



THE REALITY

**WOMEN'S EQUAL RIGHTS AND
EQUAL OPPORTUNITIES IN GEORGIA**

**The Reality -
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Equal Opportunities in Georgia**

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EXECUTIVE SUMMERY

The Assessment of women's *de facto* and *de jure* rights, *Reality – Women's Equal Rights and Equal Opportunities in Georgia*, has been carried out by women's non-governmental organizations and independent experts with the support of UNIFEM Regional Project "Women for Conflict Prevention and Peace-Building in the Southern Caucasus." The Assessment provides an analysis of the gender equality situation, with the hope that it will improve the overall situation of women in the country. The Assessment is addressed to a wide audience but in particular, to policy-makers, women's rights activists, donors, international organizations and academia – those who are working to accelerate progress towards achievement of substantive gender equality.

The Assessment attempts to determine the compliance of Georgia's national legislation with international human rights instruments, with particular focus on the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). The methodology utilized for the preparation of this work drew from both theoretic rights, which are reflected in the legal framework of Georgia, and the opinions and concerns of government, civil society and women and men about the actual situation facing gender equality.

In analyzing the most significant barriers to the realization of substantive gender equality, the authors of the Assessment stress that the lack of clearly expressed political will of the Government of Georgia remains one of the greatest obstacles. This lack of political will expresses itself in the limited sustainability and effectiveness of the institutional mechanisms working on gender equality issues; also in the absence of special measures for improved and real gender equality in the country, as well as

sufficient integration of relevant international legal norms into national law and policy-making. The discriminatory traditions and stereotypes along with the low level of public awareness with regard to women's rights and gender equality have been identified as the other main obstacles for the realization of true gender equality by the Assessment.

The Assessment looks at the gaps between *de jure* and real - *de facto* gender equality in Georgia, specifically looking at five critical areas and provides recommendations on how to address these gaps. The critical areas of concern have been determined through a thorough desk research and in consultations with scholars and activists in the field and are as follows: the legal basis for gender equality; the status of women's participation in employment and economic life; women's

participation in political and public decision-making; violence against women; and women's rights to access adequate housing. The Assessment's conclusions under each critical area are based on analysis of available data, as well as of the focus group discussion held in the regions of Georgia.

Finally, the Assessment provides two sets of recommendations on how to close the gap between *de jure* and *de facto* greater gender equality based on the conclusions made. One set of recommendations foresees general legal and policy measures, while the second one offers specific interventions and actions at the national and local level. It is the hope of the authors and supporters of this work that the Assessment's findings and recommendations will support the acceleration of progress towards improved social justice and gender equality in Georgia.



1. INTRODUCTION

The Assessment, *Reality - Women's Equal Rights and Opportunities in Georgia*, was prepared in 2005 - 2006 by non-governmental organizations "Women for Future" and "Georgian Young Lawyers' Association" together with independent expert Mari Meskhi. Slovenian expert Violeta Neubauer played an instrumental role in the development of the Assessment methodology and in the elaboration of the final report. The United Nations Development Fund for Women (UNIFEM) Regional Project "Women for Conflict Prevention and Peace Building in the Southern Caucasus" team provided technical and financial support throughout the development of the Assessment.

The purpose of the Assessment is to support and accelerate progress towards achieving *de facto* gender equality in Georgia. The Assessment attempts to do this through providing information to decision-makers and civil society on the deficiencies in the realization of government commitments to achieve real and substantive equality, as laid out in national and international human rights legal instruments. Through looking at existing legislation, and through focus group discussions with women, men and local experts throughout Georgia, the Assessment reveals barriers in the five main areas identified by the group of authors and includes particularly critical aspects of these sectors, which hinder women's human rights. The recommendations offered suggest necessary actions and measures to address and efficiently solve the problem areas identified through the Assessment.

1.1. Purpose of the Assessment

The main goal of this Assessment is to determine the compliance between Georgia's commitments under the relevant international human rights instruments that build the normative framework under which gender equality must be achieved and national legislation. The elimination of discrimination on the grounds of sex and the constant and progressive achievement of gender

equality derived from obligations laid down in international human rights instruments and national legislation require strong and sustained political will. Legislative and law enforcement strategies are a basic requirement for achieving gender equality, but they alone cannot change attitudes or behavior and in addition, they are not always efficiently implemented and sanctions for the violations of legal norms are not effective enough.

Therefore the second important goal of this work is to assess the gaps between existing national legislation and its efficient implementation, particularly through various complementary strategies and methods of working towards ensuring full enjoyment of equal rights. To remedy the effect of past and present discrimination against women, to reduce structural disadvantages and to overcome gender stereotypes and prejudices still existing in Georgia, a wide range of specially tailored actions and measures are required.

This Assessment aims to contribute to the process of development of national strategy on gender equality through providing the knowledge and information on main obstacles and problems preventing the realization of substantive equality in the areas of political, economic and social life, which is a precondition for understanding of social processes and their differential impact on women's and men's lives.



The pursuit of achievement of substantive gender equality involves and challenges all the living forces of Georgian society, therefore, the Assessment also aims to provide information not only to existing national gender equality mechanisms, but to state and public organizations, women's and human rights organizations, other non-governmental organizations, political parties, media, donor organizations and individual women and men.

The methodology for development of the Assessment has ensured that it is the voices of the women themselves who guide the analysis. With legal experts reviewing legislation, talking with law enforcement officials, parliamentarians, judiciary and the government officials who are tasked with enforcement of protection of these rights, the *de jure* equality within Georgia in the five critical areas is assessed. Then, through the work of the NGO members of the Georgian Network "Unity of Women for Peace", the authors went out to the field to talk to women and men in communities throughout Georgia, discussing what rights the books uphold, verses the rights and freedoms the citizens' witness in everyday life.

The scope of *de jure* and *de facto* assessment is limited to the critical areas for gender equality identified at the Assessment planning and methodology development stage. The five sectors were selected by the authors as core gender priorities, based on an analysis of relevant data and surveys. Additionally, as members of the Network "Unity of Women for Peace" and in consultation with their partners throughout the Network, the national authors identified the following as critical areas of concern:

- Legal basis for gender equality;
- Women's participation in employment and economic life in general;
- Women's participation in political and public decision-making;
- Violence against women;
- Women's rights to adequate housing and ownership and administration of property

A fundamental challenge to the realization of gender equality in Georgia is the socio-economic impact of the unresolved internal conflicts around South Ossetia and Abkhazia, and subsequent thousands of internally displaced persons living throughout the country. In conducting the Assessment, the authors have tried to mainstream the issues of the IDP women throughout the above five critical areas.



1.2. General Outline of Structure

The obstacles and problems, which prevent the realization of substantive gender equality in all the selected areas are highlighted in the Section 2, *Barriers to Substantive Gender Equality in Georgia*. Their relevance goes beyond the areas and gender equality issues, which were considered in this Assessment. Overcoming them and properly responding to their existence and reproduction is a precondition for challenging inequalities between women and men in all walks of their life and throughout their life cycle. This is a basic requirement for ensuring full enjoyment of human rights of women and men on an equal footing and accelerating the progress in achieving substantive gender equality in all areas.

Section 3. *Assessment of Identified Critical Areas and Aspects of Women's Life in Georgia* summarizes the outcome of analysis of *de facto* and *de jure* gender equality in the five critical areas. The conclusions made under this chapter are derived from two methodological approaches developed for the Assessment: (I) analysis of *de jure* gender equality situation - a desk-research of Georgian legislation's compliance with relevant international human rights documents and (II) analysis of *de facto* gender equality situation in Georgia done through focus-group discussions and subject-based interviews. Both approaches have produced rich material for analysis and conclusions; in this chapter the gaps between the norms and standards laid down in national legislation and their enjoyment by women and men in reality have been highlighted.



Section 4. *Concluding Comments and Recommendations* provides an overview of conclusions and two sets of actions and measures for accelerating the achievement of substantive gender equality. The first set of recommendations includes general legal and policy measures, mainly aimed to develop efficient gender equality institutional mechanisms and strategies. The second part of the recommendations highlights recommendations in regard to specific interventions and the actions needed to overcome the problems identified in the selected critical areas and aspect of women's life.

1.3. International Human Rights Instruments Setting the Assessment Framework

For the purpose of this research the compliance of the national legislation was measured against the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Where possible, reference was also taken from International Covenant on Civil

and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). In addition, specific international legal instruments and standard setting documents were considered, such as UN Security Council Resolution 1325 (UNSCR 1325) and the Millennium Declaration.

The use of CEDAW and UNSCR 1325 together is of particular importance to the Georgian context, as there are currently two internal, unresolved conflicts. Both tools work to promote gender equality, and when used together, can expand the reach of the other. SC resolution 1325 can be used to enlarge the scope of CEDAW, making it relevant to all participants – including non-state actors such as unrecognized *de facto* authorities – and all aspects of conflict and peace. At the same time, CEDAW can increase the impact of SC resolution 1325 by detailing the concrete strategies that need to be taken by governments and others to meet its requirements.

2. Barriers to Substantive Gender Equality in Georgia

Despite the fact that it is hard to observe any formal manifestation of gender discrimination by laws and policies, gender equality is far from being achieved in Georgia. Below we aim to identify those main factors that not only cause but also maintain, reproduce or even reinforce and strengthen gender inequalities. Most of the time gender-neutral policies and laws are not neutral to gender differences and instead of diminishing tend to strengthen inequalities between men and women. In order to reveal and overcome these problems, it is important to establish effective human rights protection mechanisms, undertake constant monitoring and evaluation of the laws and policies adopted and then reflect the results in the future policy-making cycles.

The achievement of substantive gender equality is possible in Georgia only with the clearly expressed political will of the Government of Georgia. The lack of political will create obstacles for the recognition and addressing of gender equality problems through effective policy-making. The interviews and focus group discussions conducted for the purposes of this Assessment as well as analysis of the public statements of politicians has shown that gender equality and the struggle for women's rights is considered important only for political correctness in the context of Georgia's integration in the European structures. Political discourse does not associate instances of gender inequality with important human rights' concerns and fails to acknowledge the benefit that gender equality brings to the society.¹ It is not recognized by high-level decision-makers in the government that integration of gender equality issues in the policy-making agenda of the country will provide the opportunity to improve conditions of men and women (especially rural, Internally Displaced Person (IDP), ethnic minority, single mothers, disabled women) in the country.

The ethnic conflicts of early 1990s forced approximately 270,000 individuals to become Internally Displaced Persons on the territory of Georgia, among them 55% are women² and their social, economic and political conditions are dismal. The lack of access to adequate standard of living, including adequate housing, healthcare and educational opportunities, is aggravating their posttraumatic stress. Given these harsh socio-economic conditions, it is even more surprising that none of over 200 normative acts regarding the status of IDPs passed through from 1992 to 2002 has a significant focus on the needs of IDP women.



The obligation to address women's concerns through state policy-making was taken up by Georgia on the IV World Conference on Women in Beijing in 1995 by adopting the *Beijing Platform for Action*. Unfortunately, the lack of political will and only superficial commitment towards achieving gender equality resulted in a series of unimplemented National Action Plans on Gender Equality and Presidential Decrees on gender equality that mushroomed right after the Beijing Conference.³

¹ This argument is based on the results of thematic interviews conducted with experts and government representatives for the interests of this study as well as discourse analysis of the Parliamentary debates of February 17, 2006 that took place during the hearings of the draft anti domestic violence law.

² The Ministry of Refugees and Accommodation, *IDP's Reference Book*, Association "Migrant", UNHCR, 2002.

³ Presidential decree #511 About the Measures on Strengthening the Protection of Human Rights of Women in Georgia (1999); National Plan of Action for Improving Women's Conditions (1998 – 2000); Three Year Plan to Combat Violence Against Women (2000 – 2002); Plan of Action for Improving Women's Conditions (2001 – 2004).

In 1998 under the auspices of National Security Council, a State Commission on the Elaboration of the State Policy for Advancement of Women was established which was so poorly resourced and marginally placed within the administration that its impact on the situation of women was nominal. The data on implementation of the National Action Plans on Gender Equality are important indicators measuring the government's commitment to gender equality issues for over a decade after the break-up of the Soviet Union (1991-2003).

The Rose Revolution of November 2003 was followed by a new wave of hopes among women's rights activists that were nurtured by high ranking officials' and especially President Saakashvili's statements regarding women's increased involvement in decision making processes. Soon after the Revolution only one out of four female ministers maintained her position and no significant positive changes were observed in the field of women's participation in decision-making process. The state mechanisms for gender equality were established in 2005 both in the legislative as well as executive branches of government— *Gender Equality Advisory Council under the Chairperson of the Parliament of Georgia* and within the executive branch, the *Governmental Commission for Gender Equality (GCGE)* was established with a temporary mandate. The creation of these structures is the first step forward towards integration of gender equality issues in the governmental and parliament agenda. It is important to underline that financial support rendered by donor organizations plays instrumental role in the sustainable functioning of both institutional structures.⁴ Their sustainable long-term existence is not ensured by respective normative acts.

These gender equality state structures have recently jointly elaborated the Gender Equality Strategy of Georgia that sets priorities for the constant and progressive achievement of gender equality in the country as well as maps out the ways of the strategy's implementation

and its monitoring. The Gender Equality Strategy was recently submitted to Government for adoption. Without the government's adoption of the GES and subsequent allocation of necessary financial and human resources, Georgia will remain without an effective monitoring and coordinating mechanism on gender in Government. If the government demonstrates the lack of political will to strengthen the newly formed gender equality structures and fails to ensure their effective integration with other state institutions (this component is important for planning and implementation of concrete tasks), also, fails to support them with adequate financial and human resources, there is a risk that they share the fate of the 1998 Commission.

The lack of effective integration of international legal norms with regard to gender equality in the national legislation indicates, on one hand, a desire of the government to adhere to the international standards and principles, while on the other hand shows the lack of political will and necessary mechanisms for their effective incorporation into national law and pro-active implementation in order to bring positive changes into people's lives and thus transform the existing formal equality into substantive, *de facto* gender equality. The 1993 World Conference on Human Rights stressed the importance of women's rights, including the right to be protected from violence along with the obligations of state parties for the protection and development of those rights. Georgia undertook the obligation to protect human rights and especially equality between women and men in 1994, when it became a state party to the UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW) without reservations (the Optional Protocol to CEDAW was signed in 2002). According to article 6, paragraph 2 of the Constitution, "The legislation of Georgia corresponds with universally recognized norms and principles of international law.

⁴ United Nations Development Fund for Women (UNIFEM), United Nations Development Program (UNDP), and United Nations Population Fund (UNFPA) provide technical and financial support to the state structures.

International treaties or agreements concluded with and by Georgia, if they do not contradict the Constitution of Georgia, take precedence over domestic normative acts". Thus, priority is given to the international law over the domestic as long as the country is a ratifying party and the principles therein do not contradict those contained within the Constitution.

Despite Article 2 of the CEDAW, which urges states parties to condemn discrimination against women in all its forms, to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to change or eliminate existing laws, regulations, customs and practices that constitutes discrimination against women, there have not been significant changes in Georgia in this regard since the 1990s. And although Georgian legislation acknowledges the principle of gender equality women are still mostly affected by gender inequalities in their public and private lives.

Traditional perceptions about gender roles and gender relations generate a continuous violation of human rights of women. A "good woman" is still defined by her role as a wife and mother – the primary caregiver in any home, she bears alone the double-burden of taking care of the household, while also (in the majority of cases in Georgia) contributing to the household income. Without sufficient social support provided by the state, this double-burden will not change. The stereotypes of women and men's roles are reinforced in the political debates of the country – such as 2006 February debates in parliament about the adoption of a domestic violence law, in which the seriousness of the issue was belittled by sexist jokes and quips made by a number of male MPs. Overcoming the traditional stereotypes of women as lovers and men as warriors must be envisaged as one of the great challenges of our time, not only in regard to gender equality, but also in regard to the quality of life for all and the welfare of children.

Women's participation in employment and in economic life in general is characterized by

their employment mostly in lower-paid sectors with fewer chances for career development and promotion. And while not unique to women, the issue of informal employment is pervasive throughout Georgia – particularly in the regions and in those areas most impacted by conflict – and results in serious gaps in the social safety net for the vast majority of Georgians.

Women's weak participation in the decision-making processes and their concentration in low-paid sectors of economy negatively effect Georgia's chances to reach the Millennium Development Goals (MDGs) by 2015; Especially, of the MDG 3 – promotion of gender equality and empowerment of women, that has been adjusted to the Georgian context through two key targets – (I) ensuring gender equality in employment and (II) ensuring equal access to activity in the political domain and at all levels of management.⁵

The low level of public awareness on the gender equality issues is also an important obstacle to the achievement of substantive (*de facto*) gender equality in the Georgian society. Women usually do not have enough information regarding their rights; they do not know which agency to contact and how to apply when their rights are violated. Women are not equipped with effective tools to deal with the dominating patriarchal gender stereotypes that condemn instances of women's struggle for the protection of their rights.



⁵ Government of Georgia, Millennium Development Goals in Georgia, Report of Implementation 2004-2005, Tbilisi, 2006, 6.

3. Assessment of Identified Critical Areas and Aspects of Women's Lives in Georgia

The Assessment reviews *de jure* and *de facto* status of women in different walks of life. The following critical areas and aspects of women's life were identified through the consultations with the experts of gender equality⁶ and desk study of existed researches:

- a) Legal basis for gender equality;
- b) Women's participation in employment and economic life in general;
- c) Women's participation in political and public decision-making;
- d) Violence against women in Georgia;
- e) Women's rights to adequate housing and ownership and administration of property.

3.1. Legal Basis for Gender Equality

Georgian legislation acknowledges the principle of equality of sexes before the law. However, as we have already mentioned, laws and programmes adopted do not result in the ability of women to fully enjoy their human rights on a basis of equality. Article 14 of the Georgian Constitution acknowledges the equality of man and woman: "everyone 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".⁷ This constitutional norm corresponds to the obligation to protect women and men against discrimination on personal grounds, including on the grounds of sex, but it is not enough to fulfill this right. The obligation to fulfill requires state to take all necessary steps to ensure that women in practice enjoy their human rights on equal footing with men.

Due to the influence of the Soviet legislation the principle of equality of

sexes is mainstreamed throughout Georgia's legislation. Still, there exists no specific gender equality law in Georgia that would ban discrimination based on sex in all fields of life and would have created legal basis for the establishment of tangible mechanisms for overcoming gender inequalities and introduction of all necessary measures, including temporary special measures, for the achievement of *de facto* gender equality.

The Parliament of Georgia recently adopted the State Concept of Gender Equality, which serves as the main policy framework-setting instrument in this field. The Concept provides grounds for adoption of a special Gender Equality Law and also for the implementation of special measures on gender equality issues as well as encourages effective mainstreaming of gender equality principle in the different fields of state policy-making. Equally important, is that the document contains internationally agreed upon definitions of gender, discrimination, gender equality, etc. With little changes, the Parliament agreed to be answerable to these internationally determined definitions, most of which were guided by the principles of CEDAW.



⁶ The meeting with the experts working on gender equality issues was held in July 2005, the thematic interviews were held with 20 experts in September-October, 2005.

⁷ Constitution of Georgia, Article 14, 1995.

It is important to note that laws against domestic violence⁸ and human trafficking⁹ were adopted in 2006. However, the effective implementation of these laws will not be ensured as long as adequate finances are not secured for these purposes. For the time being, the government approved the Action Plan to Combat Human Trafficking, while the Action Plan on Domestic Violence is under consideration. Equally important to note when speaking of effective implementation is that while the law on Domestic Violence was adopted, the public debate which emerged during its consideration in Parliament illustrates the still starkly traditional approach to women – and men’s power over them – which society at large upholds.

3.2. Women’s Participation in Employment and Economic Life in General

The process of transformation from a centrally planned to market-based economy had negatively impacted participation in employment and economic life in general of citizens in Georgia. On one hand, the number of employment opportunities that were sustained by Soviet education and economic

system has significantly decreased. On the other hand, the structure of the labor market changed and there is an increased demand for new professions and occupations. In these processes women appear mostly in low positions and concentrated in less effective sectors of economy with respective low remuneration rates.¹⁰

There is an explicit trend of diminishing demand for qualified labor force in comparison with that of unqualified labor force. Among the employed individuals, 38% of women and 41% of men have only secondary education. This is an indication that demand for less qualified cadre in the labor market is considerably high i.e. on occupations that offer low remuneration rates. According to the official data of second quarter of 2005, the level of unemployment in the country is 15.7% (the official unemployment statistics do not reflect the reality as only few unemployed are registered) and the majority of unemployed have degrees from the higher education institutions. According to data of 2004, 37% of the officially registered unemployed women and 36%¹¹ of unemployed men had high education.

The majority of IDP women have high education and used to work according to their professional training before the displacement. Since the conflicts, IDP women’s employment opportunities were limited mainly to physically demanding and low-paid work. The majority of IDP women living in the cities are involved in small market trading of cheap goods and food and those who live in rural areas are active in the agricultural sectors.¹² In all cases, IDP women, as with rural women, are often working informally and under-the-table, with little in the way of job security, social protection or benefits being realized.



⁸ Law of Georgia on *Elimination of Domestic Violence, Protection of Victims of Domestic Violence and their Assistance*, 2006.

⁹ Law of Georgia on *Struggle against Human Trade* (Trafficking), 2006.

¹⁰ In the past years the fastest expanding sectors in Georgia have been communication, construction works, transport and financial services – women are employed in these sectors in lower paid and low level positions. For more on this please view Charita Jashi, *Gender Economic Issue: Georgian Case*, UNDP/SIDA: Tbilisi, 2005.

¹¹ Ministry of Economical Development of Georgia, State Department of Statistics, *Woman and Man in Georgia, Statistical Publication*, 2005 Tbilisi, 57.

¹² Thomas Buck, Alice Morton, Susan Allen Nan, Feride Zurikashvili, *Aftermath: Effects of Conflict on Internally Displaced Women in Georgia*, Washington: center for Development Information and Evaluation US Agency for International Development, September 2000, working paper no.310.7. It should be also noted that due to the IDPs limited ownership of land, most of the IDPs engaged in agriculture are working as hired labor force.

Since the Soviet times, the majority of employed women have been concentrated in the sectors of agriculture, education, healthcare and light industry.¹³ These are the fields that had experienced the process of economic transformation the most negatively in terms of employment opportunities and salary rates; after the break-up of the Soviet Union many fields of light industry ceased existence. The vertical and horizontal sex desegregation of the labor market is obvious from the data the high concentration of women in the low-paid sectors of economy on lower positions. According to the statistics of 2004 the average monthly nominal salary of women in all fields of economy and all sectors was 60%¹⁴ of average monthly nominal salary of men.

Many formally employed women are concentrated in low-paid education and healthcare sectors that undergo the painful process of reforms, among which privatization has had the most negative impact on women due to diminishing of job opportunities and lowering of the salaries. According to the official statistics of 2004, 12.5% of employed women and only 3% of employed men work in the field of education; in other words 80% of employed people in the field of education are women.¹⁵ According to the data of the same year, 5% of employed women and only 1.4% of employed men work in the field of healthcare and social services; in other words 77% of employed people in these fields are women. Women's role in these sectors remains at a lower level. Some respondents in focus group discussions indicated that when women express interest in increasing their



capacities so as to advance in the workforce – or at minimum, continue meet state-set standards – their husbands may limit their attendance at trainings and additional events, which lead to advancement in the workplace.

Unfortunately, there exists no research on the impact of privatization in education and healthcare sectors on women, but as the respondents of the focus group discussions stressed the privatization process of healthcare and educational institutions in many instances has not been transparent, harming the interests of the employees.¹⁶ According to a researcher in the field of gender and economy, Charita Jashi, as a result of the first wave of privatization process through 1994-1999,

women appeared as owners of approximately only 25% of small enterprises. According to Jashi, in retrospect most of these women entrepreneurs found it hard to attract investments and make their enterprises operational.¹⁷

Women's participation in sectors of health and education are in part tied to traditional stereotypes of women in Georgian society. In modern day, when young women are interested in branching out into sectors in which there may be more opportunity, such as law enforcement, they can face

resistance at home. As one respondent in a focus group said parents do not allow their daughter to work in the police force not just because of the danger, but because her main peers are to be men, perhaps leading to compromising situations and outsiders regarding her differently.¹⁸

¹³ For instance according to data of 1989 women composed 50.2% of employed people in agriculture, 77.4% in healthcare and 70.4% in light industry (source: Gender Development Association, Status of Women in Georgia, Tbilisi, 1999, 7).

¹⁴ Ministry of Economical Development of Georgia, State Department of Statistics, Woman and Man in Georgia, Statistical publication, 2005 Tbilisi, 58.

¹⁵ Ibid, 59.

¹⁶ Focus group meeting, Tbilisi, October 15, 2005.

¹⁷ Interview, with Ms. Charita Jashi, Tbilisi, November 21, 2005.

¹⁸ Respondent, woman, focus group meeting, Gori September 5, 2005.

The lack of employment opportunities in public as well as private sector created a fertile soil for self-employment; 67% of employed people are self-employed. It is important to underline that the percentage of self-employed men is two times higher than that of women.¹⁹ The majority of self-employed people are performing heavy physical work in the field of agriculture, 85% of self-employed women and 74% of men work in the field of agriculture and 10% of women and 12 % of men are involved in trade.²⁰ Despite the fact that concentration of women in the field of agriculture is high, their average monthly income constitutes 58% of what men earn monthly in average in the same field. Self-employed women in trade sector earn monthly in average 68% of men's equivalent earnings.²¹

Under CEDAW, the Government of Georgia is obligated to eliminate all discrimination against women in the area of employment and provide the same opportunities, free choice of profession, benefits and conditions of service, vocational training and equal pay for work of equal value (Art. 11). And in particular, the state must take into account the particular problems faced by rural women, including the significant roles, which they play in the economic survival of their families.

The CEDAW also guarantees women's rights to equal access and opportunities when it comes to economic resources, such as financial credit, and in particular with rural women.

The Labor Code adopted in May 2006 regulates the labor relations in the country.²² The Code prohibits discrimination on the basis of sex,²³ but how effectively will this principle be reflected in the concrete venues of labor

relations is yet to be discovered. The Code introduces maximum 41 working hours per week²⁴ and annual paid leave of not less than 24 workdays.²⁵ The leave because of pregnancy, birth giving and childcare is 477 calendar days out of which 126 days²⁶ are paid.²⁷ Employees who are breastfeeding or are responsible for the feeding of a child up to one year old are entitled to at least 1 hour paid absence from work.²⁸ Due to the Code's newness the comprehensive gender impact analysis of its implementation has not been carried out yet. Monitoring and implementation



of this code from a gender perspective is essential – for as one woman said in focus group discussions “My friend who was working for a commercial company was requested to go back to work two months after giving birth; for if she did not she would loose her job.”²⁹

¹⁹ Among self-employed entrepreneur women make 13.8% and man make 26.2% (Source: Ministry of Economical Development of Georgia, State Department of Statistics, *Woman and Man in Georgia, Statistical publication*, 2005 Tbilisi, 54).

²⁰ Ibid, 54-55.

²¹ Ibid, 59-60.

²² Before the new Code was adopted the old Labor Code dated 1973 was in force.

²³ Labor Code, Article # 3, 2006.

²⁴ Ibid, Article #14.

²⁵ Ibid, Article #21.

²⁶ In cases of complicated birth-giving or giving birth to twins paid leave equals 140 calendar days (Labor Code, Article #27).

²⁷ Labor Code, Article #27, 2006.

²⁸ Ibid, Article #19.

²⁹ Respondent, woman, focus group meeting, Tbilisi, October 15, 2005.

The Assessment showed that it is important to raise public awareness about the law along with the elaboration of legislation from the viewpoint of gender equality; “Women often are not aware that they may not be fired when they are on maternity leave. It would be better for them if they knew the laws better”³⁰ – mentioned a woman participant of the focus group conducted within the framework of the Assessment. One of the respondents recalled her experience, when one of her coworkers found out that a breastfeeding woman has the right for one extra leave hour during a working day, although with difficulties she convinced her manager to allow her to use this benefit. Some time later, other female employees also followed her example.³¹ As is the case in other countries of the former Soviet Union, and as one woman said in a focus group discussion “Single women have less perspective to be hired. The future prospects of marriage and childbirth make her a less desirable candidate for the employer”.³²



The analysis of the focus-group data shows that many times women are reluctant to exercise their legal rights out of fear to lose a job. This indicates that in the public consciousness inter-personal relations and cultural stereotypes are much more superior than the rule of law, and legally regulated relations. There exist cases when women fired during pregnancy have appealed to justice system and were restored to their position by a court ruling, but both male and female participants of the focus-group discussions, stressed that upon return it would be very hard for such a woman to work in the same organization as management, if they remain

unaltered would not welcome such an employee.

3.3. Women’s Participation in Political and Public Decision-making

According to the Georgian legislation, women and men are equal while exercising their civil and political right. However, despite the declared equality very few women participate in the political decision-making process. In 1999, the UN Committee on the Elimination of Discrimination against Women (CEDAW) based on the initial governmental report as well as NGO shadow report, provided the country with recommendations regarding the adoption of temporary special measures to support

women’s empowerment in all fields, especially in political life.³³ The CEDAW committee gave the same recommendation to the government of Georgia again in 2006 after the hearing of the state’s second and third periodic reports.³⁴

In 2004, the government of Georgia adapted the targets of the Millennium Development Goals’ (MDGs) targets and indicators to the Georgian context. MDG 3 – promotion of gender equality and empowerment of women - strives to achieve further tasks, one of which aims at “ensuring equal access to activity [to women and men] in the political domain and all levels of management.”³⁵ Despite the CEDAW Committee recommendation and request for the gender-balanced participation in the political and public life, no pro-active legal and political steps were made in this direction.

³⁰ Respondent, woman, focus group meeting, Gori September 5, 2005.

³¹ Respondent, woman, focus group meeting, Tbilisi, October 15, 2005.

³² Respondent, women, focus group meeting, Akhaltsikhe, August 31, 2005.

³³ United Nations, *Report of the Committee on the Elimination of Discrimination Against Women, Twentieth session (19 January-5 February 1999) Twenty-first session (7-25 June 1999), General Assembly Official Records Fifty-fourth session Supplement No. 38 (A/54/38/Rev.1)*, 104, 56.

³⁴ United Nations, *CEDAW/C/GEO/CO/3, Concluding Comments of the Committee on the Elimination of Discrimination against Women: Georgia*, paragraph 24.

³⁵ Government of Georgia, *Millennium Development Goals in Georgia*, Tbilisi, 2004, 15.

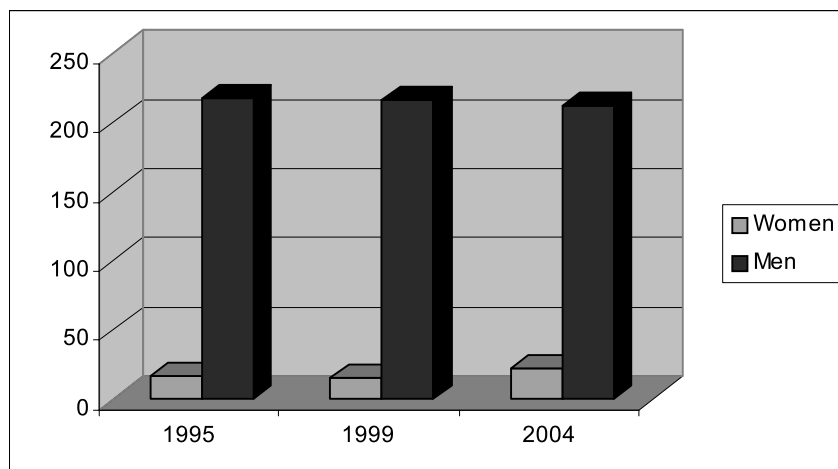
Based on the analysis of election system of the highest legislative branch, the Assessment concludes that because of the existence of single mandate election districts it is extremely hard for women to be elected as majoritarian candidates. The dominating masculine political culture along with the single mandate election districts provides male candidates with better chances for election. IDPs, due to displacement from their places of residence were deprived of the right to elect majoritarian candidates until the 2006 elections of local self-governance. Measures must be taken by all relevant parties to ensure that IDP women are included in all efforts to increase women's participation in decision-making, whether in local, national or international forums. Women should have a voice in the formulation of government policy, particularly at the local level where those policies have the most direct impact on their lives.

Thus, the only real chance for women to enter the Parliament is through the party lists. Respectively, women's participation in politics depends on internal party regulations and decisions that rarely work in a manner, which advances opportunities for women.³⁶ The fact that for the time being the percentage of women in the Parliament is 9.4% is indicative of these legislative and internal party culture barriers (as a result of Parliamentary election of 1995 and 1999 women respectively composed 6.4% and 7% of the total MPs).

Majority of women in the Parliament of Georgia became MPs through the ruling party lists, still being a minority in comparison with the male candidates that got seats from these ruling party lists. The data of last three parliamentary elections is the following:³⁷

Elections	Party	Number of seats	Men	%	Women	%	The total number of women in the Parliament
1995	Citizens Union of Georgia	106	95	90%	11	10%	17
1999	Citizens Union of Georgia	132	121	92%	11	8%	16
2004	National Movement-Democrats	93	77	83%	16	17%	22 ³⁸

Number of Women in the Parliament according to the years



³⁶ Tamar Sabedashvili, *Women in the Decade of Transition*, Tbilisi: Lega, 2002, 23.

³⁷ Tamar Sabedashvili, *The Historic Aspects of Women's Rights*, Course, Tbilisi: The Center of Social Sciences, 2005, pages 119-120

³⁸ As of January 2006.

It is important to mention that out of 13 parliamentary committees women chair only two, and among 26-deputy chairpersons of the committees' there are only 5 women.³⁹ It needs to be stressed that fortunately, both the Chair of the Parliament and the leader of the Majority are women; with the patronage of the Speaker of the Parliament the Gender Equality Consultative Council has been established in the Parliament. This is the first step for the creation and development of institutional mechanism on gender equality in the legislative branch of the state. Despite these positive tendencies, the analyses of statements made by some male MPs points to the ironic and un-concerned approach towards the gender equality issues.⁴⁰

The review of female representation in the bodies of local self-governance (in 1998 women composed 14%, after the elections in 2002 women are 13%) shows that the bigger the administrative units the fewer elected women; women are more successful in the regions with small number of population i.e. smaller election districts, because in such circumstances they gain popular support not necessarily through fancy election campaigns requiring significant financial resources, but through personal qualification, talents and merits. As one respondent said "The chairman of Martvili Sakrebulo (a region in Western Georgia) is a woman. She resolved problems that remained unresolved in other regions. She managed to open day-cares, mothers with many children are given benefits. In short, she has been able to solve those problems that most women care about."⁴¹ According to the data of May 2006 none of the cities in Georgia had women Mayors, none of the 66 heads of local administrations (Gamagebeli) were women, and only 5.5% of the chairs of

the bodies of local self-governance (Sakrebulo) were women (among 989 chairpersons there were 54 women). The participation of women in the bodies of local self-governance varies according to the regions. The lowest percentage of women's participation is noticed in the regions populated by ethnic minority groups, especially in the places of Azerbaijani population settlement. The highest percentage in women's participation can be observed in Lentekhi region - 25% and the lowest in Marneuli region 0.9%.⁴² According to the draft law on local self-governance that is to be adopted prior to the 2006 local elections, there is a risk of further decrease of the percentage of women, due to the unifying of small election districts into larger election districts.

Female participation in the executive branch is also low. All of thirteen Ministers are men, among 4 State Ministers only one is a woman. Among 46 Deputy Ministers only 9 i.e. 20% are women. Women are present in the President's Administration and State Chancellery – 44%⁴³ but their function and positions are not strategically important. The situation is much better in the judicial system; the total number of judges equals to 270 and 120 or 44% of them are women.⁴⁴



³⁹ The Ministry of Economical Development, The State Department of Statistics, *Woman and Man in Georgia, Publication*, 2005, Tbilisi, 63.

⁴⁰ For instance: Plenary session of February 17, 2006; hearing of the draft law on Elimination of Domestic Violence, Protection of the Victim of Domestic Violence and their Assistance.

⁴¹ Respondent, woman, Focus Group Meetings, Zugdidi, September 3, 2005.

⁴² Lika Nadaria, "Women and Politics in Modern Georgia", Women's Initiative for equality, *Gender, Culture and Modernity*, Tbilisi, Dobera 2005, 222.

⁴³ The Ministry of Economical Development, The State Department of Statistics, *Woman and Man in Georgia, Publication*, 2005, Tbilisi, 63-64.

⁴⁴ The data collected from the Supreme Court of Georgia for the purposes of this study, May, 2006

Women's and gender equality issues are not heard in the Georgian political discourse. The study of Georgian political parties proves that only few influential parties have developed women's divisions/units but they are not powerful enough to influence internal or external party politics.⁴⁵

Women constitute 30% of political party members,⁴⁶ their majority does not occupy significant position in the party management, but they perform labor-intensive work during election campaigns. In the party lists one very rarely finds a woman among the top ten candidates. One of the high-ranking officials who participated in the focus group discussion mentioned that he does not want his wife to become a politician, according to him: "family is the biggest politics for a woman".⁴⁷ It is even more painful to hear this kind of statement from public officials, as they should be in the vanguard of women's empowerment issues and respective-policy-making. Women in parliamentarians are watched more closely than their male counterparts and often criticized more harshly than their male counterparts. As one woman interviewed expressed – "Many women who are in Parliament are not able to express their ideas. They just sit in the Parliament and do not create a political climate and they do not have their position."⁴⁸

Women's organizations step by step accumulate experience of joint action, but their activities have not yet transformed into a strong political movement. Their impact on the formation of public opinion and state politics is relatively weak. Still, it should be noted that organizations working on women's rights have successfully managed to use effective mechanisms of lobbying and thus give political significance to their demands.

Women's participation in people to people diplomacy initiatives is vivid, but it is extremely limited in the formal peace-building process; because women do not occupy high positions in the government and because their participation was not deemed important from the very beginning of the peace negotiations. It should also be noted that both peace processes around Abkhazia and South Ossetia remain relatively closed to participation beyond that of very high-level government and de facto officials, UN personnel and OSCE. NGOs working on women's rights issues have carried out significant work for the improved implementation of the UN Security Council Resolution 1325. The women's peace network "Unity of Women for Peace" was established in 2002 with the support of UNIFEM. The Network for the moment unites over 100 NGOs, women's groups and individual members.



With the active lobbying of the Network its representative now has a desk at the office of the State Minister for Conflict Resolution. This is a first step towards the establishment of tangible partnership between women's groups and governmental institutions in addressing issues of conflict resolution and peace building.

⁴⁵ Lela Khomeriki, "Building Democracy in Georgia", *Gender Equality in Post-Soviet Georgia #6*, IDEA: Tbilisi, 2003, 28.

⁴⁶ Maia Kuprava-Sharvashidze, "The reality of female political participation in Georgia", *Getting Prepared for Local Self-governance Elections*, Conference papers. March 82006; NDI.

⁴⁷ Respondent man, focus group meeting, Zugdidi, September 3, 2005.

⁴⁸ Respondent, woman, Focus Group Meeting, Kutaisi, September 4, 2005.

One of the central messages of SC resolution 1325 is that women must participate in decision-making at all stages of conflict prevention and resolution and post-conflict peace-building, including the negotiation and implementation of peace agreements. The Security Council directed this message not only to parties to armed conflict, but also to UN Member States and the Secretary-General, as well as itself pledging to consult with local and international women's groups during Security Council missions (Para. 15). This focus on participation emphasizes women's agency in peace and security matters, and acknowledges the important contributions women can and do make during all stages of conflict. SC Resolution 1325 calls on Member States to increase the number of women involved at all decision-making levels in institutions and mechanisms for the prevention, management and resolution of conflict (Para. 1). The resolution urges the Secretary-General to implement his strategic plan of action (A/49/587) to increase women's participation in decision-making in conflict resolution and peace processes (Para. 2), to appoint more women as his special representatives and envoys (Para. 3) and to increase women's role in UN field-based operations (Para. 4). Moreover, it asks the Secretary-General to provide training materials to Member States on the importance of women's participation in all peacekeeping and peace-building measures (Para. 6). Finally, SC Resolution 1325 calls on actors involved in the negotiation and implementation of peace agreements to support local women's peace initiatives and indigenous processes for conflict resolution and ensure that women are involved in the implementation mechanisms for peace agreements (Para. 8(b)).⁴⁹

Specific obstacles that women meet while running for councilors were identified at a seminar organized in Georgia in January 2006 within the ODIHR Program "Women's Leadership Development, Regional Trainers' Network Project" are also indicative. They include obstacles, such as changes introduced into legislation on local governance and elections about which voters and women

candidates do not have any information and do not know even the formal rules of the game; stereotypes in the society, which work against women running for political posts; women lacking money and other resources to invest in their electoral campaigns; women voters being reluctant to support women candidates; women being afraid of unhealthy electoral competition – smearing campaigns; lack of gender sensitivity in all political parties – even more at the local level; mass media being biased towards women in campaign, thus giving much more space and visibility to male candidates.

CEDAW focuses on how women's participation at all levels of decision-making in times of war and times of peace can be increased at the national level, and General Recommendation 23 offers guidelines on ending discrimination against women in political and public life. CEDAW obliges States Parties to ensure women's right to participate in non-governmental organizations and associations concerned with public life, including through incentives to political parties to ensure women's participation in their structures. Further, under CEDAW, states should ensure the presence of a critical mass of women at all levels and in all areas of international affairs. Again, CEDAW provides particular stipulations for rural women, ensuring their right to participate in the elaboration and implementation of development planning at all levels and in community activities. CEDAW also encourages the use of temporary special measures (setting numerical goals or quotas and providing financial assistance, special recruitment schemes and training to women candidates) to ensure an increase to critical mass in women's participation in public life.

To monitor the above, and gender equality in general, the CEDAW upholds the need to establish or strengthen a national women's machinery, including institutions and procedures, to provide advice on the impact on women of government policies, monitor the situation of women and formulate policies and strategies to eliminate discrimination.

⁴⁹ The Un Security Council Resolution 1325 on *Women, Peace and Security*, 2000.

3.4. Violence against Woman in Georgia

Chapter two of the Georgian Constitution refers to the human rights and freedoms; Article 17.2 prohibits torture, inhumane, brutal or degrading treatment or punishment of a human being. The Criminal Code of Georgia further criminalizes acts that violate human rights and freedoms.⁵⁰



Georgia is a state party to all the important UN human rights instruments that underline the principle of equality and the principle of protection of women from any form of discrimination including violence.⁵¹ On April 27, 1999 Georgia became a member of the Council of Europe and joined its human rights protection documents. Despite the fact that Georgia took obligations both on international as well as national level the protection of woman's physical, psychological and/or sexual freedom and integrity situation with regard to the human rights protection is not efficient⁵²

Due to the Soviet legacy Georgian legislation stands out as a gender neutral legislation with a relatively low sensitivity towards discrimination against women, including gender-based violence,⁵³ which limits women's opportunities to exercise fully their rights and freedoms in a patriarchal community. In Georgia, violence against women is mainly manifested through: domestic and partner violence, sexual harassment at workplace, trafficking in human beings. The violence against women is also expressed in discriminative traditions (bride kidnapping, strict control of women's sexuality, etc.).

The Assessment showed that instances of sexual harassment at workplace are common, but due to the fact that in most of the cases such violations of women's rights are silenced there exists no official data about the scale of the problem; "The boss tried to rape a female employee, a guard of the building heard the woman screaming and provided help. But the perpetrator

was not punished because the woman did not report on him to police".⁵⁴ Women refrain from applying to the bodies of law-enforcements due to the fear of public opinion, which tends to accuse women in such situations.

⁵⁰ For instance: assault and battery (Article 125); torture (Article 126); intentional damage to health (Article 117); less serious damage to health on purpose (Article 118); damage to health resulting in death (Article 119); premeditated murder (Article 108); premeditated murder under aggravating circumstances (Article 109); coercion (Article 150), threatening (Article 151); rape (Article 137); sexual abuse under violence (article 138), etc.

⁵¹ In 1994 Georgia became a state party to the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), the government has signed the Optional Protocol to CEDAW in 2002. CEDAW Committee adopted General Recommendation #19 in 1992, which explicitly states that gender based violence is discrimination against women according to the Article #1 of the CEDAW, therefore, "[g]ender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence". (CEDAW, General Recommendation #19, 6, (Eleventh Session, 1992)).

⁵² For more information on human rights conditions in Georgia view Human Rights links' site at Eurasianet.org: <<http://www.eurasianet.org/resource/georgia/links/rights.shtml>> last time accessed on 22 June, 2006.

⁵³ Criminal Code of Georgia determines three types of sexual crimes: rape (Article 137); sexual abuse under violence (Article 138) and coercion into sexual intercourse or other action of sexual nature (Article 139).

⁵⁴ Respondent woman, focus group meeting, Akhaltsikhe, August 31, 2005.

The popular perception in Georgia still romanticizes discriminatory tradition of bride kidnapping and thus prevents unveiling its grave consequences for women. One of the respondents mentioned that she witnessed several times how women were kidnapped on streets –“they scream and ask for help but not only the pedestrians but also police does not interfere. A kidnapped woman has no hope for help.”⁵⁵ Kidnapping is a violent act in itself that is very often followed by rape. In the most of the cases parents of a kidnapped woman are not accepting their daughter back, fearing that kidnapping will make her virginity suspicious in the eyes of the public and thus will badly harm her future marriage prospects. Very often domestic violence flourishes in the families that have been created as a result of bride kidnapping.

The dominating public opinion subjugates women's sexuality to much stricter control than male sexual behavior. Therefore, revealing the facts of sexual violence committed against women, for the victim is connected to such high risks as losing the support of kin group and overall shattering of the social status. As a result, the majority of women victims of rape or attempt of rape do not appeal to the law-enforcement agencies; in 2003, among the perpetrators arrested for the rape or attempt of rape 27 were men and none were women. In 2004, 32 were men and 1 was a woman,⁵⁶ this is the official record of appeals, which of course does not reflect the real picture.

During the armed conflicts Abkhaz, Ossetian as well as Georgian women were subject to violence and especially of rape. According to the 1999 UNHCR background paper on refugees and asylum seekers from Georgia: “Abkhaz military reportedly shot, raped and

tortured ethnic Georgians and then looted and burned the property of those who fled. None of the perpetrators were brought to justice.”⁵⁷ The research about violence suffered by Abkhaz and Ossetian women during the conflicts is limited, however oral histories of women survivors of the conflicts proves that women suffered violence regardless of ethnicity.⁵⁸

A comprehensive survey on the scale of domestic violence in Georgia has not been carried out. However, the data of non-governmental organizations and of independent researchers depicts a dramatic situation; Through 1998-2002, 21.4% of committed murders, 16.36% of attempts of murder, 47.24% of health injuries and 5.14% of rapes have been committed in the familial context.⁵⁹ In 2005, the Caucasus Women's Research and Consulting Network carried out a survey on domestic violence interviewing 1000 women all over the country; 22.2% of the respondent women have admitted that their husbands have at least once abused them physically, 92.1% of these women have been hit or battered, but only 5% of the respondents have experienced battering repeatedly.⁶⁰ The hard work of victims rehabilitation and protection is conducted by non-governmental organizations, but the scope of their work is limited due to insufficient and inconsistent funding. One of the respondents mentioned that “a woman in Samegrelo region, who was regularly beaten by her husband was not able to find a shelter, finally she killed her child and then committed a suicide”.⁶¹

⁵⁵ Respondent woman, focus group meeting, Zugdidi, September 3, 2005.

⁵⁶ The Ministry of Economical Development, State Department of Statistics, *Woman and Man in Georgia*, Publication, 2005, Tbilisi, 61.

⁵⁷ UNHCR, *Background Paper on Refugees and Asylum Seekers from Georgia*, October 1999.

⁵⁸ Please view publication of Women's Program at Open Society – Georgia Foundation, *Multi-Ethnic Georgia in the Past Century*, Tbilisi: GCI, 2004.

⁵⁹ Nugzar Gabrichidze, *Violent Crimes Committed as a Result of Family Conflicts*; Tbilisi: Intelect, 2004, 55.

⁶⁰ For more information view Nina Tsikhistavi, Nana Bereakashvili (eds.) *Domestic Violence against Women: Multi-Component Research*, Polygraph +:Tbilisi, 2006.

⁶¹ Respondent woman, focus group meeting, Zugdidi, September 3, 2005.

The law on domestic violence adopted in 2006⁶² defines domestic violence as a “violation of constitutional rights and freedoms of one family member by the other, in conjunction with physical, psychological or sexual violence, or coercion”.⁶³ The law introduces protective and restricting orders for the prevention and protection of the victims of domestic violence. With the adoption of this law state criminalized a taboo issue and took obligation to resolve this acute problem. At this stage the most important task is to ensure effective implementation of this law, which is impossible without adequate financial support from the state budget; the Parliament has postponed the issue of the financial securing of the law for 2008.



The data on trafficking in human beings is also limited, therefore one can freely assume that the problem is much broader than it is known. The Prosecutor General's Office commenced 30 criminal cases on the instances of trafficking in human beings during 2004-2005. According to these cases 78 people are identified as victims, among them 69 i.e. 88.5% of 14-35 age group.⁶⁴ Despite the attempts of non-governmental organizations the state means of protection and support to the victims of trafficking in human beings are in need of improvement.⁶⁵ The Parliament of Georgia adopted a law on trafficking in 2006.⁶⁶ The state plan of action to combat trafficking in human beings is also approved. The law on trafficking, like the law on domestic violence is in need of financial and institutional securing from the side of the state.

CEDAW gives significant attention to States Parties' obligation to protect women and girls from gender-based violence, including physical, sexual and psychological harm that results from gendered power inequities between men

and women. General Recommendation 19 offers guidance to States Parties on applying the Convention as it relates violence against women. Under the CEDAW, states are required to collect data on the extent, causes and effects of violence, and the effectiveness of measures to prevent and deal with violence, and to take specific preventative and punitive measures to suppress all forms of trafficking in women and sexual exploitation (i.e. through prostitution), which often increase as a result of wars, armed conflicts and the occupation of territories and thus require specific protective and punitive measures. The CEDAW requires states to provide protective measures, such as refuges, specially trained health workers and rehabilitation and counseling for victims of violence and those at risk, including making services accessible for women in rural areas and isolated communities.

⁶² Law of Georgia on Elimination of Domestic Violence, Protection of Victims of Domestic Violence and Their Assistance”, 2006.

⁶³ Ibid; article 3.

⁶⁴ Newsletter, Human Rights Protection Unit Legal Department Office of the Prosecutor General of Georgia, reports for 2005-2006 years.

⁶⁵ Report for OSCE Mission in Georgia, by Barbara Limanowska and Valentina Chupik, June 2005.

⁶⁶ Law of Georgia to Combat Trafficking in Human Beings, 2006.

Further, states must take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including legislation which incorporates penal sanctions, practical protective measures, such as shelters and counseling, and preventative measures. Implementation of gender-sensitive training on violence against women is required for judicial and law enforcement officers and public officials. Further, under the CEDAW, increased awareness among public about the attitudes, stereotypes and prejudices that perpetuate violence against women is also required.

3.5. Women's Rights to Adequate Housing and Ownership and Administration of Property

Men and women are equal under the Georgian legislation to conclude contracts and administer property. By law women and men have full and equal rights to administer property except for the property acquired during a marriage. Everyone is free to choose and change place of residence. Despite the *de jure* equality, *de facto* gender inequality with regard to property inheritance and ownership is sustained through customary law that gives preference to man over woman in property inheritance and administration affairs.

With regards to ownership of property in marriage, under the CEDAW, the state commits to ensuring equality between women and men in marriage and family life, in particular regarding ownership, acquisition, management, administration, enjoyment and distribution of property. According to the Civil Code son and daughter have equal rights as heirs, but customary law regards sons

as primary heirs of immovable property of parents that limits woman's right to inherit and administer property. Thus, the customary law supports women's dependency on her father, brother or husband. "The immovable property of parents is usually inherited by a son. If a daughter did not manage to get married, she is forced to either rent or buy an apartment or become a "housekeeper" for her brother's family.⁶⁷ One respondent spoke personally of a similar case – "One year ago, my father died. My brother – who has family, and I, live in our parent's house and my brother is trying to convince me that I should not expect anything from my parent's estate. He says that everything belongs to him and he is trying to force me to leave the house and rent an apartment with my child."⁶⁸

Men are considered to be the heads of households and the number of male-headed households is twice as much than the number of female-headed households. Women are considered as heads of households when there is no adult man in a family.⁶⁹ According to the official data, in 2002 98% of families owned the houses where they lived, and 64% of these families were headed by men and only 34% were headed by women.⁷⁰



⁶⁷ Respondent woman, focus group meeting, Batumi, September 16, 2005.

⁶⁸ Respondent woman, focus group meeting, Kutaisi, September 4, 2005.

⁶⁹ The Ministry of Economical Development, The State Department of Statistics, *Woman and Man in Georgia, Publication*, 2005 Tbilisi, 41.

⁷⁰ *Ibid*, 42-43.

This data indicates that in practice women find it hard to exercise property right granted by law. One of the reasons for this is the fact that Georgian society is not well informed about women's property rights.⁷¹ Due to cultural context in many instances it is considered shameful for a woman to inquire and claim her property rights against her brother or husband.

The problem of access to adequate housing is extremely acute for the Internally Displaced Persons. 85 % of IDPs live in 3, 600 places of compact settlement and the majority of these places meet hardly any standards of decent housing. The average number of people per room is four, 'cooking places and toilets are often shared, and sanitary conditions are dismal'.⁷² That is why the incidence of infectious diseases such as tuberculosis and hepatitis is very high among IDPs. The enliven trauma and severe life conditions damage the health of Internally Displaced Women. Women suffer the most from this situation as they are busy in domestic occupations and have to cope with the problems caused by inadequate housing conditions. The Law on IDPs foresees the provision of IDPs with temporary housing; however, the conditions that these people are offered are below minimal housing standards.⁷³ For the time being the painful process of privatization of places of IDP compact settlement is underway; the state is offering monetary compensation to IDP families and in return requests that they free the places of compact settlement. According to many IDPs the compensations offered are not adequate for them to find decent housing. There has not been carried out gender impact analysis of this new development, but based on the masculine culture, especially with regard to property ownership and

administration the risks for marginalizing single mothers' and unmarried women's interests are obvious.

The provisions in CEDAW that require States Parties to address the needs of rural women can be useful for addressing the needs of IDP women in Georgia, many of whom live in rural areas or compact settlements with similar infrastructure needs. CEDAW requires States Parties to ensure that rural women enjoy adequate living conditions, particularly with regard to housing, sanitation, electricity, water supply, transport and communications (Art. 14(2)(h)). Improvement to infrastructure is one of the key needs identified by IDP women in the Assessment, and this issue must remain a priority of the Government.



⁷¹ Mari Meskhi, *Property Rights: Most Frequently Asked Questions by Women*, Georgian Young Lawyers' Association, Tbilisi, 2004, 32.

⁷² Tomas Buck, Alice Morton, Susan Allen Nan, Feride Zurikashvili, *Aftermath: Effects of Conflict on Internally Displaced Women in Georgia* (Washington: Center for Development Information and Evaluation U.S. Agency for International Development, September 2000), Working paper no.310, 5.

⁷³ For more on this view Oxfam GB, Georgian Young Lawyers' Association, NGO Sakhli, *Violence Against Women and Right to Adequate Housing: the Case of Georgia*, Report Delivered at Asia Pacific Regional Consultations with the UN Special Rapporteur on the Right to Adequate Housing on: "The interlinkages between violence against women and women's right to adequate housing" 30-31 October 2003, New Delhi, India.

4. CONCLUSION AND RECOMMENDATIONS

Regardless of the fact that process of transformation brought certain positive changes, still outdated perceptions tend to regulate gender relations in the country. Today, when women try to expend their capacities, they have to fight against well-rooted traditional perceptions and stereotypes. In order to reach effectiveness and improvement in the field of women's human rights protection, it is necessary to provide utmost application of existing protection mechanisms. It is also necessary to review the existing legislation and policies to ensure that they do not maintain, but rather alleviate and finally eliminate the disadvantages that women experience. Consequently where necessary, the state must further improve the legislation and/or develop and adopt new specific gender equality legislation. In addition, it is important to establish the institutions and means to efficiently protect human rights of women and promote gender equality that would be in compliance with international standards and commitments made by the state.

Below, is a set of recommendations that the group of researchers elaborated as a result of the Assessment and discussions with grassroots women. Recommendations reflect critical areas and aspects of women's life highlighted throughout the Assessment. The authors very much hope that the endeavors towards achieving substantive gender equality will be constant and strengthened and that legislative and programmatic measures will be significantly improved if these recommendations are taken fully into consideration and respectively implemented.

I. General legal and policy measures:

1. On the basis of State Concept of Gender Equality, the Law on Gender Equality should be adopted, which will create sustainable legal foundation for state gender equality mechanisms, introduce gender equality cross-cutting and specific legal provisions aimed to efficient protection from discrimination on the

basis of sex and determine pro-active measures for the achievement of a gender equality;

2. State policy/periodic plans (Plans of Action for achieving gender equality) should be elaborated, adopted, budgeted for, implemented and monitored to ensure accelerated progress in achieving gender equality in all spheres of life and throughout life cycles of women and men;

3. Gender equality principles should be effectively mainstreamed in all areas of regular policy throughout its policy-making process (assessment, planning, implementation, monitoring and evaluation) to ensure that gender equality objectives are anchored therein;

4. State budget should provide adequate funding for the operation of institutional mechanisms for gender equality and implementation of the state plans of action for gender equality, plan of action to combat domestic violence and plan of action to combat trafficking in human beings;

5. Institutional Mechanisms must adopt strategies, which allow for effective monitoring of implementation of gender equality commitments at the national and local level, with particular focus on improved collection of sex-disaggregated statistics in all spheres.

6. All policies, processes and programmes emerging from the conflicts and subsequent peace/reconstruction efforts should ensure the full participation of women, and should address the women-specific challenges/needs therein;



II. Specific interventions and actions

7. Establishment of shelters, consultation and rehabilitation centers for women victims of domestic violence should be promoted and supported by the State;

8. State should provide official translations of international instruments regarding women human rights protection in official state language and ensure their publication and broad dissemination, to support implementation of these conventions/agreements;

9. Labor legislation should be reviewed and further developed to ensure equal treatment and provide equal opportunities for men and women in employment and occupation, including equal remuneration for equal work or work of equal value, in career development and promotion, job security and all benefits and conditions of service. Labor legislation should be sensitive and effective for special needs and requirements of women and prohibit discrimination against women on the grounds of marriage and maternity as well as ensure full enjoyment of protection of maternity and family responsibilities, sexual harassment free working environment and decent and safe working conditions. Mechanisms should be in place to adequately monitor implementation of these commitments;

10. Special programs should be elaborated in order to support women's participation in employment and economic life in general (programs to promote vocational training or retraining of women and their integration in labour market, including measures to overcome the persisting horizontal and vertical segregation and promote women's equal participation in decision making structures of economic and financial institutions and private enterprises, business management capacity building; improved access to large and medium credits for women). Special attention should be paid to the participation and involvement of IDP women, rural and ethnic minority women in these programs. Temporary work opportunities should be provided to women residing in mountainous and close to border regions;

11. In order to increase the role of women in political decision-making, it is necessary to review the existing legal or administrative norms in regard to the electoral system, promote the establishment of such procedures for selecting women candidates in political parties that will allow gender balanced participation in running for elections. In addition to norms and measures that may guarantee balanced participation of women and men in elected assemblies or bodies regulations aiming at gender balanced participation in government appointed posts should be adopted. Further awareness raising of women and men politicians on gender equality issues is also crucial;

12. Women's representation should be increased at the international level in delegations and diplomatic bodies on the high positions;

13. Women participation should be increased in the process of peaceful resolution of conflicts through enhanced implementation of the United Nations Security Council Resolution 1325;

14. Information campaigns should be implemented to raise women awareness and self-esteem, also to transform discriminatory gender stereotypes;

15. In order to improve the conditions of IDPs it is necessary to elaborate relevant legislation and policies in accordance with the international instruments and ensure women's participation in these processes;

16. Targeted programs should be implemented to improve political and, social rights of IDP women (especially access to healthcare services and social protection programs).



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