



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Thirty-sixth session

Summary record of the 748th meeting (Chamber B)

Held at Headquarters, New York, on Tuesday, 15 August 2006, at 3 p.m.

Chairperson: Ms. Manalo

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined second and third periodic reports of Georgia (continued) (CEDAW/C/GEO/2-3, CEDAW/C/GEO/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Georgia took places at the Committee table.*

Articles 10 and 11

2. **Mr. Flinterman**, noting with appreciation the progress made towards the elimination of stereotypes in education with the introduction of gender-sensitive textbooks for primary schoolchildren in September 2006, said that the Government of Georgia had been asked for details on whether textbooks beyond those used in primary education had been reviewed and revised. The Georgian delegation had indicated that the revision of the primary school textbooks was in itself a significant step for Georgia. It would be useful, however, to have a time frame for further measures to be taken in the overall reform of the education system.

3. Table 6 of the report (CEDAW/C/GEO/2-3, para. 96), which provided a breakdown by gender of the disciplines pursued in institutions of higher education, showed that girls and women tended to choose classic areas of study, which reflected deeply rooted views of the role of women and men in society. Information was needed on the policies being undertaken by the Georgian Government to encourage girls and women to enter fields which, to date, had been dominated by boys or men, including transport, communication, agriculture, industry and construction.

4. He drew attention to a 2005 statistical abstract entitled “Women and Men in Georgia” (http://www.parliament.ge/files/670_11253_998318_W&M-Eng.pdf) published by the Georgian Government in conjunction with the United Nations Development Programme and others, which showed that women were predominant at all levels of education. As women dominated the teaching profession, it was unclear why it had been so difficult to eliminate stereotypes from textbooks at the secondary and tertiary level.

5. Lastly, he would like to know the status of Georgia’s safe motherhood initiative. It was unclear whether it had been taken over by the Government of Georgia. The issue should be given sustained attention, as the promotion of safe motherhood was important for the implementation of article 10 of the Convention.

6. **Ms. Arocha Domínguez** said that the report and the replies of the Georgian delegation as well as information provided by non-governmental organizations painted a difficult economic picture. The Georgian delegation had suggested that its Government did not know what the precise current trends were in the labour market. Tracking labour trends was a responsibility which should be shouldered by the State, in accordance with article 11 of the Convention. If there was a lack of information about such trends, she failed to see how the Georgian Government could provide for gender equality in the labour market.

7. The labour market research to be carried out beginning in 2007, referred to in paragraph 18 of the responses, should include gender-disaggregated data. The Committee needed to know the proportion of women employed in every sector of the labour market and the steps being taken to implement article 11. A comparison should be made between urban and rural areas and of the various ethnic minorities.

8. With respect to the new Labour Code, in the experience of Latin America, the rather liberal rules governing the labour market under certain International Monetary Fund or World Bank policies sometimes had disastrous consequences for the poor, and poor women in particular, who accounted for most of the informal sector. In a country like Georgia, where there were extremely disadvantaged and vulnerable segments of the population, it was unclear the extent to which they would suffer from the new situation. Furthermore, although the new Labour Code did make some provision for the prohibition of discrimination on the basis of gender, it was unclear whether it would provide for gender equality.

9. **Ms. Patten** said that she would like to know whether the problem of occupational segregation had been addressed in Georgia and whether any efforts had been made to promote equal participation of women and men in highly skilled jobs and senior management positions. Information was needed on any steps taken to expand the range of choice of occupation for women.

10. With respect to pay gaps, which were linked to the issue of women's poverty, there were wage differentials in both the public and private sector. According to International Labour Organization (ILO) data, the average monthly salary for women was 81.8 per cent of the minimum subsistence wage. She noted the laws in place which established the minimum and subsistence wage as well as remuneration rates for employees in the public sector. It was unclear whether those laws would be reviewed and amended within the framework of Georgia's gender equality concept, as they discriminated against women. She would also appreciate hearing about any efforts to close the gap and mechanisms to adjudicate matters relating to wage discrimination. It would be useful to know whether a review and reformulation of wage structures in women-dominated professions like teaching and nursing were envisaged to raise their low status and low earnings.

11. Clarification was needed on whether the new Labour Code had incorporated the principle of equal pay for equal work of equal value, given that Georgia had ratified the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No. 100). She would like further details on whether job evaluation schemes with gender-neutral criteria were being introduced.

12. Information was needed on whether provision had been made in the new Labour Code for sexual harassment, including harassment by co-workers. Lastly, no details had been provided on women working in the informal sector. Given the unemployment rates, particularly among young women, there was likely to be a considerable number of women working in that sector. She would welcome information about any measures being taken by the Georgian Government to promote and support women's self-employment and the development of small enterprises, strengthen their access to credit, provide training and retraining in new technologies and establish outreach programmes to inform low-income women of opportunities for market and technology access.

13. **Ms. Makharashvili** (Georgia) said that, with respect to the question concerning educational reform, teachers themselves were not gender-sensitive. They required retraining to be able to recognize and identify stereotypes in the textbooks. Generally, the identification of stereotypes in textbooks had been done by non-governmental organizations. Their

lobbying efforts had resulted in the plans to review elementary level textbooks and to develop new gender-sensitive ones. In blunt terms, the educational sector itself had not paid much attention to the problem. Her delegation was pleased, however, that the Ministry of Education had given attention to the issue and was willing to make efforts to provide guidelines to prospective new textbook writers for gender-neutral textbooks. The next step would most likely be taken in 2007. As the preparation of textbooks was a lengthy process, the revision of textbooks at the secondary and tertiary level of education would be carried out at yearly intervals.

14. With respect to table 6 of the report, women tended to enter the health-care, educational and arts professions because they afforded them with flexible schedules. Women chose to spend more time at home. In Georgia, most of those jobs finished at approximately 2 p.m., while the average job in the public sector and in many private companies involved working from 9 a.m. to 5 p.m., if not longer. In recent years, however, a relatively high number of young women were joining the army and police forces, owing to a recruitment campaign conducted by her Government. As the legal professions enjoyed much prestige, there were many women attorneys, especially commercial attorneys, judges and prosecutors. Nevertheless, technical fields such as construction did not enjoy much prestige, even among men, and did not attract many women, perhaps because of the heavy work involved. Rather, women tended to enter architectural schools.

15. Within the framework of the ongoing educational reform, special attention was being given to vocational education. After Georgia gained its independence, the trade schools existing during the Soviet period had closed, but the Government was now allocating funds to reopen them. Furthermore, as there was a shortage of skilled labour in Georgia, there would be a public awareness campaign to encourage young women to enter technical schools.

16. Generally, however, girls often had even better access to education than boys, because they were more diligent. Many young women had scored highly on the new State-sponsored competitive entrance exams for higher education. The exams had been highly praised, especially from the point of view of anti-corruption efforts, as merit was the only criterion used for entry into universities. Her Government provided grants for

some 40,000 top students who had scored highest on the entrance exams.

17. With respect to her Government's safe motherhood initiative, as her delegation's health-care expert had been unable to attend the current meeting, she would have to provide the specific information requested to the Committee by e-mail upon her return to Georgia.

18. There had been an intense debate on the principles that should govern the new Labour Code and the political decision had been made to achieve maximum liberalization. However, owing to the hard work of the Gender Council and some members of Parliament, maternity leave remained in the Code. The minimum requirements included in the new Code were the result of hard lobbying by gender-sensitive parliamentarians, because the general intention had been to fully liberalize the labour market and allow all decisions to be made by negotiation between employers and prospective employees.

19. The Latin American experience had been brought up during the deliberations, and the fact that the type of liberalization envisaged might negatively affect gender equality. Nevertheless, the Government had decided to give priority to the development of the country's economy. She hoped that, eventually, Georgia would reintroduce some of the labour guarantees, as well as ILO standards on equal pay for work of equal value.

20. Regarding the pay gap, the private sector was now totally deregulated and the labour inspection service had been abolished under the new Labour Code. Therefore, the Government had not left itself any mechanisms for intervening in private sector labour relations, except with regard to the Code's minimum requirements. In the public sector, the Government, in close collaboration with Parliament, had designed a unified pay system that ensured that all employees of a similar level in the different ministries received the same salary.

21. The fate of the civil service agency was being considered. It could be combined with a special bureau that dealt with the integrity of civil servants and matters relating to corruption, or it could remain separate and attached to the Government itself. Discussions on unifying job descriptions and requirements would continue in the autumn, and efforts would be made to ensure that job requirements were gender-sensitive.

22. Sexual harassment in the workplace existed and special measures were needed. Nonetheless, there was no mention of sexual harassment in the Labour Code and it was unlikely that it would be included in Georgian legislation in the near future.

23. Regarding the involvement of women in the informal sector, some statistics were available. For example, 67 per cent of workers were self-employed, and the number of self-employed men was double that of women. Of the self-employed workers, 85 per cent of the women and 74 per cent of the men worked in agriculture, while 10 per cent of the women and 12 per cent of the men were involved in trade.

24. During the first privatization process over the period 1994-1999, women owned approximately 25 per cent of small and medium-sized enterprises; but, they had found it hard to attract investment and make their businesses profitable. A number of new programmes supported by donor organizations were targeting micro, small and medium-sized enterprises and encouraging women to participate. For example, a small pilot project was being organized in western Georgia for a women's business incubator with a loan/grant mechanism. If the project was successful, further funding could be included in next year's budget.

25. The President had recently outlined the priorities for the country, one of which was retraining. A project was being designed and would be launched in September whereby the Government would pay the minimum wage and fund a three-month retraining programme for 50,000 people from the private sector.

Articles 12 to 14

26. **Ms. Dairiam**, referring to women's access to primary and secondary health-care services, said that the report mentioned there was universal access to health care by law. Nevertheless, according to available information, at the practical level, that was evidently not the case. More than 2,500 health-care centres had been privatized and, although national health insurance existed, it had limited coverage; consequently, as the report pointed out, the main problem related to the patients' ability to pay. According to the 1999 Ombudsman's report, only 55.3 per cent of funds designated for health services had been released. She therefore asked whether more recent figures on the budget for health services were available and how much of the allocations were actually released.

27. The Strategic Action Plan for education on HIV/AIDS had received considerable international technical and financial support. It would be interesting to know whether both urban and rural areas were covered by the programmes and whether they included the most vulnerable groups. She wished to know why the HIV/AIDS programme was receiving so much financial aid and support, whether it had been requested by the Government or was donor-driven and whether treating HIV/AIDS was considered a higher priority than basic health services. In addition, she enquired whether the programme had been evaluated in terms of its coverage and accessibility for the rural population, and if there were plans to mobilize similar international support to help the country improve access to basic health services, especially for the most vulnerable groups. Lastly, she urged the Government to use the Committee's general recommendation No. 25 to make health services more gender-sensitive.

28. The abortion rate was very high in Georgia; it would be useful to have further information on morbidity and mortality rates due to unsafe abortions and whether abortions were more prevalent in urban or rural areas or among ethnic groups. According to the report, information on contraception was freely available with international support; she therefore asked for statistics on the use of contraceptives and enquired about the reasons for the high abortion rate and whether benchmarks and targets existed for the reduction of the abortion rate.

29. **Ms. Gabr** said that, while she understood that Georgia had recently changed from a State-based economy to a market economy, article 13 called for the State to make a very specific commitment towards women, who were the sector of the population that had suffered most. The report mentioned the efforts the Government had made to assist people, but that was not sufficient. She wished to know how such assistance could be made more effective for women, particularly internally displaced and older women. The possibility of introducing a quota system had been referred to and it would be useful to know the Government's intentions, since it would be more effective to provide assistance based on specific distinctions; for example, women heads of household and older unemployed women.

30. It appeared that the new Labour Code was not adapted to the situation of women, and perhaps amendments were needed. Rural women also required

special attention and it would be useful to know what policies the Government intended to implement to improve their situation, and to prevent them from migrating to the cities where they could be exploited.

31. **Ms. Makharashvili** (Georgia) said that primary health care was currently the priority of the health-care reform. The Government was providing funding and support for primary health-care centres; it had started repairing buildings, improving facilities, and paying better salaries to health-care providers. The aim was to provide universal access; however, that would take time. It was hoped that by the end of 2008, every area would have a primary health-care unit.

32. Regarding funding levels for health care, she did not have specific figures on annual budget allocations, but would forward them to the Committee later; currently, all allocations were released and spent during each fiscal year. Funding for HIV/AIDS was donor-driven; donors would certainly have evaluated their programmes and have the information available. The Government was trying to mobilize support for primary health-care services, particularly from the World Bank. The number of abortions had decreased in recent years and specific information would be supplied to the Committee subsequently.

33. The new Labour Code was not gender-sensitive; it was not oriented towards either women or men, it liberalized labour relations between employers and employees, with minimum State regulation and without inspection or monitoring. It was acknowledged that the Labour Code would have to be modified in the future; nevertheless, the Government's current priority was to boost the country's economy. Georgia needed to attract major investments and it was well known that liberal labour codes attracted business. The political decision had been made to attract investors and postpone specific gender considerations. It should be emphasized that it had been a very difficult decision and was only taken after much discussion, as a result of which the Labour Code had been modified slightly to include some international labour standards.

34. To date, the Government had no specific policy to retain rural women in their villages; it was another area that required attention. There were some micro-credit programmes designed mainly for rural areas and the country had recently adopted a special law on micro-finance organizations to provide them with a legal framework enabling them to expand their activities.

35. **Ms. Patten** noted that the new Labour Code had done away with the labour inspectorate. She wondered what the rationale was for eliminating the mechanism and how the new Labour Code would be implemented and enforced without it. Information was needed on the complaint mechanism available for women and what sanctions the Labour Code provided for when their rights were violated. She asked how many complaints had been lodged, whether women were aware of the laws in place to protect them and whether there was legal assistance available to women who lodged complaints.

36. **Ms. Gabr** asked whether Government policy and programmes which provided assistance and social benefits to vulnerable people would give more attention to women, especially heads of family, the elderly and the displaced, when the socio-economic situation in the Republic of Georgia improved. The question on issuance of credit in urban areas had not been answered. Sometimes women were refused loans and credits due to low income, lack of education or knowledge of procedures.

37. **Ms. Makharashvili** (Republic of Georgia) said that the labour inspectorate had been abolished because it had been one of the most corrupt offices in the Government. It had never adjudicated or supported any labour complaints or disputes and reorganization would have been useless. Adjudication had been transferred to the civil courts, since contracts, which were within the jurisdiction of the civil courts, were the basis of all labour relations. Although no official statistics existed regarding complaints or court cases, unofficial information indicated that pregnant women and women on maternity leave had won court cases and been reinstated in their jobs.

38. Credits were issued by private banks, which determined credit eligibility criteria. Many women had received microcredits and small credits and their repayment history tended to be excellent. However, when medium credits were issued, the signatory was usually the husband of the women who had taken out the micro or small credits.

Articles 15 and 16

39. **Ms. Shin** noted that the legal age of marriage was 18 but that in exceptional circumstances, marriage was permitted for people as young as 16 years of age. She would like to know what these exceptional

circumstances referred to, and how many cases there were of people under the age of 18 getting married. Although legally prohibited, the tradition of abduction was still practised, and she asked what countermeasures were being taken. She wondered whether the stereotype that men should be breadwinners while women should raise the children and do housework was recognized as a problem, and what actions were being taken to change the situation.

40. **Ms. Gabr** requested additional information regarding guarantees of women's rights during divorce, in particular in regard to property and child custody. Additional details regarding gender stereotypes among ethnic minorities and Muslims would also be appreciated. She asked whether manipulation of the age of marriage was practised in Muslim communities and whether the Government had a specific position regarding the rights of children aged 18 and under. Islam allowed a woman to keep her name when she married and to have financial and other rights in marriage and divorce. She asked if a woman could give her citizenship to her children if she was married to a foreigner, and whether a foreigner married to a Georgian woman could automatically receive Georgian citizenship.

41. **Ms. Makharashvili** (Republic of Georgia) said that when a female under the age of 18 was abducted for the purpose of marriage, the State registered the marriage, if there was parental consent and the girl was at least 16 years old. Underage marriages usually occurred in the form of elopement. The number of abductions had decreased, according to anecdotal accounts. However, there were no official statistics on the subject, because when marriages were registered with the State the documents did not mention whether the marriage had involved an abduction. The number of elopements had increased among people who were under age as well as among those who had attained majority, because traditional wedding rituals placed a heavy financial burden on the family.

42. Stereotypes regarding which spouse was responsible for childcare and housework still existed, but in the younger generation relations were becoming more and more equal. No special measures were being taken to tackle this stereotype but it was mainstreamed in many Government activities.

43. In cases of divorce, the courts were inclined to give custody to the mother. There had been no intent to

offend with the statement made by the delegation earlier that day regarding Muslims; however, access to education was limited in rural areas due to traditional attitudes and that was more apparent in the areas where large numbers of Muslims lived. In regions populated mainly by Azerbaijanis, who were Muslims, heads of families had been seen coming to polling places carrying five or six passports belonging to various female relatives and voting on their behalf. Elsewhere in Georgia, women themselves came to the polling places with their passports and voted directly, without intermediaries.

44. Georgian law prohibited registration of marriages involving people under the age of 16. However, the Government could not account for unregistered marriages, and if underage marriage did occur, it was registered only when the spouses reached the age of 16. Marriage and divorce procedures were absolutely identical for all citizens in all areas of the country and were handled by the public registry or the courts.

45. Under a new Government decree, dual citizenship was permitted. The naturalization and immigration procedures were the same as in other countries. If a woman wanted her child to be a Georgian citizen, she had only to give birth in Georgia. Dual citizenship was decided at the presidential level, but apart from that, legislation in the area resembled that of other countries.

46. **Ms. Shin**, referring to the statistical abstract published by the Department of Statistics of the Ministry of Economic Development, acknowledged that there was gender-disaggregated data in major areas but there was a necessity to include an enhanced gender perspective in data collection, with a view to providing a better picture of the position of women and gender equality. Under article 16, data should be collected to show the amount of time spent by women and men on child care and housework. It would be interesting to know how the Government intended to ensure that an adequate gender perspective was included in existing data.

47. **Ms. Gabr** said that it seemed that the national machinery mechanisms depended on support from the international donor community. However, she wondered if those mechanisms could be funded within the country by the Government and national sources of financing.

48. **Ms. Belmihoub-Zerdani** recalled that Georgia had ratified the Convention in 1999 without reservations and that meant that the Convention should be implemented immediately and without discussion. Further consideration should be given to the ways in which Parliament could legislate and control national activities and at the same time be in a position to implement all the articles of the Convention, with a view to making substantial progress in the area of women's rights.

49. **Ms. Makharashvili** (Georgia) said that the 2005 statistical abstract had been published using 2004 data. The 2005 data collection process had recently been completed but had not yet been published. The recommendations on data collection that had been made by the Committee would be useful to the working group that was drafting the amendments to the Law on Statistics, which defined the data that the Department of Statistics collected and the methodology used for that collection. It was hoped that a first draft of the amendments would be submitted to Parliament in September 2006. The importance of statistical data in advancing the status of women was evident and it was hoped that the Department of Statistics would be in a position to start collecting additional data in January 2007. Any further recommendations on the type of data that should be specified in the Law on Statistics would be welcome.

50. In relation to the financial support of the national mechanisms, the draft National Plan of Action, which was being prepared by the Advisory Council on Gender Equality and the Governmental Commission for Gender Equality, would be financed by both the national budget and international donor organizations, which had already pledged funds for such areas as training and information campaigns. However, the draft plan would propose that funding for the national machinery should be included in the national budget.

51. In relation to the prompt implementation of the Convention, it was true that the clauses of the Convention took precedence over national legislation. However, the provisions of the Convention must be addressed in the national legislation in order for the Convention to become a practical tool. The fact that some of the articles of the Convention were not addressed in the national legislation meant that the provisions of the Convention were not implemented in full in Georgia. However, free legal counsel was provided to men and women by the Georgian Young

Lawyers Association, which publicized the provisions and scope of the Convention. There were no legal precedents relating to the Convention and individuals had not invoked its provisions in court hearings. It would be useful if the Constitutional Court made a decision and set a precedent relating to the articles of the Convention compared to the national legislation.

52. **Mr. Flinterman** said that article 2 of the Optional Protocol provided that women's organizations that claimed that their rights had been violated under the articles of the Convention could submit a complaint to the Committee. That provision presupposed that women could invoke the articles of the Convention at the national level if the country had ratified the Optional Protocol. Given that Georgia had ratified the Optional Protocol, it would be interesting to learn how the right of women to invoke the articles of the Convention at the national level related to the role of the Constitutional Court. In particular, it would be interesting to know if women could invoke the articles of the Convention in ordinary court proceedings or whether they were obliged to take their complaint to the Constitutional Court.

53. **Ms. Makharashvili** (Georgia) said that the Constitutional Court was the only body that could instruct Parliament to amend the national legislation. If a law was deemed to be discriminatory or if an amendment to a law was required a ruling would be made by the Constitutional Court. The Supreme Court could not amend laws; it could only implement the laws. Unfortunately, if women believed that their rights under the Convention had been violated, they were obliged to take their complaint to the Constitutional Court or to the Committee. The reporting State acknowledged that there was a need to raise awareness about gender equality and for the Government to implement a greater number of measures aimed at the advancement of women.

The meeting rose at 4.55 p.m.