



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-sixth session

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List of issues and questions with regard to the consideration of a periodic report

Georgia

The pre-session working group examined the combined second and third periodic report of Georgia (CEDAW/C/GEO/2-3).

General

1. The report notes that various ministries and Government agencies provided information for the report (para. 2), but it is unclear whether the report itself was adopted by the Government. The report also notes that there are over 60 women's non-governmental organizations in Georgia (para. 30). Please elaborate on whether these non-governmental organizations were also involved in, or consulted during, the preparation of the report, and whether the report was adopted by the Government and presented to Parliament.

Constitution, legislation and national machinery

2. Please clarify the status of the Convention in the domestic legal order. In particular, please clarify the applicability of the Convention before national courts, and indicate any court cases where the Convention was referred to.

3. According to the report, the Ministry of Justice and the State Commission on the Elaboration of State Policy for Women's Advancement were to elaborate a "new edition of Article 36 of the Constitution, in order to ensure a separate statute on women's rights and gender equality" before the end of 2004 (para. 42). Please provide details about the status and the content of this proposed amendment to the Constitution.

4. The report mentions that the Subcommittee on Protection of Mothers and Children and Family Development and the Parliamentary Committee on Human Rights Protection, Citizens' Petition and Building of Civil Society have been

actively involved in the elaboration of draft laws reflecting gender issues (para. 32). Please provide details of draft laws that have been proposed by these bodies and specify if any of these laws have been adopted.

5. The report specifies that a law providing criminal penalties for “Violation of Citizens’ Equality” came into effect on 1 June 2000 (para. 35). Please specify if any cases of discrimination on the basis of sex have been prosecuted under this law and the outcomes of such cases, and whether civil, administrative or other remedies are available to women victims of discrimination.

6. The report elaborates on the various actions that were to be taken pursuant to the Plan of Action for Improving Women’s Conditions in Georgia (2001-2004), including the establishment of institutional mechanisms to mainstream gender in State policies and legislation and to protect women’s rights in armed conflict and post-conflict periods; the enhancement of women’s participation in decision-making; the promotion of women’s economic independence; and the prevention of poverty and improvement of women’s health conditions (para. 19). Please provide details of the concrete impact that the implementation of this Plan has had on each of these areas and clarify what mechanisms have been established in support of implementation.

7. The report states that the composition of the State Commission on Elaboration of the State Policy for Women’s Advancement, which is the main coordinating body of the Government’s gender policy, changed significantly after April 2000 owing to the resignation of the former Government (para. 27). Please elaborate on the current composition, mandate, powers and resources of the State Commission, and specify its relation to the Department of Demography, Protection of Mothers and Children and Family Development which, according to the report, is charged with the monitoring and coordination of activities of various governmental agencies in charge of women and family issues (para. 28).

8. The report states that a Centre for the Rights of the Woman was established in the Office of the Public Defender (Ombudsman) in 2002 (para. 31). Please give details of complaints related to the violations of women’s rights that have been received and resolved by this Centre or the Ombudsman in the period since the submission of the initial report.

9. The report states that the State Department for Statistics was instructed to develop statistical data with a gender perspective in its annual report (para. 16) and that in 1999 and 2002 it published statistical collections entitled “Woman and Man in Georgia” containing gender-related data (para. 48). However, the report includes only limited statistical information and does not discuss statistical findings in relation to the status of women and the implementation of the Convention in Georgia. Please provide information about the insights gained about the status of women through the statistical studies that have been conducted. Also explain how this information is being used to inform, monitor and evaluate policies and programmes related to women.

Participation of women in public life and decision-making

10. According to the report, the representation of women at the decision-making levels has not significantly changed since the submission of the initial report — with only 7 per cent women in Parliament and 14 per cent women in local Government

bodies (para. 82). Georgia has not used temporary special measures to increase women's participation (para. 49). The report goes on to point out that women are much better represented in the judiciary, accounting for one third of the judges in the country, and states that "this state of affairs may easily be explained by the fact that women lawyers have benefited from the rules for selection of judges, which enabled them to compete with men on an equal footing" (para. 83). Please elaborate on the lessons learned from selection rules that enable women to compete with men on an equal footing, and how such rules could be replicated in other selection and election procedures. Please also indicate measures that are being taken to achieve the full and equal participation and representation of women at all levels of Government, taking into account the Committee's general recommendation 25, on temporary special measures, and general recommendation 23, on women in public life.

Violence against women

11. Please explain what kind of data are being collected on the incidence of all forms of violence against women, including domestic violence, abductions, rape and sexual violence, and what they reveal in terms of trends.

12. The report states that, between 2000 and 2003, 134 cases of rape and 87 cases of attempted rape were registered (para. 76). Please provide updated data on the number of cases of sexual violence, including the number of cases that resulted in convictions and the average sentence awarded.

13. The 2003 report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2003/75/Add.1, para. 1991) points out that domestic violence is a serious problem in Georgia but is rarely reported or punished because of social taboos against raising the problem outside the family. Reference is made to the Plan of Action on Combating Violence against Women (2000-2002) (para. 37). The report is silent about whether a law on domestic violence has been passed or is being considered. Please provide details of the measures the Government is taking to address domestic violence, including details about research, legislation adopted, services provided and mechanisms established to address the issue.

14. According to the report, laws on "professional violence (including sexual harassment at work place)" are being considered (para. 105). Please provide details on progress made, i.e., whether such laws were adopted and their scope and content.

Trafficking and exploitation of prostitution

15. The Special Rapporteur on violence against women, its causes and consequences, in her 2003 report (E/CN.4/2003/75/Add.1, para. 1993), points out that Georgia is a source and transit country for women trafficked primarily to Turkey, Israel, Greece and Western Europe for purposes of sexual exploitation and domestic servitude. The Plan of Action on Combating Violence against Women (2000-2002) envisaged measures for the collection of data on trafficking for the purpose of sexual exploitation and the establishment of programmes for the protection of victims (para. 60). Moreover, the Plan of Action against Trafficking (2003-2005) also contemplated provision of rehabilitation services to victims of trafficking (para. 62). However, the report does not present any data on trafficking

and does not indicate if any programmes for the protection and rehabilitation of victims have been established. Please provide this information.

16. According to the report, amendments to the Criminal Code criminalizing trafficking came into force on 10 July 2003 and, in the period between July and October 2003, four criminal proceedings relating to the crime of trafficking were under way (para. 70). Please provide details of the substance of the law criminalizing trafficking, an update on the number of cases prosecuted under this law and the penalties imposed.

Employment

17. The Committee, in its previous concluding comments, had expressed a concern about the persistence of the wage gap between men and women, especially in the public sector, and asked Georgia to identify the causes of the wage gap (A/54/38/Rev.1, part two, paras. 107 and 108). The report shows the continuing persistence of this wage gap in all sectors (para. 111, table 9) and identifies the employment of significantly more women, regardless of their educational level, at low-paid positions compared with men, as the reason for its existence (para. 115). Please indicate the measures that are being taken to bridge the wage gap and the gap between women's qualifications and their employment opportunities.

18. According to the report, the Ministry of Health was instructed to analyse the health standards for women's employment in order to eliminate direct or indirect discrimination against women in the labour market (paras. 11 and 44). Please provide details of the analysis conducted and the changes proposed and/or implemented.

19. The report indicates that more than double the number of women as compared with men are considered "economically inactive" (para. 109, table 7). However, twice as many men as women are listed as "persons employed at family enterprises/households without reimbursement" (para. 114, table 11). Please explain the concepts of "economically inactive" and "employed in households without reimbursement" as used in the report and provide detailed information on women's participation in the informal sector.

Education and stereotypes

20. The report indicates that the Ministry of Education was instructed to carry out a gender analysis of textbooks and publish guidelines on "gender equality and prohibition of discrimination based on sex" which were to be used by the authors of textbooks (para. 54). Please provide details on whether the project to eliminate stereotypes from textbooks has been concluded and whether textbooks beyond those used in primary education were reviewed and revised.

21. Please provide information about measures taken by the Government to encourage the media to work towards the elimination of stereotypical portrayals of women in the media, and to actively contribute to the creation of a positive and non-stereotypical image of women.

Health care

22. The report states that under Presidential Decree No. 110 “On Measures Aimed at Prevention of Sexually Transmitted Diseases”, the Ministry of Internal Affairs “was instructed to bring prostitutes to the relevant medical institutions, in order to expose those suffering from sexually transmitted diseases” (para. 75). Please explain this statement and indicate how the human rights of women are protected in this process.

23. According to the report, while 457 cases of HIV/AIDS were registered with the Government in 2003, out of which 70 were women, the WHO estimates that the real number of people infected with HIV/AIDS is 2,000 (para. 80). The report further indicates that the negative connotation of HIV/AIDS prevents women from disclosing their condition (para. 122). Please indicate whether and how the State programme for the prevention of HIV/AIDS (2003-2007) (para. 77) integrates a gender perspective, and the measures taken to dispel the stigma attached to HIV/AIDS and to encourage women to seek treatment.

Marriage and family relations

24. The initial report of Georgia states that the State “does not create any obstacles to religious marriages, which have recently become quite common” (CEDAW/C/GEO/1, para. 127). The second and third periodic report (para. 161) indicates that information provided in the initial report in regard to the legal framework under this article remains valid. Please specify whether the provisions of the Marriage and Family Code apply to religious marriages or whether religious law governs these marriages.

Rural women, ethnic minorities, older women

25. Please provide detailed information on the health, educational and economic situation of rural women, as well as their political participation.

26. The core document on Georgia (HRI/CORE/1/Add.90/Rev.1) indicates its multi-ethnic population mix (paras. 24-26). However, the discussion of various articles of the Convention in the combined second and third periodic report does not show whether women belonging to various ethnic groups are particularly vulnerable or disadvantaged in regard to various provisions of the Convention, nor does it indicate whether particular measures have been taken to address such challenges. Please provide such information, including statistical data disaggregated by sex and age.

27. Women make up the majority in the age group of 25 years and above. Please provide information about plan and programmes in support of older women, especially in rural areas, and from ethnic minorities.

Nationality and citizenship

28. Please indicate the reasons that prevent the Government from changing or amending the Law on Citizenship regarding the nationality of women.