabilitation measures as well as to pay compensation to TIP victims, management and utilization of the property confiscated from traffickers);
- Establishment of shelter for TIP victims (the purpose of the shelter is to assist TIP victims, facilitate their rehabilitation and full reintegration into families and society);
- Elaboration of uniform standards/requirements necessary for the arrangement of shelters for TIP victims;
- Creation of the Permanent Interagency Coordination Council for Carrying out Measures Against Trafficking in Persons (the purpose of the Council is to promote the effective performance of the functions of state agencies responsible for the prevention, protection, assistance and rehabilitation of the TIP victims as well as to coordinate, monitor and evaluate their activities);
- Formation of the Unified Database on Traffickers (the purpose of the Database is to identify and systematize existing information on traffickers);
- Elaboration of the uniform standards and rules for the identification of TIP victims;
- Determination of the composition, activities and authority of the Permanent Group established at the Coordination Council;
- Elaboration and putting into practice of the guidelines (National Referral Mechanism) for the protection of trafficking victims;
- Determination of the rule of providing compensation from the State Fund to TIP victims.

198. The Georgian Parliament ratified UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 7 June 2006.

199. On 24 November 2006, the Georgian Parliament ratified the Council of Europe Convention on Action against Trafficking in Human Beings. Therefore, Georgia became the fifth state party to the Convention, which needed 10 ratifications in order to enter into force. It shall be noted that the Georgian legislation regarding TIP fully corresponds with the standards established by the Council of Europe Convention.

200. The first shelter started functioning in summer of 2006. The Government of Ajara Autonomous Republic donated building in the region where the first shelter was located. The second shelter for the victims of trafficking in persons in East Georgia was opened in 2007.

201. The Law on Combating TIP introduced a new mechanism of protection of persons subjected to TIP: it provides for a possibility for the persons allegedly subjected to TIP, to receive protection from the State, notwithstanding their willingness to cooperate with the law enforcement authorities. Namely, the Law on TIP provides that there may be “victim of TIP”, i.e. a person, identified as a victim of this crime, who incurred the moral, physical or material damage and who is recognized as a TIP victim by the Permanent Group created at the Interagency Coordination Council. Thus, there may be persons, recognized as “TIP victims”<sup>35</sup> by the Permanent Group, who shall be distinguished from the “statutory victims of TIP”, i.e. persons, who are willing to reveal their cases to the law enforcement bodies and are recognized as TIP victims in accordance with the Georgian criminal legislation.

202. A person shall be placed in a shelter only if the status of victim of human trafficking is granted to him/her either by the law enforcement bodies or by the Permanent Group, and only on the basis of his/her consent. A victim of trafficking in persons may be placed in the shelter despite his/her decision to cooperate or not with the law-enforcement authorities in the proceedings conducted into the crime in question. The existing TIP shelters function with the State Fund for Protection of and Assistance to the Victims of Trafficking in Persons as its structural element. Additionally, any natural or legal person is entitled to establish a shelter in the form of a private non-profit legal person. Any of the shelters must meet the standards established by the Georgian legislation. Shelters provide the following services: Secure place of residence with decent living conditions; Food and clothes; Medical assistance; Psychological counseling; Legal assistance and court representation (including filing complaints, appearing in court proceedings as a witness, requesting asylum, obtaining documents for returning to the country of origin); Providing the information in the language the victim understands; provision of the assistance of the lawyer in case of necessity; Participation in the long-term and short-term programmes of rehabilitation and reintegration.

203. Based on the Law on TIP, the National Referral Mechanism (hereinafter – the NRM) was put into operation in 2006. The NRM is a detailed guideline for effective cooperation of the state agencies, local NGOs and international organizations in the fight against TIP. NRM describes in easily understandable manner all issues related to a victim of trafficking in persons from the moment a person claims to be a victim of trafficking to the moment when a victim of trafficking, if he/she so wishes, safely returns to the country of origin. One of the effective mechanisms envisaged by the NRM is provision of

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<sup>35</sup> Please note, that the National Referral Mechanism has been employed by the Permanent Group for granting a status of the “TIP victim” since 2007. The decisions are made by a group, composed of a judge, representatives of the Ministry of Justice, the Public Defender’s Office, and the non-governmental organization.

protection to persons subjected to TIP, but not wishing to reveal their case to the law enforcement bodies due to cultural or any other personal reasons (unwillingness to tell the story to the family, etc.). For those cases, the NRM provides for the possibility of granting a status of TIP victim to an alleged victim through the Permanent Group, established by the Coordination Council. The Permanent Group is composed of representatives of the state agencies, as well as non-governmental and international organizations and decides granting of a status of a victim based on the questionnaire, which can be filled in either by the mobile group created under the auspices of the State Fund or by the Permanent Group itself. The Permanent Group may give a status of a TIP victim that is different from a status of statutory victim, i.e. a person identified as a victim of a crime in accordance with the criminal procedural legislation. However, the persons granted a status of a victim fall under the State protection mechanism, they can be accommodated in the shelter and enjoy other benefits, provided by the Law. One of the Principles based on which the National Referral Mechanism operates is the principle of confidentiality of the identification data of victims of trafficking in persons. All persons (Special Mobile Group, Permanent Group, administration of shelters, etc.) that are involved in this process are obliged to keep all the relevant data in secret.

204. The Georgian Government's National Action Plan on the Fight against Trafficking in Persons devotes particular attention to the elaboration and effective implementation of the programmes directed towards assistance to and reintegration of victims of trafficking in persons. The State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons coordinated the elaboration of the framework programme of rehabilitation and social reintegration of (statutory) victims of trafficking. The programme encompasses all available resources of the relevant Georgian state agencies, international and local non-governmental organizations, envisaged for the assistance to and reintegration of the victims of trafficking in persons. The framework programme serves as an overall resource for elaboration of the individual rehabilitation plan for each particular victim of trafficking in persons and thus meeting the concrete needs of individual victims.

205. On 19 July 2007, the Coordination Council approved the Strategy for Rehabilitation and Reintegration into Society of the (Statutory) Victims of Trafficking in Persons.

206. The anti-trafficking information campaign and the large-scale educational activities conducted by the Georgian Government in cooperation with the international organizations and local NGOs also contribute to both prevention and prosecution of TIP in Georgia and to the protection of the victims thereof. Namely, the various trainings have been conducted for the following target groups with the support of the Office of the Prosecutor General of Georgia: judges and prosecutors, high school teachers, the officials of the Ministry of Internal Affairs and the Ministry of Labor, Health and Social Protection, and the representatives of the Office of the Public Defender and the Mass Media. The trainings were concentrated on the various topics, depending on the nature of the activities of the target groups.

207. By 2007, all the relevant state agencies had fully operational hot lines, which not only work as the effective tool of collection of information, but they are also used as a good source of dissemination of information. The undertaken activities increased the effectiveness of the work of the officials of various institutions.

208. TIP issues are included in the different curricula throughout the country. These vary from the curricula of high schools to the curricula of law enforcement bodies. Along with this, the staff of law enforcement agencies regularly participates in different trainings organized under the auspices of various international and local non-governmental organizations. There is a special legal clinic programme introduced in Tbilisi State University for post-graduate students in public international law to study issues relating to the fight against trafficking in persons and domestic violence. Other activities include

public service announcements, TV and radio programmes, preparation and dissemination of print information material, public discussions, meetings in the Office of the Public Defender of Georgia, different universities, including in the Ilia University, Tbilisi State University, meetings with representatives of media, etc.

209. Special attention is paid to the prosecution of traffickers. There are specialized investigators and prosecutors working on the trafficking cases. The law enforcement authorities regularly report on the prosecution of the cases of trafficking in persons before the Interagency Coordination Council.

210. Implementation of the Georgian Government's two year National Action Plan on the Fight against Trafficking in Persons was concluded at the end of 2010. The new two-year Action Plan was drafted adopted at the end of 2010. The 2011-2012 National Action Plan on the Fight against Trafficking in Persons (hereinafter - the 2011-2012 Action Plan) identifies a range of activities planned in response to the needs and priorities acknowledged at this stage of the fight against trafficking in persons (hereinafter - TIP) in Georgia. The 2011-2012 National Action Plan on the Fight against Trafficking in Persons was drafted with coordination and active participation of all relevant Georgian Governmental agencies and the international and local NGO community working on the TIP issues. The Coordination Council subsequently approved the Action Plan, which was drafted based on the internationally recognized standards. The Chairman of the Coordination Council referred the Action Plan to the President of Georgia for the final approval.

211. Anti-TIP Activities planned by the Georgian Government for 2011-2012 encompass four main goals. Equal attention is attributed to the prevention of this crime, as well as protection of the victims of the crime of TIP and prosecution of offenders and partnerships in all the endeavors.

#### **Article 7**

212. The legislation of Georgia recognizes the equality of men and women in realization of their civil and political rights and grants equal political rights to men and women. Women comprise over 59 per cent of the electorate and they are equally active voters in villagers, as well as in cities.<sup>36</sup> It shall be noted that 30 per cent of political party members are women.<sup>37</sup> To increase women's political participation the 2010 Law on Gender Equality refers to the equality of men and women in election process.<sup>38</sup>

213. The detailed statistical data relevant to this article is provided above under the response to the Committee's recommendations 23 and 24, as well as in the respective annexes to this report.

#### **Article 8**

214. The legislation of Georgia ensures 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. As noted above, there are

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<sup>36</sup> Nana Sumbadze, *Gender and Society: Georgia*, Tbilisi, 2008, 35

<sup>37</sup> Maia Kuprava-Sharvashidze, *The Situation around Women's Political Participation in Georgia*, Tbilisi, 2006, see *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, 18.

<sup>38</sup> *The Law of Georgia on Gender Equality*, Article 11. Guarantees for Equal Rights to Vote: 1. Everyone has the right to take part in elections under equal conditions and without discrimination. 2. While exercising the right to vote in a representative body, the possibility of equal participation for men and women shall be provided. 3. Women and men shall be elected under equal conditions without discrimination.

women ambassadors serving in Georgia's representations abroad, as well as there are women representatives to a variety of international organizations.

215. One of the deputy Minister of Foreign Affairs is female; directors of four departments at the Ministry of Foreign Affairs are women. Along with that, there are six female Ambassadors of Georgia, as indicated above. The detailed statistical data relevant to this article is provided above under the details are provided above under the response to the Committee's recommendations 23 and 24.

216. There are two female MPs (out of 10) members of the Delegation of Georgia at the Parliamentary Assembly of the Council of Europe.

217. Diplomat women participate in various negotiations depending on the directions of their activities. Women are represented in a variety of bodies within Council of Europe and UN as members and/or deputy members of the bodies or liaisons for those bodies in Georgia.

218. There are four women participating in the Geneva Talks launched after the August, 2008 war, co-chaired by representatives from the EU, OSCE and the United Nations.

#### **Article 9**

219. Legislation of Georgia does not contain any discrimination with regard to acquisition, change or retaining the nationality by women. Neither marriage to an alien nor change of nationality by the husband during marriage in no way result in automatic change of nationality of the wife. According to article 10 of the Organic Law of Georgia on Nationality of Georgia for any person may be acquired at birth, by naturalization, on other grounds provided for by international treaties to which Georgia is a party and the Law of Georgia on Nationality.

220. If child's parents have different nationality and either of them is a citizen of Georgia at the moment of the child's birth, the latter shall be considered as a citizen of Georgia if: he or she was born on the territory of Georgia; he or she was born outside the borders of Georgia but either of his/her parents has a permanent place of residence of the territory of Georgia; either of the parents is a national of Georgia at the moment of child's birth, regardless of the place of birth, and the other parent is a stateless person or is unknown. If parents have different nationalities, either of whom at the moment of the child's birth is a national of Georgia, and both of the parents reside outside Georgia, the matter of citizenship of the child born outside Georgia shall be solved by agreement of parents. In the absence of such agreement, the matter shall be solved according to the legislation of the state of birth. The Georgian legislation does not only ensure that the change of a nationality of a woman is not automatic in case of a change of nationality by a husband, but any child – girl as well as boy – aged between 14 and 18 years shall express consent to change his or nationality, in case both parents change their nationality. Article 25 of the Organic Law on Nationality explicitly states that the fact of marriage or divorce of a national of Georgia with a foreign national or stateless person shall not by itself result in the change of any of the spouse's nationality. The Law also states that the change of nationality of either of the spouses shall not result into eh change of nationality of another spouse and divorce shall not result in the change of nationality of children of divorced parents. To view the details about acquiring and granting of nationality of Georgia in 2007-2011 please see annex 18 to this report.

#### **Article 10**

221. The legislation of Georgia and the respective practices ensure the equal right to women with men in the field of education and in line with the Article 10 the same conditions for career and vocational guidance, access to any level of studies and

educational establishments of all categories in rural as well as urban areas. The same applies to the teaching women and men with the same curricula, the same examinations, same teaching staff with qualification of the same standard and school premises and equipment of the same quality. The other rights envisaged by this Article are equally protected for women and men in Georgia. As specified above, the ongoing substantial reforms in the education system of Georgia have encompassed a variety of directions. The statistical analysis show that there were 285,793 female and 312,027 male pupils attending the public general education schools and 19,713 female and 25,766 male pupils attending the private general education schools at the beginning of academic year 2008/2009, whereas there were 276,822 female pupils and 299,981 male pupils attending the public general education schools at the beginning of academic year 2009/2010, whereas 20,854 female and 26,869 male pupils were attending the private general education schools at the beginning of academic year 2009/2010.<sup>39</sup> The same indicator for the academic year 2011/2012 is provided in the following percentage: 44,2 per cent female and 55,8 per cent male school pupils attended private schools, whereas 47,7 per cent female and 52,3 per cent male school pupils attended public schools, with the total of 47,4 per cent of female and 52,6 per cent of male school pupils attending schools.

222. The school education material is age and gender sensitive, in no way promoting the gender stereotypes in school textbooks at the primary school level. The Ministry of Education and Science is involved in the major school textbook reform currently, ensuring the education based on the principle of gender equality.

223. Herewith the reference is also made to Georgia's replies above to the Committee's recommendations contained in paragraphs 17 and 18 of the concluding comments.

#### **Article 11**

224. The legislation of Georgia prohibits any discrimination of women, as detailed above. The reference is also made to the text above under the replies provided by Georgia regarding the Paragraphs 25 and 26 in this Report. The Labor Code of Georgia provides for special protection measures for pregnant women. Thus, article 4 of the Labor Code outlaws concluding a contract with a pregnant woman or a breast-feeding woman to perform dangerous and heavy/hard work. They are also protected against overtime work, as well as nighttime (10 pm to 6 am) work. Maternity leave does not count against ordinary leave for a woman. A woman is entitled to 477 calendar days of maternity leave. 126 to 140 calendar days are fully reimbursed out of the 477 calendar days.

#### **Article 12**

225. In order to improve access to quality healthcare services, special attention is paid to the regulation of healthcare facilities and training of qualified personnel. In 2010, Georgia had established new national requirements for healthcare facility regulations. Those requirements had been gradually enforced and from 2012, all healthcare providers are to meet them. This ensures that safety and quality of health services delivered. Further, country places special attention to training qualified human resources for health (Healthcare Strategy for 2011-2015, Strategic Objective 2), especially nurses and midwives.

226. Moreover, large share of public funding for health are targeted to provide services that benefit women in terms of increasing affordability of healthcare services for them. This broader range of services include coverage for emergency medical services, HIV/AIDS and

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<sup>39</sup> See: National Statistics Office of Georgia (2011) *Women and Men in Georgia Statistical Publication*, Tbilisi, p.25.

TB diagnostics and treatment, mental health care, cancer treatment, palliative care and public health services, such as immunization and cancer screening programmes.

227. Out of all public spending for health over 3 per cent is spent to provide services related to gestation and delivery. Those services include universally available free antenatal care, hospital-based care for complications during the pregnancy and complicated delivery. HIV, B hepatitis and syphilis screening is provided as a part of antenatal care to ensure mother's health and prevent mother-to-child transmission. At the start of the programme required supply of test kits was supplied by international organizations such as Global Fund, United Nations agencies, etc., however, starting from 2011, Georgia had committed funds to procure required supplies from the State budget. Annually over 50 thousand females (over 80 per cent of all pregnant compared to 60 per cent in 2001) complete full four antenatal care visits, which is free and geographically accessible. From the quality of care considerations, it is important that increasing number of females start antenatal care earlier than a gestational age of 12 weeks and 90 per cent of all pregnant is screened for the main infections.

228. In addition, starting from 2006, Georgia had trained over one thousand so called "village doctors" with help from donor organizations. Village doctor is a general practitioner with a broad range of skills, including provision of family planning, antenatal care and even delivery. Availability of a village doctor in nearly every village or a community enables women to access some of the reproductive health services free of charge.

229. Important aspect in ensuring quality of care was an establishment of systematic approach to clinical guideline development in the country. The process largely started in 2007, while updated methodology for guideline development was published in late 2010. National clinical guidelines are approved with the Decree of the Minister of Labor, Health and Social Affairs and although, they are recommendatory by nature, if any litigation is to occur, facility or a doctor is assessed whether they have demonstrated compliance to the National Clinical Guideline in the field, or can bring any reliable evidence to support their actions.

230. Most of the guidelines developed are the adaptation of foreign national or international guidelines. As the result of intense donor coordination efforts in Georgia concentrated around maternal and child health, many of the key guidelines adopted are maternal health related, such as antenatal care, delivery, family planning and others. New guidelines per se did not help the quality of care, however, this process had gathered around professionals and number of trainings or other guideline dissemination activities had been implemented. For example, up to now, ongoing is the training of above-mentioned village doctors in pap-test technique, based on the approved guideline. Overall, this process had established the understanding of evidence-based medicine and supported medical community to broaden their knowledge and skills.

231. It is notable that antenatal care guideline adopted in Georgia recommends post-natal visit, consultation and selection of appropriate method for contraception to allow for spacing between pregnancy and thus reduce number of unwanted pregnancy, based on the best available international evidence.

232. During the last decade, health status of women had significantly improved. After signing the Millennium Declaration, Georgia was supposed to reduce maternal mortality rate (MMR) to 12,3 meaning that with respect to the baseline, by 2010 MMR should be at least 24,6 whilst achieved MMR is 19,4. Overall, from 2001 MMR was reduced by 60 per cent. The only exception was 2009 when global H1N1 pandemic caused unpredicted number of maternal deaths. Government is implementing comprehensive plan to upgrade infrastructure, care standards and qualification of medical personnel to deliver quality

perinatal services and thus tackle the issue of maternal and neonatal mortality (Perinatal Care Masterplan of Georgia).

Source	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Routine Statistics	49,2	58,7	46,6	52,2	45,3	23,4	23,0	20,2	14,4	52,1	19,4
Reproductive Health Survey							65,6				19,4

233. Furthermore, increased uptake of family planning services and improved spacing between pregnancies contribute to the facts that growing number of women report their last pregnancy as wanted. According to 1999 RH survey data, nearly 59 per cent of women reported last pregnancy within preceding 5-year period as unwanted, the figure decreased to 51 per cent in 2005, while only 36 per cent of females surveyed in 2010 report last pregnancy as unplanned/unwanted. In the same period, use of modern contraceptives as a preferred method for family planning had doubled, while unmet need for family planning services among females of reproductive age is halved.

234. Abortion rate, worryingly high in Georgia is declining as reported by the RH survey and official statistics (although, official statistics also show slight increase. Considering a large divide that existed between survey and official data in terms of reported abortions, this increase is a response to growing sensitivity of the system). Total Induced Abortion Rate (TIAR), according to RH survey data had declined by 58 per cent in 2010 compared to the first survey (1999) this reduction is largely associated with uptake of modern methods of contraceptives and increase in Total Fertility Rate.

235. Both – use of modern contraceptive and increased birth rates are highly supported by the government, society and international donors. Donor organization had been supported contraceptive provision in the country, while government runs special cash benefit programmes for households with having third or more children. In order to support modern contraceptive uptake, they are included in Essential Drug List. Further, liberalization of drug registration regime and legalization of parallel import had resulted in nearly 30 per cent price reduction on medicines, including contraceptives. Currently, over one-third of married women report using one or another method of contraceptives. Overall, increase in contraceptive prevalence rate is fully associated with uptake of modern methods of contraception.

236. It is important that Georgia also runs a universal cancer screening programme that includes free of charge screening for breast, cervix and colorectal caners, also prostate cancer for male population. Screening is available in every region of the country since 2011. Although, the problem of late detection of cancer is still acute in Georgia, a positive trend of decline of the share of Stage III and Stage IV breast cancers is declining.

### Article 13

237. Herewith the reference is made to Georgia's replies above to the Committee's recommendations contained in paragraphs 27 and 28 of the concluding comments.

238. Along with that, all the fields of sports and cultural life are totally accessible for women without any discrimination. Historically Georgian women have been very well skilled and successful participants of sports activities, as well as of cultural life in the broadest possible sense. It shall be mentioned herewith that currently Georgia along with others has a National Archery Team of Women, fully funded by the State and with a number of world-known women archers. A National Judo Team of Women unifies around 100 women in three different age groups. The Team is fully funded by the State. There are several internationally well-known women members of the Team. There are four women

tennis clubs in Georgia, with a number of members well known at the international arena. Shooting is another type of sport that Georgian women are well represented and interested in, including by means of participation in International championships. There is a National Team of Skiing, with high interest of women. Chess has traditionally been a field of interests of Georgian women. Nana Dzagnidze is number six in the first 100 of the world chess players. There are altogether 14 Georgian women in this rating. The National Chess Team of Women is fully funded by the State. Women teams are represented at a variety of other sports games.

#### **Article 14**

239. Herewith the reference is also made to Georgia's replies above to the Committee's recommendations contained in paragraphs 31 and 32 of the concluding comments.

240. In addition, it shall be mentioned that the Ministry of IDPs from the Occupied Territories, Accommodation and Refugees of Georgia through its Legal Entity under Public Law "IDP Communities Development Centre" (IDP-CDC) has been implementing the project "IDP Communities Development Project", administered by the World Bank and directed to socio-economic development and integration of IDP Communities affected by war and located in regions of Georgia, provision of new skills for self-organizing to IDPs and surrounded communities, and inter alia, to development of gender sensitive approaches to the community development and increase of women's participation in community affairs.

241. For this, the LEPL IDP-CDC had announced the competition for experienced non-governmental organizations able to mobilize the eligible communities (located in remote areas, having difficult socio-economical situation and poor communications with the centre, with high number of women led families, multi-children families and disabled). In the framework of the project, 40 such IDP communities were identified, the community mobilization exercises were conducted with the strict requirement that the elected community committees, which in future should take whole responsibility for local decision making and the management of micro-projects, will have gender balance – this was achieved through training of community members and selection of activists. In total, in 38 communities such committees were able to identify and start implementation (with the support from the grant from the World Bank) of micro-projects, dedicated to improved living conditions (three micro-projects), water supply (three micro-projects), road rehabilitation (4 micro-projects), and better access to agricultural activities (five micro-projects) and so on. Currently, in total 1846 families already had benefited from these micro-projects, and until the end of project implementation more 3000 families will improve their access to water supply, transport and social services.

242. The statistics from elected micro-project management community committees shows that 48, 5 per cent of members are women; among beneficiaries of these micro-projects currently women constitute 68 per cent and such percentage allows protecting during the selection the micro-projects that the priorities of women and their family members are taken into account.

243. The IDP State Strategy approved in 2007 and until now being the main reference for any programmes towards IDPs, among basic principles stresses that the gender equality should be protected during the implementation of any IDP oriented projects. The updated Action Plan for its implementation includes gender sensitive indicators and references to operational procedures (Durable Housing Manual) which have specific gender specific indicators.

244. Along with the mentioned, the Gender Equality Council and the International Centre for Conflicts and Negotiation do actively cooperate to mainstream gender. The special

programme is there to implement in Kvemo Kartli region of Georgia called “Market alliances against poverty”. The project supports three municipalities in the promotion of domestic animal farms and in this process the promotion of inclusion of women. The project involves gender studies, dissemination of information on gender equality legislation in three municipalities of Georgia, identification of gender needs in those municipalities and solving those issues by means of involvement of variety of actors and facilitation; the elaboration of special guide for the representatives of village administration; translation of the guide into Armenian and Azeri languages and their respective dissemination; organization of women rooms in three municipalities to promote the access to information for women and their involvement in local decision making. The similar project is being implemented in cooperation of the Gender Equality Council with the World Vision Georgia as well.

245. UN Women together with its local partner nongovernmental organizations has mobilized of internally displaced (IDP) and conflict affected women residing in rural areas in five regions of Georgia<sup>40</sup> into the self-help groups (SHGs). Approximately 186 women have been mobilized from the villages close to administrative borderlines (ABL)<sup>41</sup> and from remote collective living centres and settlements<sup>42</sup> for IDPs. After completing the special preparatory trainings IDP and conflict-affected rural women were able to engage in different advocacy work and in small entrepreneurship initiatives with the support of small grants offered by UN Women and its partner NGOs<sup>43</sup>. The mobilized self-help groups of rural women were able to effectively influence the local-level planning and development processes throughout cooperation and consultations with local municipalities and village assemblies.

246. Rural women’s cooperation with local governments resulted in improving infrastructure and access to drinking water for the village Tergvisi in Shida Kartli region, which in fact had this problem for many years. The conflict-affected women received guidance on how to establish a kindergarten with the financial support of the local municipality in Kveshi village. Another result was achieved when women advocated and funds were allocated from the local budget for a new coast protecting dam installation across the Enguri River in Orsantia village of Samegrelo region to prevent the flooding. Women were able to start agriculture development initiatives on maize cultivation, bee hiving, cattle breeding; they involved men and successfully established the wooden workshop for furniture manufacture, shoes and clothes making studios in the targeted rural areas. These initiatives increased the livelihoods opportunities and access to services not only for women mobilized in SHGs but also for entire communities affected by conflicts and displacements.

247. The Social Mobilization model was developed in the frameworks of the UN Women project. The aim of the social mobilization is to empower Internally Displaced (IDP) and conflict-affected women. UN Women and Taso Foundation (TF) developed a social mobilization model to work with internally displaced and conflict-affected rural and

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<sup>40</sup> Tbilisi, Kvemo Kartli, Shida Kartli, Imereti and Samegrelo regions.

<sup>41</sup> From the villages of Tirznisi, Tergvisi, Karaleti, DidiGarejvari and PataraGarejvari of Shida Kartli region adjacent to South Ossetia/Tskhinvali Region and from the villages of Koki, Orsantia, Anaklia and Kurcha of Samegrelo region adjacent to Abkhazia, Georgia.

<sup>42</sup> Collective centres in fact are publicly owned buildings used earlier for schools, factories, hospitals, kindergartens, farms, etc. IDPs are concentrated in these centres since their displacement in early 1990s. IDP cottage settlements were constructed by the government especially for citizens of Georgia who became IDPs after August 2008 war.

<sup>43</sup> Three-year Project Women for Equality, Peace and Development is funded by the Norwegian Government.

vulnerable women and young girls in Georgia. TF is guiding the work with IDP and conflict-affected communities in all five target regions of the project. At present, TF is employing six community workers one for Tbilisi and Kvemo Kartli region, three community workers for Shida Kartli region, two for Samegrelo region who work with the mobilized self-help groups almost on a daily basis. In total 39 self-help groups (SHGs), uniting 216 individuals, have been mobilized for the time being by TF in all target regions of the project in IDP Collective Centres and settlements as well as in former buffer zones and villages adjacent to the ABL. Internally displaced and conflict-affected women make 87 per cent (186 individuals) out of the total number of the mobilized group members. The distribution of the groups is as follows: three groups are mobilized in Tbilisi, two groups are in Kvemo Kartli, 17 groups are in Shida Kartli, and 14 groups are in Samegrelo region, three groups are in Imereti. It is very valuable result that TF has mobilized the additional funds and supported the opening of the field offices for SHGs in nine locations<sup>44</sup>, in the villages of Anaklia, Khakhati, Koki, Khurcha, Orsantia local municipalities gave the space (rooms) to SHGs for free to use as an office space during their operations.

248. 21 SHGs that were formed in 2010 have successfully implemented the small grants in order to strengthen IDP communities and facilitate local joint government–community initiatives. These small grants were funded by WEPD project under the call on small grant “Economic and Social Development for IDP and Conflict-Affected Communities” for existing SHGs. Out of total supported projects, 11 small scale projects were funded within WEPD project the total amount of the fund was USD 21,279. In addition, 10 projects of the same mobilized groups were funded by the TF donor organization Open Society Georgia Foundation total amount of the fund was USD 23,279<sup>45</sup>. The aim of the small grants was to: facilitate the work and initiatives of the mobilized SHGs; support community development and empowerment; and strengthen interaction and cooperation between the local government and communities. The projects were targeting following areas and themes: establishing the education resource centres mostly for youth in Koki and Kurcha villages of Samegrelo region close to ABL, in Tirdnisi and Patara Garejvari villages of Shida Kartli region, and in Kutaisi and Tbilisi; opening the fisheries for economic activities in Khurcha and Koki villages; creating sewing and handy-craft workshops in Karaleti and Kutaisi; purchasing the tractor for agriculture work in Tergvisi village of Shida Kartli; starting bee hiving in Garejvari, Tirdnisi, and Skra villages; initiating maize cultivation in Tirdnisi village; cattle breeding in Garejvari and Skra villages and in Kutaisi; starting agriculture production in Koki village, establishing wood making workshop in Zugdidi and shoe making workshop in Tbilisi. As a result of applied social mobilization methodology and particularly with the support of small grants members of the SHGs, their families and communities have increased the livelihood opportunities and access to services. In total about 100 individual persons united in 21 SHGs, each representing one family as an agreed principle according to the group formation approach consequently over 100 families and 350 community members from 12 different communities in East and West Georgia<sup>46</sup> could increase their livelihood opportunities and access to services. Access to services such as skills’ training possibilities at the education and resource centres, different professional courses offered to the groups by the project partner organization Taso Foundation in bio farming, taxation code to manage the income, represent crucial prerequisite to continue the livelihood activities with increased capacity.

<sup>44</sup> In the villages of Skra, Tergvisi, Koki, Kurcha, Anaklia, Orsantia, Khakhati, DidiGarejvari and Tbilisi city.

<sup>45</sup> In total funds to support the small grants in 2010 was USD 44,558.

<sup>46</sup> Collective centres in Tbilisi and Kutaisi, villages of Tergvisi, Tirdznisi, PataraGarejvari, Karaleti and Skra of ShidaQartli region, villages of Koki and Kurcha of Samegrelo region.

249. The five legal clinics were established in cooperation with the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia for its institutional capacity building and strengthening. Legal clinics provide valuable support and legal protection to displaced individuals, IDP communities as well as to the staff of the Ministry to integrate the gender equality principles in their operations. Five legal clinics' lawyers have been providing services to internally displaced women and their families in the five target regions of the project. Lawyers meet with individuals and conduct town hall meetings in IDP communities at CCs and new IDP settlements. Over 4,867 displaced individuals were served by legal clinics up to the time of reporting. Women are 66 percent among them. Based on the legal clinics' annual statistics most of the beneficiaries 40 percent were received by Zugdidi clinic in Samegrelo region as the highest number of IDPs from the old caseload are still in this region close to Abkhazia, Georgia. The lawyers have been providing the court representation for the most vulnerable IDP women and their families. In total 222 cases were submitted to the court, 160 cases were of women and 60 cases of men, most of the cases were successfully resolved. Legal clinics' lawyers conducted 541 community visits, have reached 12,453 IDPs in order to inform them about existing services of legal clinics and to discuss the community problems and challenges that they face in the process or as a result of privatization of CCs.

250. The Ministry of Justice of Georgia carries out certain proactive measures to strengthen and encourage the participation of women in political and public life. The Ministry of Justice of Georgia has organized two events in 2011: the information tour "Strengthening the Women Political and Social Activities" was held on 24-25 November 2011 in cooperation with Training Centre of Ministry of Justice of Georgia and Civil Development Agency (CiDA). Women from different regions of Georgia representing civil, private and public sectors and media participated into the mentioned event. The main goal of the tour was to support the participation of women of different professional, educational and national backgrounds in political and public life and encourage sharing information with each other. The participants of the tour have visited the Ministry of Justice, the Administration of President, Parliament of Georgia and the Supreme Court of Georgia and were introduced to the national legislation and policies regarding gender issues. On the second day of the event, the participants met with the representatives of local and international organizations working on the issues related to women. They have also had the opportunity to meet and interview women holding high positions in the government and parliament.

251. The Ministry of Justice of Georgia organized the Youth Conference "Gender Equality in Georgia" in cooperation with National Security Council of Georgia and UN Association Georgia on 27-29 December in Kachreti, Kakheti region. 24 participants from five regions (Shida Kartli, Samtskhe-Javakheti, Imereti, Kvemo Kartli, and Tbilisi) were involved in conference. Experts from different national and international agencies and non-governmental organizations conducted trainings for the participants. Following topics were discussed at the conference: Gender Policy in Georgia, National Legislation in relation to Gender Equality, international and national laws regarding trafficking, the phenomenon of Domestic Violence and the mechanisms of its elimination.

#### **Article 15**

252. The Constitution of Georgia, and particular article 22, provides the right to all legally present at the territory of Georgia, to move freely and chose the place of residence freely in the country. This right is equally accorded to women and men. In cases of impeding this right, as well as illegally impeding leaving Georgia, or for the national of Georgia also entering Georgia, criminal responsibility is envisaged by the legislation.

253 The registration of nationals of Georgia and foreigners legally residing in Georgia is provided by the law for the establishment of data of nationals of Georgia and foreigners, as well as for the ensuring the rights and implementation of obligations of nationals of Georgia. These regulations apply to both women and men equally, without any discrimination.

#### Article 16

254. According to article 1106 of the Civil Code of Georgia, marriage is the voluntary union of a woman and a man for creating a family, which is registered with a territorial unit of the Civil Registry Agency. The legislation defines 18 years as age of marriage. In exceptionally situation, with the written approval of a parent or other legal guardian, the marriage is also allowed from 16 years. In case of refusal of a parent or other legal representative, in particular situation such an approval may be made by the court, in case of joint declaration by both persons to be married.

255. There were 720 marriages of girls between 16-18 years of age registered in 2008, 920 – in 2009, 775 – in 2010 and 124 in 2011.

256. Upon marriage, spouses are totally free to choose a last name of one of the spouses as a joint family name, retain their own family names, or add the family name of a spouse to their own family name. There is no discrimination in this respect – the rule applies to women equally with men.

<i>Year</i>	<i>Marriage</i>	<i>Change of family name</i>	
		<i>By a woman</i>	<i>By a man</i>
2007	25,925	4,439	73
2008	31,310	4,426	79
2009	31,319	3,640	76
2010	31,464	4,032	98
2011	31, 648	3783	145
Total	151, 666	20,320	471

<i>Year</i>	<i>Marriage</i>	<i>Change of family name</i>	
		<i>By a woman</i>	<i>By a man</i>
2007	25,925	4,439	73
2008	31,310	4,426	79
2009	31,319	3,640	76
2010	31,464	4,032	98
2011	658	3783	145
Total	120,858	20,320	471

257. Spouses have equal personal and property rights. Divorce takes place via court, if the spouses have a dispute. In other cases, divorce is registered by the Civil Registry Agency. If one of the spouses wishes to get back their pre-marriage last name, they shall apply to the Civil Registry Agency with this request at the time of divorce. The legislation limits a right of a husband to file divorce without the wife's consent during wife's pregnancy and during one year after the child is born.

<i>Year/Action</i>	<i>Including</i>			
	<i>Divorce</i>	<i>Joint declaration of spouses</i>	<i>Based on the application of one of the spouse</i>	<i>Divorce with the court decision</i>
2007	2,420	967	28	1,425
2008	3,165	1,696	45	1,424
2009	4,039	2,726	81	1,232
2010	4,716	3,358	72	1,286
2011	5862	4450	86	1326
Total:	20,202	13,197	312	6,693

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