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GENDER EQUALITY IN GEORGIA IN GAP III PRIORITY AREAS: COUNTRY REVIEW

EU4GENDEREQUALITY
REFORM HELPDESK

DECEMBER 2021



The EU4GenderEquality: Reform Helpdesk project, funded by the European Union and implemented by Niras, aims to ensure effective and equal results for women and men in six Eastern Partnership countries – Armenia, Azerbaijan, Belarus**, Georgia, Moldova and Ukraine – by expanding the use of gender analysis in decision-making and reforms.

[**The project does not provide support to the Government of Belarus; it only supports the EU Delegation and civil society].

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CONTENTS

ABBREVIATIONS AND ACRONYMS	I
1. INTRODUCTION	1
1.1. Gender-related aspects of Georgia’s demographic situation and poverty rate	2
1.2. Ranking on international gender indices	3
1.3. Legal and institutional framework on gender equality and women’s empowerment	5
1.4. Gender norms and stereotypes	11
2. THEMATIC OVERVIEW	14
2.1. Freedom from all forms of gender-based violence against women, girls, men and boys	14
2.2. Universal access to sexual and reproductive health and rights	25
2.3. Economic and social rights, and the empowerment of women and girls	33
2.4. Women’s participation and leadership in politics and public life	40
2.5. Implementing the Women, Peace and Security Agenda	44
2.6. Including women and girls in the green transition and digital transformation	50
3. CONCLUSIONS AND FOLLOW-UP	56



ABBREVIATIONS AND ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CLIP	Country Level Implementation Plan
CSO	Civil society organisation
DV	Domestic violence
EU	European Union
GAP III	EU Gender Action Plan III 2021–2025
GBV	Gender-based violence
GDI	Gender Development Index
Geostat	National Statistics Office of Georgia
GID	Geneva International Discussions
GII	Gender Inequality Index
HDI	Human Development Index
ICPD	International Conference on Population and Development
ICT	Information and communications technology
IPRM	Incident Prevention Response Mechanism
IPV	IPV intimate partner violence
LAS	Legal Aid Service
NAP	National Action Plan
NGO	Non-governmental organisation
SDGs	Sustainable Development Goals
SOGIE	Sexual orientation and gender identity
SHRH	Sexual and reproductive health and rights
UNDP	United Nations Development Programme
UNSCR	United Nations Security Council Resolutions
VAW	Violence against women
WPS	Women, peace and security



1. INTRODUCTION

The **EU Gender Action Plan III 2021–2025 (GAP III)** articulates the European Union's commitment to accelerating progress on gender equality and the empowerment of women and girls. This document provides a brief summary of the current situation of gender equality in Georgia and key challenges in the context of the GAP III's objectives.¹

To achieve the GAP III's targets, the EU Delegation to Georgia will ensure that at least 85% of all new actions that it implements have gender equality as a significant (Gender Marker 1) or principal objective (Gender Marker 2) in each priority area/sector of the Multi-annual Indicative Programme (MIP).² The GAP III's key thematic areas of engagement are: (1) freedom from all forms of gender-based violence, (2) the promotion of sexual and reproductive health and rights, (3) strengthening economic and social rights and the empowerment of women and girls, (4) the advancement of equal participation and leadership, (5) the integration of the Women, Peace and Security Agenda, and (6) harnessing the challenges and opportunities of the green transition and digital transformation.

This **Country Review** is part of the gender analysis required as a key element to guide EU support for the promotion of gender equality by the EU Delegation to Georgia. It reviews and analyses the current situation in Georgia regarding gender equality in the GAP III's priority areas, and provides information to support the integration of gender perspective into policies, programmes and projects. It highlights gender gaps in the country and their impact on society, as well as identifying where gender mainstreaming is missing in policies and programmes. Moreover, this document reviews the immediate impact of COVID-19 on gender equality in Georgia. This information was used to confirm key facts, figures and challenges for the purpose of developing the Country Level Implementation Plan (CLIP) for Georgia.

The **aim of this document** is to provide an overview and concise information on key developments in 2020–2021, including newly published statistical data, as well as remaining and emerging challenges which are relevant to the GAP III and CLIP implementation in Georgia.

¹The EU Gender Action Plan III 2021–2025 is an agenda for gender equality and women's empowerment in EU external action.

² European Commission, *GAP III Brief No. 1: Gender Country Profile and Gender Sector Analysis*, European Commission, Brussels, February 2021.

Due to the cross-cutting nature of gender equality, it was not possible to include all sectors and areas of EU and its Member States' development cooperation. Therefore, this document includes a number of sectors and areas on which in-depth analysis is provided by the Country Gender Equality Profile for Georgia published by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) in November 2021.³

This document was elaborated based on a desk review, including the review and analysis of Georgian legislation, policies, strategic frameworks and action plans; country gender assessments developed by various international organisations, such as UN Women and the Asian Development Bank; various thematic studies and reports by experts and civil society organisations (CSOs); reports and thematic studies of the Public Ombudsman of Georgia; relevant statistical data collected by the National Statistics Office of Georgia (Geostat); country reports submitted to, and received from different international treaty bodies; and the assessment of the impact of the COVID-19 pandemic.⁴

1.1. Gender-related aspects of Georgia's demographic situation and poverty rate

As of January 2020, women accounted for 51.8% of Georgia's **population** of 3.717 million.⁵ There are more men than women among Georgians up to the age of 30, and more women than men over the age of 30 due to a higher mortality rate among men. Women's average life expectancy (78.4 years) is significantly higher than men's (69.8 years).

Georgia's population is **aging**. Between 2000 and 2020, the share of women aged 65 and above increased by approximately 22%, while the share of men of the same age rose by 14%.

In terms of the **sex ratio of newborns**, 108 boys are born for every 100 girls. The country has experienced a decline in the sex ratio of every third child born, which stands at 113. The **average age of marriage** for women was 26.5 years old in 2009 and 29.7 years old in 2019. The corresponding increase for men was less pronounced, at 30.2 years old and 32.6 years old, respectively.

³ United Nations Entity for Gender Equality and the Empowerment of Women, *Country Gender Equality Profile of Georgia*, UN Women, Tbilisi, 2021, available at: https://georgia.unwomen.org/en/digital-library/publications/2021/11/country-gender-equality-profile-of-georgia_georgia

⁴ Data limitations: No primary research was carried out and the development of document is based on the available data and information.

⁵ All of the data in this section is based on the following sources: National Statistics Office of Georgia, *Women and Men in Georgia 2020*, Geostat, Tbilisi, 2020, available at: <https://www.geostat.ge/media/38263/Women-and-Men-in-georgia%2C-2020.pdf>; National Statistics Office of Georgia, *Household Income and Expenditure Survey 2020*, Geostat, Tbilisi, available at: <https://www.geostat.ge/en/modules/categories/128/databases-of-2009-2016-integrated-household-survey-and-2017-households-income-and-expenditure-survey>

The **poverty rate** in Georgia declined from 37.3% in 2010 to 19.5% in 2019. The country's poverty rate does not differ significantly by gender, and its reduction has benefitted both women and men. In 2019, the absolute national poverty rate was 19.6% among men and boys, and 19.4% among women and girls. Despite a similar incidence of poverty among men and women overall, the incidence of poverty is much higher among women-headed households in which the only adult is a woman, or households in which all adult members are women. Georgians living in women-headed households are about 2 percentage points more likely (21.6%) to be poor than households headed by men (19.5%).

Moreover, rural populations are significantly more likely to suffer of poverty, although no gender disparities are identifiable between rural and urban locations. The incidence of poverty is highly correlated with educational attainment. Women who have not completed their secondary education are three times more likely to be poor than women with a tertiary level of education. Nonetheless, within educational categories, there are no apparent gender disparities in the incidence of poverty incidence – both men and women with similar educational attainments have similar poverty rates.

Regarding **asset ownership**, men own and dispose of larger shares of almost all types of assets, such as real estate, land and large equipment. The gender asset gap favours men and is more pronounced in rural areas.

1.2. Ranking on international gender indices

Georgia ranked 61st of 189 countries on the United Nations Development Programme's **Human Development Index (HDI)** 2020,⁶ falling in the category of countries with 'very high human development'. The HDI is an internationally comparable measure of average achievement in key dimensions of human development: health, knowledge and living standards. Georgia's HDI ranking has experienced steady progress, rising by seven places since 2014. Its HDI value of 0.812 is below the average of 0.898 for countries in the very high human development category, and above the average of 0.791 for countries in Europe and Central Asia. In terms of the ranking of other neighbouring countries, the HDI 2020 places Georgia ahead of Azerbaijan (which ranks 88th), Armenia (81st) and Ukraine (74th), but behind Russia (52nd), Belarus (53rd) and Turkey (54th).

The **Gender Development Index (GDI)**⁷ measures gender gaps in human development achievements by accounting for disparities between women and men in the three basic dimensions of human development. The GDI is the ratio of the HDIs calculated separately for females and males using the same methodology as in the HDI.

⁶ United Nations Development Programme, *Human Development Report 2020*, UNDP, New York, 2020, available at: <http://hdr.undp.org/sites/default/files/hdr2020.pdf>

⁷ United Nations Development Programme, *Gender Development Index 2020*, UNDP, New York, 2020, available at: <http://hdr.undp.org/en/content/gender-development-index-gdi>

The female HDI 2020 value for Georgia is 0.800, compared to the male HDI value of 0.817, resulting in a GDI value of 0.980. As a result, the country is placed in Group 1. Country groups are based on absolute deviation from gender parity in the HDI. This means that the grouping takes into consideration inequality in favour of men or women equally.

On the **Gender Inequality Index 2020 (GII)**,⁸ Georgia ranks 76th of 162 countries, with a GII value of 0.331. The GII measures gender inequalities in three important aspects of human development – reproductive health (measured by the maternal mortality ratio and the adolescent birth rate), empowerment (measured by the proportion of parliamentary seats held by women and the proportion of adult women and men aged 25 and older with at least some secondary education) and economic status (measured by the labour force participation rate of the female and male populations aged 15 and older). The GII is built on the same framework as the Inequality-adjusted Human Development Index (IHDI) to highlight differences in the distribution of achievements between women and men. It measures the human development costs of gender inequality. Thus, the higher the GII value, the more disparities between women and men, and the more the loss to human development.

On the World Economic Forum's **Global Gender Gap Index 2021**,⁹ Georgia ranks 49th of 156 countries and has a value of 0.731 (with '0' corresponding to parity and '1' to gender parity). The index shows that Georgia's position has improved in terms of its overall ranking, rising from 54th place in 2006. However, its performance has deteriorated on some of the components of the Global Gender Gap Index, such as economic participation and opportunity. In terms of these areas, Georgia ranked 64th of 156 countries in 2021, compared to 41st of 115 countries in 2006. The country's performance on educational attainment also deteriorated (from 28th place in 2006 to 30th in 2021), as did its performance on political empowerment (from 59th place in 2006 to 60th in 2021). However, its performance in terms of health and survival has significantly improved – rising from 115th place in 2006 to 50th place in 2021. In terms of regional comparisons, Georgia ranks 12th on the index 26 countries in Eastern Europe and Central Asia.

⁸ United Nations Development Programme, *Gender Inequality Index 2020*, UNDP, New York, 2020, available at: <http://hdr.undp.org/en/content/gender-inequality-index-gii>

⁹ World Economic Forum, *Global Gender Gap Report 2021*, WEF, Cologny, 2021, available at: https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

1.3. Legal and institutional framework on gender equality and women's empowerment

1.3.1. International and regional commitments

In 1994, Georgia ratified the **Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW) – adopted by the United Nations General Assembly in 1979 – with no reservations.¹⁰ Under the convention, signatories are expected to “take all appropriate measure to ensure the full development and advancement of women” and to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women.”

In 1995, Georgia signed the **Beijing Platform for Action** (BPFA)¹¹, a global agenda for gender equality and women's empowerment that set strategic objectives and targets for governments in 12 critical areas. These include poverty, education, violence against women (VAW), economic participation, and power and decision-making.

At the regional level, Georgia is a member of the **Council of Europe**. It ratified the European Convention on Human Rights in 1999¹² and is subject to the jurisdiction of the European Court of Human Rights. Moreover, Georgia has declared joining the **European Union's** legal and regulatory space as its top policy priority. It signed an Association Agreement (AA)¹³ and the accompanying Deep and Comprehensive Free Trade Agreement (DCFTA)¹⁴ with the EU in 2014. Georgia has signed (2014) and ratified (2017)¹⁵ the **Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention)** – the most comprehensive international treaty on combatting violence against women and domestic violence. After the ratification of the Istanbul Convention, Georgia accelerated its efforts to further improve its legislative framework in order to comply with the convention. Georgia submitted its first GREVIO report at the end of 2020, which is currently being assessed.

¹⁰ Legislative Herald of Georgia, 'Additional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women', 1994, available at: <https://matsne.gov.ge/ka/document/view/3860268?publication=0>

¹¹ United Nations, 'Beijing Declaration and Platform for Action', 1995, available at: https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf

¹² Legislative Herald of Georgia, 'Convention for the Protection of Human Rights and Fundamental Freedoms', 1999, available at: <https://matsne.gov.ge/ka/document/view/1208370?publication=0>

¹³ Legislative Herald of Georgian, 'Association Agreement between Georgia, on the one hand, and the European Union, the European Atomic Energy Community, and their Member States, on the other', 2014, available at: <https://matsne.gov.ge/ka/document/view/2496959?publication=0>

¹⁴ Ministry of Economy and Sustainable Development of Georgia, 'Deep and Comprehensive Free Trade Agreement (DCFTA) with the European Union', n.d., available at: <http://www.economy.ge/index.php?page=economy&s=7>

¹⁵ Legislative Herald of Georgia, 'Council of Europe Convention on the Prevention and Suppression of Violence against Women and Domestic Violence', 2017, available at: <https://matsne.gov.ge/ka/document/view/3789678?publication=0>

The Government of Georgia began nationalising the **Sustainable Development Goals** (SDGs) in 2015. It finalized the nationalisation process in 2019,¹⁶ including the nationalisation of SDG 5, whose aim is to achieve gender equality and empower all women and girls.

1.3.2. National legal and institutional framework

In line with its international commitments, Georgia has made significant progress in adopting a legislative and policy framework and strengthening national institutions on gender equality and women's rights.

Article 11 of the **Constitution** of Georgia guarantees gender equality and prohibits gender-based discrimination. It requires the State to provide equal rights and opportunities for men and women, and calls for the implementation of special measures to ensure substantive equality¹⁷ between women and men, as well as to eliminate inequality. The wording of 'substantive equality' was introduced in 2017, replacing the earlier wording of 'formal equality'. This has shifted Article 11's emphasis towards combatting structural inequalities and mandating the State to establish and implement special laws, policies and programmes to ensure that women enjoy equality of opportunities and equality of results.

The **Law of Georgia on Gender Equality** (2010) establishes the State's obligation to "support and ensure equal rights for men and women in political, economic, social and cultural life" by taking special measures without discrimination. The law guarantees the equality of men and women in all spheres of public life, including labour relations, education, science, health care, social protection, service provision, insurance and financial services, family relations, and participation in elections.

The **Law of Georgia on the Elimination of All Forms of Discrimination** (2014) prohibits discrimination on the basis of sex, sexual orientation and gender identity. It establishes the definitions of direct and indirect discrimination, and introduces the concept of 'multiple discrimination'. The law also establishes the obligation of every legal entity, both private and public, to provide a rapid and effective response to every case of possible discrimination.

¹⁶ Legislative Herald of Georgia, 'Ordinance #2328 of the Government of Georgia: On the National Document on Sustainable Development Goals', 12 November 2019, available at: <https://matsne.gov.ge/ka/document/view/4732470?publication=0>

¹⁷ The concept of substantive gender equality was added to the Constitution in 2018. This amendment shifts the emphasis towards combatting structural inequalities and mandates the State to adopt special measures to ensure that women enjoy equality of results. Substantive gender equality is a combination of formal gender equality and the equality of outcomes, meaning that equality in law, equal opportunities and equal treatment of women and men are complemented by equality in impact, outcomes or results.

It entitles the Public Defender of Georgia to monitor and oversee efforts for the elimination of discrimination, thereby granting the Public Defender not only a responsive, but also a proactive, function. As such, the Public Defender can inquire about discrimination either on its own initiative, or upon the submission of a complaint. At the same time, a victim of discrimination is entitled to address the court. The law ensures the effective protection of the rights of a victim by placing the burden of proof on the person accused of discrimination.

Policies for gender equality in Georgia have been implemented in the framework of three strategic documents:

- The Human Rights Strategy and its Action Plan 2018–2020, one chapter of which (Chapter 12) is dedicated to gender equality. It includes gender equality objectives in the following areas: gender equality in policy-making and women’s involvement in the political life, women’s economic empowerment, gender equality in health care, harmful practices, and gender equality in education, sports and culture.
- The National Action Plan 2018–2020 on Combatting Violence against Women and Domestic Violence, and Measures to be Implemented for the Protection of Victims (Survivors).
- The National Action Plan 2018–2020 for the Implementation of United Nations Security Council Resolutions (UNSCRs) on Women, Peace and Security.

All three of these documents expired at the end of 2020 and new documents are being drafted. None of these Action Plans were in force in Georgia in 2021. Moreover, Georgia still does not have a specific Gender Equality Strategy, sectoral strategies often do not include a gender perspective, and gender-responsive budgeting is not applied.

According to Georgian legislation, local self-governing bodies should develop strategies, action plans and programmes in their areas of competence.¹⁸ The Gender Equality Law defines the obligation of local municipalities to develop and “*carry out the activities ensuring detection and discrimination locally.*” Based on the relevant provisions and their role of ensuring gender equality at the local level, municipalities should develop and implement Gender Equality Action Plans. Based on a 2020 assessment of the Public Defender’s Office,¹⁹ 57 of Georgia’s 64 municipalities had developed Gender Equality Action Plans in 2019. However, 61% of municipalities do not have the necessary budget for their implementation.

¹⁸ Local self-government Code of Georgia, Article 19 (b).

¹⁹ Public Defender of Georgia, ‘Assessment of Gender Policy of Local Self-Governments Bodies’, 2020, available at: <https://www.ombudsman.ge/eng/spetsialuri-angarishebi/adgilobrivi-tvitmartvelobis-organoebis-genderuli-politikis-shefaseba-spetsialuri-aktsentit-kalta-ekonomikur-gadzlierebaze>

According to the Public Defender’s assessment, municipal action plans are of a ‘formal character’, are not tailored to a particular region or municipality, and do not address the specific needs of the local population including, more specifically, of women and vulnerable groups.

Georgia has well-established national gender equality machinery²⁰ at the legislative, executive and regional levels:

- At the legislative level, **Gender Equality Council in the Parliament of Georgia** is a permanent body in charge of ensuring systematic and coordinated efforts towards gender equality. It was established in 2004²¹ and was made a permanent body by the Gender Equality Law in 2010. The Gender Equality Council’s main functions are the overall national coordination of, and monitoring the implementation of, gender equality policies and laws. It is required to carry out gender analysis and develop proposals for overcoming existing gender disparities in legislation, conduct gender reviews of draft laws, and develop and institutionalise the system of monitoring and evaluating interventions in order to ensure gender equality.²² The Gender Equality Council currently has 17 members, all of whom are Members of Parliament from different political parties. In 2018, the Council developed an Action Plan for 2018–2020 based on a comprehensive gender analysis of legislation.²³

In 2017, the Council introduced the gender impact assessment (GIA) methodology in Parliament, and piloted the use of this methodology for several draft laws. With the active participation of Gender Equality Council, Georgia’s Parliament has made some progress on improving the country’s legislative framework on gender equality. For instance, in 2019, the Parliament of Georgia adopted legislation on sexual harassment and improved the Labour Code in terms of parental leave. However, an assessment conducted in 2021²⁴ notes that, despite some progress, gender equality is not a priority issue on the parliamentary agenda and the Gender Equality Council is not sufficiently taken into consideration by the Parliament or by external stakeholders.

²⁰ Gender equality machinery refers to institutional governmental and parliamentary structures, as well as structures at the local level, set up to promote women’s advancement and to ensure women’s full enjoyment of their human rights. The main function of national gender equality machinery is to ensure the implementation and monitoring of the legal framework on gender equality by relevant actors.

²¹ Parliamentary Decree #105/3.

²² Gender Equality Law of Georgia, 2010, Article 12.

²³ The gender analysis of legislation is carried out on the request of Gender Equality Council by international and local experts and the findings are developed in the publication: Gender Equality Council of the Parliament of Georgia and United Nations Development Programme, *Gender Equality in Georgia: Barriers and Recommendations*, 2018: https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/gender-equality-in-georgia.html

²⁴ National Democratic Institute, *Assessment of 2017–2020 Activities of Gender Equality Council of the Parliament of Georgia and the Recommendations for Future Activities*, NDI, Washington, DC, 2021.

The council's monitoring and oversight function vis-à-vis executive bodies remains weak. Despite piloting the GIA methodology, the council has not yet managed to establish GIAs as a mandatory form of analysis within the legislative process. Moreover, the council has not elaborated a 'state concept' on gender equality, an activity which was included in its 2018–2020 Action Plan.

- The **Inter-Agency Commission for Gender Equality, Violence against Women and Domestic Violence** is a coordination mechanism in the executive branch of government.²⁵ It was created in 2017 to respond to the requirements of Article 10 of the Istanbul Convention, which requires the existence of a monitoring mechanism on violence against women and domestic violence. The Inter-Agency Commission is responsible for the adoption, implementation and monitoring of National Action Plans on gender equality, violence against women, domestic violence and UNSCR on Women, Peace and Security. It is also in charge of developing chapters on gender equality within the Human Rights Strategy and Action Plan. Moreover, the Inter-Agency Commission is responsible for overseeing and monitoring the implementation of these Action Plans, as well as promoting gender mainstreaming in government policies. It is mandated to support the effective functioning of, and coordination between, the activities of respective state bodies in terms of gender equality, violence against women, domestic violence and women's empowerment. The Inter-Agency Commission is chaired by the Adviser to the Prime Minister on Human Rights. In July 2021, with the appointment of a new adviser, the title of this position changed from its previous form (Human Rights and Gender Equality).

The Inter-Agency Commission involves ministries represented by the relevant deputy ministers, the Public Defender's Office, the Gender Equality Council of the Parliament, the Legal Aid Service, the State Fund for the Protection and Assistance of Victims of Human Trafficking, the Supreme Court, and the Public Broadcaster. Gender focal points have been identified in all government institutions, and are responsible for the implementation of gender mainstreaming within state institutions. Meetings of the Inter-Agency Commission, with the participation of all of its members, should be conducted at least twice a year. It is important to note that the Inter-Agency Commission lacks the human and financial resources required for the effective implementation of its functions.

- The **Gender Equality Department of the Public Defender of Georgia** (PDO)²⁶ was created in 2013. Article 14 of the Gender Equality Law recognises two key functions of the Public Defender's Office: monitoring gender equality issues and addressing individual complaints of rights' violations.

²⁵ Government of Georgia, 'Governmental Decree No. 286', 12 June 2017, available at: <https://matsne.gov.ge/ka/document/view/3698004>

²⁶ The Public Defender of Georgia is a constitutional institution. It is an independent body and does not belong to any branch of government. It monitors: state agencies, local self-government agencies, public institutions and public officials.

As such, the office monitors the implementation of gender equality legislation and policies in the executive and legislative branches of government at the national and local levels, and examines individual complaints of violations of rights related to gender equality, issuing relevant recommendations accordingly. The Gender Equality Department of the Public Defender's Office also engages in research, promotes gender equality in the activities of the Public Defender, raises public awareness of gender equality issues in Georgia, and publishes annual and issue-specific reports on women's rights.

- **Gender Equality Councils in Sakrebulo**s (municipal legislative councils)²⁷ and **Gender Advisers at Municipal Mayor's Offices** are meant to integrate gender-related needs in their work according to the Gender Equality Law. However, an assessment by the Public Defender's Office in 2020 raised concerns about the gender-sensitivity of the Gender Equality Council's members.²⁸ Council members acknowledge that a lack of knowledge of gender equality is an obstacle to their work. Knowledge of gender-responsive budgeting and its practical application remain problematic for municipalities. Most councils are unable to identify the specific needs of women and have no knowledge of the impact of gender-responsive budgeting on local populations.

Despite the progress that Georgia has achieved at the legislative and institutional levels, the **effective implementation** of gender equality policies remains challenging. Moreover, **gender gaps in legislation** still need to be addressed, such as regulations related to equal pay for work of equal value, the minimum wage, adequate payment for parental leave, and legislation on violence against women, including the definition of rape and the definition of a list of family members in terms of domestic violence. Furthermore, the **Law on Gender Equality** does not include effective implementation mechanisms and does not define the measures to be implemented by the State for the effective implementation of gender equality legislation. This includes the obligation to mainstream gender in policy-making, gender-responsive budgeting and gender audits, among other issues.

Some of the **gender equality objectives** defined within three action plans noted above (Chapter 12 on gender equality within Human Rights Action Plan 2018–2020, and the Action Plans on Violence against Women/Domestic Violence and the implementation of Women, Peace and Security Resolutions) remain unachieved. In general, the **activities of the three action plans are not integrated within the internal action plans** of relevant state agencies. State agencies also **lack the internal capacities, expertise and budget** for their implementation.

²⁷ Sakrebulo develops local legislation and plans, which are implemented by the local executive branches – Mayor's Offices (City Halls) or Gamgeoba.

²⁸ Public Ombudsman, *Assessment of Gender Policy of Local Self-Governments Bodies*, Government of Georgia, Tbilisi, 2020, available at: <https://www.ombudsman.ge/eng/spetsialuri-angarishebi/adgilobrivi-tvitmmartvelobis-organoebis-genderuli-politikis-shefaseba-spetsialuri-aktsentit-kalta-ekonomikur-gadzlierebaze>

Sectoral strategies and programmes **lack gender mainstreaming**, while ministries and other state agencies **do not usually apply gender budgeting**. Among the reasons for this are a lack of expertise and human resources, as well as the lack of legal obligations.

As noted above, the **title of the Prime Minister's Adviser**, formerly the Adviser on Human Rights and Gender Equality, has been changed and no longer refers to gender equality. The Government of Georgia has stated that no other changes have been made to the adviser's functions and roles. Nevertheless, removing an explicit reference to gender equality from the adviser's title indicates, at least at a symbolic level, a lack of consideration for gender equality issues.

Despite some improvements, **sex-disaggregated data is still not collected and analysed** sufficiently. Every year, Geostat develops a statistical publication entitled 'Men and Women in Georgia'. This includes sex-disaggregated statistics on several areas, such as living conditions, employment, education, social security and crime, among others. However, several gaps remain and sex-disaggregated statistics – which are a preliminary requisites for evidence-based policy-making – are not available in many areas.

1.4 Gender norms and stereotypes

The CEDAW Committee, in its 2014 Concluding Observations on the combined fourth and fifth periodic reports of Georgia,²⁹ noted that **patriarchal attitudes and stereotypes** regarding the roles and responsibilities of women and men in the family and in society remain deeply rooted. According to the CEDAW Committee, these are exacerbated by the increased sexualisation of women in the media, which undermines their social status, participation in public life and professional careers.

Women's roles, opportunities and rights in Georgia are often constrained by conservative sociocultural norms and gender stereotypes. These issues are most prevalent in rural and remote areas, particularly among ethnic minorities. However, they also affect women in urban areas. There is a widespread and largely unquestioned acceptance of conservative gender roles in the country.³⁰ The reproduction of stereotypes through the media and educational materials, as well as a lack of awareness of gender inequality among the general public, contribute to the further entrenchment of these ideas.³¹ Gender norms are also reproduced through implicit and unquestioned assumptions that may be transferred by teachers and others who influence people's thought and behaviour.

²⁹ United Nations Committee on the Elimination of Discrimination against Women, 'Concluding observations on the combined 4th and 5th periodic reports of Georgia', 2014, available at: <https://digitallibrary.un.org/record/779007>

³⁰ Asian Development Bank, *Georgia Country Gender Assessment*, ADB, Tbilisi, 2018.

³¹ Japaridze, E., et al., *Implementation of Gender Policy in Georgia: 2016 Progress Report on National Action Plan of 2014–2016 for the Implementation of Gender Equality Policy in Georgia*, 2016.

According to survey on public perceptions and attitudes by the United Nations Development Programme (UNDP) in 2020,³² **gender inequitable attitudes and behaviours** continue to persist in Georgia. However, they exist alongside a growing receptivity to the idea of, and willingness to change for, a more equitable future. Most men (60%) and an important proportion of women (38%) surveyed still consider that a woman's main duty is to care for her family rather to pursue a professional career. Gender norms continue to affect how household tasks are divided, and keep women from pursuing other opportunities. Indeed, women's responsibilities at home represent a major reason why they do not enter politics or pursue careers. The burden of unpaid work falls disproportionately on women, and child care is still viewed primarily as a woman's domain.

According to the same UNDP study, certain inequitable attitudes about **women's leadership, role in public life, and employment** persist in Georgian society. About half of all men and women surveyed believe that men are better suited to politics than women. Career progression is perceived as being more difficult for women than for men. However, the study notes some positive trends compared to the same survey conducted in 2013. For instance, more people in 2020 believed that an equally qualified woman would do 'as good a job' as a man, and more people responded positively to women's participation in politics. The study also notes a clear generational divide around attitudes to women's work. Younger men and women are far more convinced that women have aspirations beyond those related to their home and family.

UNDP's 2020 study also notes that attitudes around violence in the home are sometimes supportive of **intimate partner violence**. While the reported prevalence of physical and sexual violence by an intimate partner is generally low in Georgia, economic and emotional violence had been experienced by about 20–25% of women respondents. Over half of all men surveyed reported that violence in the home is a 'private matter'. Such attitudes of secrecy and stigma around intimate partner violence discourage reporting and could potentially lead to the underestimation of the prevalence of domestic violence.

Traditional gender norms and stereotypes in Georgia also influence how lesbian, gay, bisexual, transgender and intersex (LGBTI) people are perceived. Intolerance to LGBTI minorities, which often translates into violence, has been encouraged by the far-right extremist groups and the Georgian Orthodox Church. While legislation prohibits discrimination against LGBTI people in employment and other key areas, progress in aligning these legal guarantees with social change has been slow.

³² United Nations Development Programme, *Men, Women and Gender Relation in Georgia: Public Perceptions and Attitudes*, UNDP, Tbilisi, 2020.



2. THEMATIC OVERVIEW

This chapter is structured around the six key areas of engagement outlined by the EU Gender Action Plan III.

2.1. Freedom from all forms of gender-based violence against women, girls, men and boys

Preventing and combatting violence against women and girls, including domestic violence, is one of the priority areas of the global human rights and sustainable development agenda. According to the CEDAW Committee's General Recommendation No. 35 (CEDAW GR35),³³

"gender-based violence against women is one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated [...] women's right to a life free from gender-based violence is indivisible from and interdependent with other human rights, including the right to life, health, liberty and security of the person, the right to equality and equal protection within the family, freedom from torture, cruel, inhumane or degrading treatment, freedom of expression, movement, participation, assembly and association."

The 2030 Agenda for Sustainable Development calls on state parties to end all forms of discrimination against all women and girls everywhere (target 5.1) and eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation (target 5.2). Ending violence against women is one of the priority areas of the Beijing Platform for Action, which calls on state parties to take integrated measures to prevent and eliminate violence against women (strategic objective D1) and to study the causes and consequences of violence against women and the effectiveness of preventive measures (strategic objective D2).

³³ United Nations Committee on the Elimination of Discrimination against Women, 'General Recommendation No. 35 on Gender-based Violence against Women, updating General Recommendation No. 19', 2017.

The Beijing Platform for Action also calls on governments to enact and enforce penal, civil, labour and administrative sanctions to punish and redress the wrongs done to victims. It further calls on governments to adopt, implement and review legislation to ensure its effectiveness in eliminating violence against women, emphasising the prevention of violence and the prosecution of offenders.

A major regional legal instrument in that regard is the Istanbul Convention, adopted in 2011 by the Council of Europe.³⁴ It explicitly states that violence against women is a human rights violation and a form of discrimination. The Istanbul Convention calls on state parties *“to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-state actors.”* Georgia is part of all of the legal instruments mentioned above, and is committed to effectively preventing and combatting violence against women and girls, and domestic violence. Georgia has made progress in this area by improving legislation and strengthening relevant mechanisms. However, several challenges remain in preventing and responding to violence against women.

2.1.1. Domestic violence and femicide

Situation overview

According to official national statistics, 13.6% of women in Georgia have experienced some form of **domestic violence** (DV) by an intimate partner in their lifetime (13% report experiencing emotional abuse, 9.6% report economic abuse, and 6.1% report physical and/or sexual violence by a partner).³⁵ However, experts agree that **numbers are under-reported** due to traditional gender norms and attitudes, as well as the lack of social support and trust in law enforcement, health care and other relevant systems. Indeed, 33% of women and 50% of men believe that intimate partner violence (IPV) is a private matter and that others should not intervene, while 22% of women and 31% of men think that husbands are justified in beating their wives in certain cases. Almost 50% of both genders believe that if a woman does not physically fight back, one cannot call it rape, and only 38% of men and 44% of women feel that marital rape is a crime.³⁶

However, there has been a **significant increase in the percentage of women reporting** acts of violence by an intimate partner to the police recently – rising from 1.5% in 2009 to 18% in 2017. Moreover, the percentage of women who believe that domestic violence is a private matter and that no one should interfere decreased from 78% in 2009 to 33% in 2017.³⁷

³⁴ Council of Europe, ‘Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence’, 11 May 2011.

³⁵ National Statistics Office of Georgia and United Nations Entity for Gender Equality and the Empowerment of Women, *National Study on Violence Against Women in Georgia*, Geostat/UN Women, Tbilisi, 2017.

³⁶ Ibid.

³⁷ Ibid.

The rate at which criminal prosecutions are launched for cases of domestic violence has also increased significantly – more than fivefold since 2014 – leading to criminal charges against 4,579 individuals in 2019.³⁸

The number of **restraining and protective orders** has also increased,³⁹ which can be explained by rising awareness in society, as well as the improved quality of the response to domestic violence cases by law enforcement structures. Indeed. In 2018, police issued 7,646 restraining orders for cases of domestic violence, while courts issued 130 protective orders, 128 of which were due to domestic violence. In 2019, police issued 10,266 restraining orders for domestic violence and the courts issued a total of 102 protective orders, 98 of which were due to domestic violence.⁴⁰

A 2018 study revealed that **LGBTI women are most vulnerable to domestic violence**. More than half of them live with their families, or with partners. Those living with their parents and other family members more frequently become victims of violence. According to the study, 82.9% of lesbian and bisexual women (LBs) have experienced some form of abuse by their family members in their lifetime. Most are subject to permanent psychological pressure by family members, 12% have been victims of forced marriage, and 20.4% have experienced physical abuse at least once by relatives (mothers, fathers and sisters/brothers). However, only 7.3% reported incidents of such violence to the police.⁴¹

Femicide statistics in Georgia are alarming. According to the General Prosecutor's Office of Georgia, 22 cases of femicide were recorded in 2018, including seven domestic crimes, 19 cases were recorded in 2019, 10 of which were domestic crimes, and 24 cases were recorded in 2020, 15 of which were domestic crimes.⁴²

Due to the **COVID-19 pandemic**, people are spending more time at home, confined with other family members, putting some of them at greater risk of domestic violence.

³⁸ GREVIO, Report submitted by Georgia pursuant to Article 68, Paragraph 1 of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence, 2020.

³⁹ A protective order is an act issued by a court (judge) of the first instance through an administrative proceeding that determines temporary measures for protecting a victim. According to amendments in 2020, protective orders can be issued on the basis of a risk assessment questionnaire. A restraining order is an act issued by an authorised police officer that determines temporary measures for protecting a victim of violence against women and/or domestic violence.

⁴⁰ GREVIO, Report submitted by Georgia pursuant to Article 68, Paragraph 1 of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence, 2020.

⁴¹ Aghdgomelashvili, E., 'From Prejudice to Equality: L(G)BTQI persons in Georgia', WISG, Tbilisi, 2018.

⁴² Public Defender of Georgia, Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, Tbilisi, 2020.

According to the rapid gender assessment of the impact of COVID-19 in Georgia by UN Women, 20% of respondents reported hearing of incidents of domestic violence during the pandemic.⁴³ This figure represents a four-point increase since May 2020.⁴⁴ According to the assessment of the Public Defender of Georgia, the risks of domestic violence increased during the pandemic, and domestic violence has not been sufficiently reported to the police during the pandemic.⁴⁵

Overview of legislation and policies

The **Law of Georgia on Violence Against Women and/or the Elimination of Domestic Violence, Protection and Support of Victims of Violence** defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or the arbitrary deprivation of liberty, whether occurring in public or in private life.

Georgia's legal framework on gender-based violence was significantly strengthened as a result of the Parliament ratifying the **Istanbul Convention** in 2017. A series of legislative changes have been made to comply with the international standards set forth in the Istanbul Convention. These include, inter alia: adopting definitions of violence against women and stalking, criminalising forced marriage, forced sterilization and female genital mutilation (FGM), providing temporary residency to foreign women who are victims of violence, ensuring that victims of violence are notified before their abuser is released from custody, expanding the list of aggravating circumstances related to gender-based violence, and enabling the courts to deprive persons convicted of domestic violence of the right to carry weapons. As of 1 January 2017, marriage in Georgia is permitted for individuals from the age of 18.

The **National Action Plan 2018–2020 on Combatting Violence against Women and Domestic Violence, and Measures to be Implemented for the Protection of Victims (Survivors)** prescribes activities related to prevention, awareness raising, the establishment of a national referral mechanism, the establishment of a crisis centre, the expansion of a hotline and the creation of a unified system for gender data collection. It also includes measures to bring legislation and state policy documents into compliance with international standards, as well as to create a platform for cooperation with municipalities, and to enshrine measures that support changes in attitudes, social norms and behaviours towards domestic violence and violence against women.

⁴³ United Nations Entity for Gender Equality and the Empowerment of Women, *Second Wave of the Rapid Assessment of the Covid-19 Situation in Georgia*, UN Women, Tbilisi, 2021.

⁴⁴ United Nations Entity for Gender Equality and the Empowerment of Women, *Rapid Assessment of the Covid-19 Situation in Georgia*, UN Women, Tbilisi, 2020.

⁴⁵ Public Defender of Georgia, *Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia*, Tbilisi, 2020.

More specifically, the National Action Plan envisages the introduction of a risk assessment methodology in terms of the response to domestic violence cases, institutionalising an electronic monitoring system for high-risk offenders, and launching behaviour correction programmes for the perpetrators of domestic violence. After its expiration in 2020, the National Action Plan has not yet been renewed. Thus, throughout 2021, Georgia lacked an Action Plan on violence against women and domestic violence. Based on the information received from the Administration of the Government of Georgia, a new National Action Plan should be adopted by the end of 2021.

Implemented measures and achievements

In 2018, the Ministry of Internal Affairs of Georgia established the **Human Rights Protection Department** to strengthen the response to violence against women and domestic violence, as well as to ensure the timely response and effective investigation of related crimes committed on the grounds of discrimination, hate-motivated crimes, human trafficking and crimes committed by and/or towards minors. In 2019, the department was transformed into the **Human Rights Protection and Investigation Quality Monitoring Department** to ensure the improved quality of investigations of crimes committed against life and health. Its core functions are to monitor the process of investigation and administrative proceedings of the aforementioned crimes, identify gaps, and prepare and enforce measures to enhance law enforcement's role in fighting them. It also analyses statistics on investigation processes and related administrative procedures.

In 2018, **domestic violence risk assessment tool** was introduced.⁴⁶ This enables police officers to document the history of violence and evaluate the risks of lethality and re-offending using a standardised methodology. The tool further informs the police, prosecution and courts during the investigation and pre-trial stages of the need to place appropriate restrictive measures on perpetrators and enforce protective measures for survivors. It also helps prosecutors build stronger cases for adjudication and, therefore, achieve proportional sanctions for the crime. The enforcement of the risk assessment tool was followed by the introduction of **GPS-enabled electronic monitoring bracelets** for perpetrators.

In light of the risk assessment tool, the Human Rights Protection and Investigation Quality Monitoring Department also developed a **monitoring mechanism for restrictive orders**. The mechanism provides instructions to the police on monitoring compliance with the requirements of the restrictive order by maintaining robust communication and conducting visits to the victim and the offender, based on to the level of risk established by the restrictive order's protocol.

⁴⁶ The tool is available at: <https://police.ge/ge/qalta-mimart-da-odjakhshi-dzaladobis-riskebis-shefasebis-instrumenti-da-shemakavebeli-orderis-monitoringis-meqanizmi-amoqmedda/11956>

Since 2018, only **specialised prosecutors** are entitled to work on domestic violence cases. As of 2020, there were 155 specialised prosecutors and prosecution service investigators in Georgia.⁴⁷ According to the Order of the Prosecutor General of Georgia of 1 May 2018, prosecutors and investigators who have undertaken the special training course on domestic violence can work on cases of domestic offence. The course covers the psycho-emotional aspects of working with survivors, witnesses and perpetrators of domestic violence. It also provides an overview of current domestic and international legislative frameworks related to domestic violence. The course was developed with the support of, and in close cooperation with, UN Women Georgia. It has been institutionalised as part of the regular, continuous education of prosecutors.⁴⁸

In February 2019, the **Witness and Victim Coordinator Service** was established at the Ministry of Internal Affairs in order to protect the interests of victims and witnesses, as well as to avoid re-victimisation or secondary victimisation. The Coordinator prioritises communication with the victims of crimes committed due to discrimination, domestic violence and violence against women.

The **health care response** to domestic violence and gender-based violence has improved in Georgia. The Agency for State Care has developed Standard Operating Procedures (SOPs) for health care workers to identify physical, psychological and sexual violence against women. Special medical forms were developed and approved by the Minister of Health, Labour and Social Affairs for inpatient and outpatient medical services in order to register, reveal, assess and refer cases of domestic violence and sexual violence. In addition, a dedicated training module was developed and more than 300 doctors were trained.⁴⁹

Georgia's **Legal Aid Service (LAS) provides free legal aid to survivors** of domestic violence and violence against women, including legal consultations, drafting legal documents and court representation, irrespective of the survivor's socioeconomic status.⁵⁰ Beneficiaries are entitled to receive legal advice through face-to-face as well as telephone/online consultations. From 2014 through to the first quarter of 2019, the state-funded Legal Aid Service provided court representation on protective and restrictive orders to 84 beneficiaries, 43 of whom were juveniles. LAS lawyers also provided 616 legal consultations on restrictive and protective orders.⁵¹

⁴⁷ According to the Prosecutor's Office of Georgia in 2020, available at: <https://pog.gov.ge/news/saqarTvelos-prokuraturashi-2020-wels-adamianis-uflebaTa-dacvis-mimarTulebiT-araerTi-mnishvnelovani-R>

⁴⁸ Prosecutor's Office of Georgia, 'Domestic Violence and Violence against Women', available at: <https://pog.gov.ge/en/interesting-info/family-violence>

⁴⁹ GREVIO, *Report submitted by Georgia pursuant to Article 68, Paragraph 1 of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence*, 2020.

⁵⁰ Amendments made to the Law of Georgia on Legal Aid in 2015.

⁵¹ GREVIO, *Report submitted by Georgia pursuant to Article 68, Paragraph 1 of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence*, 2020.

Challenges and gaps

Despite positive trends, preventing and responding to **femicide** remains problematic. The Public Defender's Office, in its Report on Femicide Monitoring 2014–2018,⁵² highlights key challenges. These include the absence of a common methodological standard for collecting and processing administrative data on cases of violence against women and domestic violence, as well as qualifying femicide in terms of the identification of a gender-related motive in femicide or attempted cases of femicide. The statistics provided by the Supreme Court of Georgia and the General Prosecutor's Office on femicide and attempted femicide are still inconsistent. In terms of prevention-related challenges, in 2018, there were cases where the victim had reported to the police before a crime was committed, but the crime was still not avoided.

Another challenge is the **lack of specialised reform** within the court system to address cases of violence against women, including femicide, especially in the regions. The Public Defender's Office notes how difficult it is to establish the aggravating responsibility of a convicted perpetrator when a gender-motivated crime is committed.

Behavioural correction and the rehabilitation of perpetrators remains problematic. Georgia has developed a special programme in line with the requirements of the Istanbul Convention, which has been operated by the Ministry of Justice in the context of probation services since 2015 and in two correctional facilities since 2019.⁵³ Despite this, the number of perpetrators it covers is extremely small. In 2017, the programme covered only 3% of perpetrators.⁵⁴

A further challenge is the **insufficient number of shelters and crisis centres**. Currently, there are five state-supported and three donor-supported shelters in Georgia,⁵⁵ as well as five state-supported⁵⁶ and two NGO-run crisis centres.⁵⁷ All shelters and crisis centres follow special guidelines, and their staff members are properly trained. According to the standards established by the Istanbul Convention, one place in a shelter/crisis shelter should be available for every 10,000 residents, but the number of places available in Georgia are roughly half of the number required. It is particularly crucial to increase the number of crisis centres, as they provide immediate protection to victims.

⁵² Public Defender of Georgia, *Report on Femicide Monitoring 2014–2018*, 2020, Tbilisi, available at: <https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/2020/NHRIs/public-defender-georgia-report.pdf>

⁵³ Human Rights Secretariat, *Report on Implementation of the National Action Plan on Combatting Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims (Survivors) for 2018-2020*, Tbilisi, 2020.

⁵⁴ Research and Analysis Centre of the Supreme Court of Georgia, *Application of International Standards in Domestic Violence Cases*, Supreme Court of Georgia, Tbilisi, 2017.

⁵⁵ State-supported shelters are located in Batumi, Gori, Kutaisi, Signaghi and Tbilisi. Donor-supported shelters are located in Akhaltsikhe, Tbilisi and Zugdidi.

⁵⁶ Located in Gori, Kutaisi, Marneuli, Ozurgeti and Tbilisi.

⁵⁷ Located in Telavi and Zugdidi.

Access to shelters is another challenge, as victims need to have ‘official status’ in order to be admitted to a shelter.⁵⁸ Accessing shelters and crisis centres is especially challenging for **people with disabilities**, as none of the shelters/centres in the country is fully accessible for people with disabilities. In addition to the challenges for persons with physical disabilities, access for people with intellectual and psychosocial disabilities is also problematic due to a lack of qualified personnel. The right to reasonable accommodation is not recognised in Georgian law. Thus, the refusal to provide reasonable accommodation to every vulnerable group does not constitute discrimination in Georgia.⁵⁹

Georgia lacks sufficient **psycho-social rehabilitation and educational programmes** in shelters for victims of domestic violence. Moreover, shelters do not ensure the self-realisation of beneficiaries and their empowerment.⁶⁰ There are almost no supportive services for victims after they leave shelters, including a lack of support in terms of the provision of housing, as well as financial support.⁶¹ Moreover, public awareness of public services for survivors of violence against women and domestic violence remains low.⁶²

Policies and measures are lacking to effectively **protect children** who experience domestic violence while living with their families. Steps that could be considered to address this challenge include the greater involvement of social workers in the process of investigating cases of domestic violence, as well as the availability of specific guidelines for social services.⁶³

Georgia's legal framework is still not fully in compliance with the provisions of the Istanbul Convention regarding the **rights of LGBTI persons**. Article 4(3) provides that measures to protect the rights of victims shall be secured without discrimination on any ground, inter alia, sexual orientation and gender identity (SOGIE).⁶⁴ Georgian legislation on violence against women and domestic violence does not include such a clause and lacks a specific mention of guarantees on the grounds of SOGIE.⁶⁵

⁵⁸ United Nations Entity for Gender Equality and the Empowerment of Women, *Country Gender Equality Profile of Georgia*, UN Women, Tbilisi, 2020.

⁵⁹ NGO *National Parallel Report of the Implementation of Beijing Declaration and Platform for Action Beijing +25*, 2019

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Public Defender of Georgia, *Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia*, Tbilisi, 2020.

⁶³ Ibid.

⁶⁴ Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence, Article 4 (3): “The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.” For more information, see: <https://rm.coe.int/168008482e>

⁶⁵ Women's Initiatives Supporting Group, *Shadow Report to the Pre-sessional Working Group for the 81st Session of the Committee on the Elimination of Discrimination Against Women (CEDAW)*, State Party: Georgia, WISG, 2021.

Moreover, in contrast to other women, transgender women's access to protection mechanisms related to violence against women is problematic as they are unable to change the categorisation of their sex from 'male' to 'female' in their civil status. March 2021 marked the first time in Georgia that a trans person's gender was legally recognised; however, this illustrates an established practice in a country that lacks respective legal basis for gender recognition.⁶⁶ Official statistics on domestic violence based on sexual orientation, gender identity and gender expression are not collected in the country.⁶⁷ Furthermore, the preventive measures to curb intimate partner violence and domestic violence – including public campaigns implemented by the state – do not cover LGBTI persons or same-sex couples.

More complex **data collection and analysis** is needed for evidence-based policy-making. Georgia's legislation requires the collection of relevant statistics and the assessment of factors that contribute to domestic violence. However, the methodology for data collection is not harmonised across the police, prosecution and judiciary. Moreover, data is not gathered at regular intervals on all forms of violence against women, including the forms and frequency of violence, as well as protection and support provided to victims. The data collected is not disaggregated by gender, age, ethnicity, disability and other relevant characteristics, as required by international standards.

Georgia still lacks **effective coordination** among various state actors on issues related to violence against women and domestic violence. The Government of Georgia has drafted the National Referral Mechanism on Violence against Women and Domestic Violence Issues, but the official document has not yet been approved.

2.1.2. Sexual violence and sexual harassment

Sexual violence is one of the most under-reported forms of violence against women and is more often associated with stigma. Victims rarely talk about it in public or report cases to law enforcement officials. Perpetrators are punished in an extremely small number of cases. Preventing and effectively responding to sexual violence is essential to guarantee substantive gender equality.

Situation overview

According to UN Women's 2017 study on violence against women in Georgia, 26% of women have experienced **sexual violence** by a person other than their intimate partner. Moreover, 20% of women report experiencing sexual harassment during their lifetime, with half of these cases occurring in the workplace.

⁶⁶ Women's Initiatives Supporting Group, 'First time in Georgia trans person's gender has been legally recognised', 31 March 2021, available at: <https://wisg.org/en/news/detail/324/First-time-in-Georgia-trans-person%27s-gender-has-been-legally-recognised>

⁶⁷ Women's Initiatives Supporting Group, Shadow Report to the Pre-sessional Working Group for the 81st Session of the Committee on the Elimination of Discrimination Against Women (CEDAW), State Party: Georgia, WISG, 2021.

Some 45% of women have been exposed to some form of sexual harassment on public transport.⁶⁸ Despite the prevalence of sexual violence, **reporting rates are low**, and justice is administered only in a small number of the cases reported. Most cases of sexual violence never reach a court for trial. Based on statistics for 2017–2018, investigations were launched in 251 cases involving sexual violence or attempts of sexual violence against adult women, but only 20 cases resulted in convictions.⁶⁹

Overview of legislation and policies

Georgian legislation provides for the mandatory ex officio public prosecution of sexual violence crimes, in compliance with the provisions of the Istanbul Convention. Georgian law also does not allow an investigation or prosecution of such crimes to be terminated on the grounds of ‘reconciliation’, the marriage of the victim and the perpetrator, or because the perpetrator is no longer considered socially dangerous. Crimes of sexual violence are punishable both within and outside marriage. The legislation provides for the possibility of identifying bias-motivated crimes based on sex or gender in order to enhance the punishment based on this motive.⁷⁰

In 2019, the Parliament of Georgia adopted a **Bill on Sexual Harassment**. This defines sexual harassment as a form of discrimination and provides response mechanisms. Relevant legislative amendments have been introduced to the Labour Code, the Law on Public Defenders, the Code of Civil Procedure, and the Administrative Code of Offences. As a result, the Labour Code of Georgia defines sexual harassment as: “*undesirable sexual behaviour towards a person ... [that] aims and/or tarnishes his/her dignity or creates an intimidating, hostile, degrading or abusive environment for him/her.*” Using sexual words, exposing one’s genitals or engaging in any type of verbal or non-verbal actions of a sexual nature are all considered forms of harassment.

Sexual harassment is now punishable by a fine of GEL 300 for the first offence, and by a fine of GEL 500 or one month of correctional labour for a repeated offence within the span of one year. Furthermore, deliberate sexual harassment of a minor, a pregnant woman, someone in a critical medical condition or in the presence of a minor is punishable by a fine of GEL 500 to 800 and, if repeated, by a fine of GEL 800 to 1,000 or 10 days of imprisonment. Victims of sexual harassment have two options for recourse: they may appeal to the Public Defender or to a court. The Public Defender’s Office is now responsible for the examination and enforcement of measures against sexual harassment in the workplace, while the Ministry of Internal Affairs is responsible for cases in public spaces.

⁶⁸ National Statistics Office of Georgia and United Nations Entity for Gender Equality and the Empowerment of Women, *National Study on Violence Against Women in Georgia*, Geostat/UN Women, Tbilisi, 2017.

⁶⁹ Public Defender of Georgia and Council of Europe, *The Administration of Justice on Sexual Violence Crimes Against Women in Georgia*, Tbilisi, 2020.

⁷⁰ Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support of the Victims of Violence, 2006. Articles 3 (1); 4 (d). Criminal Code of Georgia, Chapter XXII.

Challenges and gaps

Gaps exist in Georgian legislation in terms of the **legislative definitions of crimes of sexual violence** as well as in their **investigation, criminal prosecution and adjudication**. In this regard, Georgian legislation is not in compliance with the standards established by the Istanbul Convention.

The Criminal Code of Georgia's **definitions of rape** (Article 137) **and other sexual violence crimes** (Article 138–139)⁷¹ are not based on the victim's lack of consent as a constituent element of these crimes.

However, under the Istanbul Convention, the lack of a victim's freely given consent are the defining element of rape and other types of sexual violence crimes. Some sexual violence crimes, which by their nature constitute rape, are included under Article 139 of the Criminal Code. These include coercion into intercourse or any another act of a sexual nature, which is not classified as a grave crime and entails disproportionately light punishment and various possibilities of receiving conditional sentences.

Prosecutorial and judicial bodies use excessively strict requirements and corroboration rules for evidence to establish the occurrence of sexual violence. As a result, only the most extreme forms and exceptional cases of sexual violence are punished. Other serious forms of sexual violence remain unpunished due to these excessively strict requirements of standards of proof. In practice, guilt is recognised only if there are physical injuries and biological material associated with a violent sexual act on the victim's body.⁷² This is not in compliance with international human rights standards which specify that proving that a rape has occurred does not require the evidence of the use of force or injuries. According to these international standards, excessively strict evidentiary requirements in cases of violence against women limit women's access to justice. Under CEDAW, rules of evidence and their implementation should ensure that the evidentiary requirements are not overly restrictive, inflexible or influenced by gender stereotypes.⁷³

⁷¹ Available at: <https://matsne.gov.ge/ka/document/view/16426?publication=235>

⁷² Public Defender of Georgia and Council of Europe, *The Administration of Justice on Sexual Violence Crimes Against Women in Georgia*, Tbilisi, 2020.

⁷³ CEDAW General Recommendation No. 33 on women's access to justice (CEDAW GR 33).



2.2. Universal access to sexual and reproductive health and rights

Situation overview

Sexual and reproductive health and rights (SRHR) are a key indicator of gender equality in a country. Maternal health care, family planning and access to modern contraception, safe abortion, as well as equal access to sexual and reproductive health care services and information should be guaranteed. Sexual and reproductive health services in Georgia are integrated in the public health care system through family planning centres (FPCs) that provide antenatal and postnatal care services. These centres also provide consultations on contraception, sexually transmitted infections and HIV/AIDS.

Regarding **access to information and modern contraception services**, Georgia has a very low contraceptive prevalence rate (CPR). The CPR is 40.9% among married women and women in a union. Therefore, 59.1% of women do not use any modern method of contraception.⁷⁴ Contraceptives are available by prescription in Georgia.

⁷⁴ United Nations Population Fund, *Sexual and Reproductive Health and Rights: Georgia MICS 2018 Sexual and Reproductive*

They are not subsidised by the state's health programme, including the Universal Health Care Programme.⁷⁵

Data from 2018 on **access to safe abortion services** indicates that the total induced abortion rate (TIAR) in Georgia is 0.9094.⁷⁶ However, experts agree that abortion is largely under-reported. Abortion rates are higher among marginalised women, such as rural and less-educated women, as well as among ethnic minority women. The Law on Health Care stipulates that an abortion can be carried out for any reason if a pregnancy does not exceed 12 weeks. Between 12 and 22 weeks, abortion is allowed only on the grounds of listed medical conditions (therapeutic abortion) and for social reasons, including if pregnancy is the result of rape or if the patient is under 15 or over 49 years of age. In cases of rape, the crime of rape must be confirmed by a court in the first instance.

Abortion is permitted after 22 weeks due to medical conditions and only upon the decision of a medical commission. The termination of a pregnancy after 22 weeks is prohibited for non-medical reasons. Since 2014, the Law on Health Care requires mandatory counselling and a five-day waiting period before obtaining an abortion during the first 12 weeks of pregnancy. An Order of the Minister of Health allows the waiting period to be reduced to three days if a woman applies for an abortion during the 12th week of pregnancy and the term is about to expire.

Regarding **maternal health care**, State Programme on Maternal Health provides essential services, however these are limited to physical health and do not include psychological assistance for pregnancy, childbirth and the post-partum period. According to the Public Defender's assessment, Georgia does not have a systematic vision of post-partum care services for women.⁷⁷ Despite improvements of maternal health services, the **maternal mortality rate** remains high at 23.5 deaths per 100,000 live births.⁷⁸

The **COVID-19 pandemic** worsened access to sexual and reproductive health services. Specifically, the number of first antenatal care visits by pregnant women during the first 12 weeks of pregnancy decreased and, in general, fewer pregnant women accessed all eight free antenatal visits during this period.⁷⁹

Health-related Data In-depth Analysis, UNFPA, Tbilisi, 2019,

⁷⁵ The Universal Health Care Programme was introduced in 2013 in Georgia, under which state-funded medical treatment in a mainly privatised system of medical facilities offers specific packages under specific conditions. For more information, see: https://help.unhcr.org/georgia/wp-content/uploads/sites/47/2021/06/UNHCR-Healthcare-Brochure_ENGL.pdf

⁷⁶ The total induced abortion rate was 3.7 in 1999, 3.1 in 2005 and 1.6 in 2010. It is known and acknowledged in publications that reporting is far lower than the real rate. A TIAR of 0.9 corresponds to an average annual abortion rate of 26 abortions per 1,000 women of reproductive age, a rate which is considered low (the comparable abortion rate was 46 in 2010; in other words, there was a decrease of 20 abortions per 1,000 women in 8 years during the 2010–2018 period).

⁷⁷ Public Defender of Georgia, *Sexual and Reproductive Health and Rights: National Assessment*, Tbilisi, 2019.

⁷⁸ United Nations Population Fund, *Sexual and Reproductive Health and Rights: Georgia MICS 2018 Sexual and Reproductive Health-related Data In-depth Analysis*, UNFPA, Tbilisi, 2019,

⁷⁹ United Nations Population Fund, *How COVID-19 related isolation measures impacted access to selected sexual and reproductive health services in Georgia*, UNFPA, Tbilisi, 2020.

This may be due to mobility restrictions, fears of a high risk of infection, the quantitative reduction in the number of health providers' working days for antenatal consultations, and the reduced number of maternal health specialists available during the pandemic. Pandemic-related restrictions have become an additional and significant barrier for women seeking abortions, increasing the risk of unsafe abortions.⁸⁰

Overview of legislation and policies

Georgia has no unified document on sexual and reproductive health and rights (SRHR), which are regulated in a fragmented manner by different legislative provisions and policy documents. Among these is the **Law on Health Care**, developed in 1997 and amended several times. This lays out the conditions for safe motherhood and child health care (Chapter 22) and family planning (Chapter 23). The **Law on Patient Rights** of 2000 further protects the right to receive health care, prohibiting discrimination (Article 6) and protecting the right to confidentiality and privacy (Chapter 5) and the rights of pregnant women and nursing mothers (Chapter 7).

The **Law on Gender Equality** of 2010 guarantees equal rights, freedoms and opportunities for men and women, including equal access to health care without discrimination. It includes special measures for the protection of maternal health, child health and reproductive rights (Article 9). Importantly, it also contains an article on ensuring gender equality in family relations (Article 10).

The **National Maternal and Newborn Health Strategy 2017–2030** provides guidance for the improvement of maternal and newborn health and related reproductive health fields in Georgia. Its main goal is to ensure that, by 2030, there are no preventable deaths of mothers or newborns, no preventable stillbirths, that every child is wanted and every unwanted pregnancy is prevented through appropriate education and full access to all high-quality integrated services.

The **National Youth Policy Concept 2020–2030** makes youth a development priority for the country. The policy recognises – and commits to meeting – young people's needs for education, sexual and reproductive health services, employment and participation in decision-making. It includes the objective of raising youth's awareness of sexual and reproductive health by providing age-appropriate education, as well as reducing the adolescent pregnancy rate and early marriages. The **Demographic Security Policy 2017–2030** sets the objectives of ensuring universal access to reproductive health care services, information and education.

Georgia is also party to major international and regional human rights treaties and other international instruments which address rights related to sexual and reproductive health. The **Convention on the Elimination of All Forms of Discrimination against Women** establishes the obligation of state parties to take all appropriate measures to eliminate discrimination against women in health care in order to achieve a number of aims.

⁸⁰ Ibid.

These include ensuring access to health care services, including family planning (Article 12.1), ensuring access to information on health and family planning, and eliminating the stereotypical roles of men and women at all levels and forms of education, including through the revision of text books and programmes, as well as the adaptation of teaching methods (Article 10). CEDAW also obliges states to ensure that women receive all appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services, when necessary, as well as an adequate nutrition during pregnancy and lactation (Article 12.2). It further includes the obligation to address the concerns of rural women (Article 14), and to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations, including the prohibition of forced marriages and the same rights as men to decide on the number and spacing of children (Article 16).

The **Convention on the Rights of the Child** (CRC) establishes the right to the highest attainable standard of health, including appropriate prenatal and postnatal health care for mothers (Article 24). It also specifies the right to education directed at the development of respect for human rights and fundamental freedoms (Article 29), as well as the protection of children from all forms of sexual exploitation and abuse (Article 34). The **Convention on the Rights of Persons with Disabilities** (CRPD) calls on state parties to take measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities (Article 6). This includes the right to the enjoyment of the highest attainable standard of health without discrimination, as well as the right to an adequate standard of living (Article 28).

The **2030 Agenda for Sustainable Development** includes important commitments related to sexual and reproductive health. States agree to ensure universal access to sexual and reproductive health and reproductive rights (SDG target 5.6), and to ensure universal access to sexual and reproductive health care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes (SDG target 3.7). They also agree to reduce the global maternal mortality ratio to less than 70 deaths per 100,000 live births (SDG target 3.1).

The countries that participated in the **International Conference on Population and Development** (ICPD) in 1994, including Georgia, agreed to the conference's outcome document – the ICPD Programme of Action. This calls on countries to take all appropriate measures to ensure, on the basis of the equality of men and women, universal access to health care services, including those related to reproductive health care, which include family planning and sexual health. These countries accept that reproductive health care programmes should provide the widest range of services without any form of coercion, and that all couples and individuals have the basic right to decide freely and responsibly on the number and spacing of their children, as well as to have the information, education and means to do so (ICPD Programme of Action, Principle 8).

The **Beijing Declaration and Platform for Action**, the outcome of the Fourth World Conference on Women in 1995, includes women's rights to health care and sexual and reproductive health among its strategic objectives which UN Member States – including Georgia – agreed to. The Beijing Declaration specifies that women have the right “to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.”

Implemented measures and achievements

Georgia's legal framework on sexual and reproductive health and rights has improved and policy documents have been adopted, such as the **National Maternal and Newborn Health Strategy** in 2017 and the **National Youth Policy Concept** in 2020.

Positive developments are apparent in terms of improving maternal health and reducing the **maternal mortality rate** (MMR). From 2015 to 2020, Georgia's MMR declined from 33.8 to 30.1 per 100,000 live births. However, it remains above the regional average for Eastern Europe and Central Asia.

The number of visits envisaged as part of a basic **antenatal care package** has increased from four to eight visits in accordance with a recommendation by the Public Defender's Office. The list of basic medicines provided to pregnant women under the Antenatal Care Programme has also increased. Access to maternal health services has improved as a result of the regionalisation of perinatal service-providing institutions.⁸¹

Education on sexual and reproductive health and rights has improved. With the support of the United Nations Population Fund (UNFPA), Georgia has revised the standards of elementary (Classes I–VI), basic (Classes VII–IX classes) and secondary (Classes X–XII) education. However, despite some improvements, age-appropriate sexual education is not fully integrated into learning materials.

Challenges and gaps

The **availability and accessibility of quality SRHR services** are critical problems in Georgia. Family planning services are not fully integrated into primary health care services and are unsystematically undertaken as part of the duties of different specialists. The absence of state approaches for the dissemination of information on family planning and contraceptives creates significant barriers to accessing services.⁸²

The number of **family planning** service provider clinics/outpatient clinics and women's consultation centres is limited in Georgia's regions, especially in remote mountainous villages. Women living in rural areas must travel to larger settlements or nearby towns to access these services, which involves an additional financial burden.

⁸¹ Public Defender of Georgia, *Sexual and Reproductive Health and Rights: National Assessment*, Tbilisi, 2019.

⁸² Ibid.

The challenge of service availability in the regions and rural areas is also connected to the limited supply of adequate techniques and necessary equipment in clinics and medical centres.⁸³

As noted above, despite recent progress, Georgia's **maternal mortality rate** is still above the regional average for Eastern Europe and Central Asia according to UN inter-agency estimates. Among the reasons for higher maternal mortality are: (i) the low quality of antenatal and perinatal care, (ii) a weak transport system, (iii) a weak regulatory and monitoring system, (iv) the lack of referral mechanisms in maternal health care services, such as emergency obstetric care, and (v) the shortage of trained professionals in maternity clinics and consultation centres, especially in the regions.⁸⁴

The **use of modern contraception** remains low in Georgia. Major obstacles to the use of modern contraceptives include (i) a lack of awareness about modern methods of contraception, alongside prevalent myths concerning negative side effects, often reinforced by religious beliefs. Other reasons include (ii) financial costs and issues of affordability for vulnerable groups – such as adolescents, low-income women and women living in rural or remote areas – since contraceptives are not included on the essential medicine list, which would make them available free of charge, and (iii) particularly acute challenges for ethnic minorities, who face additional cultural and linguistic barriers.

Adolescent girls have limited access to contraceptive services and information due to the double standards that exists in society regarding male vs female sexuality, a lack of adolescent-friendly services and information, and the low quality of confidentiality protection. It is the widespread practice of medical service providers, often against the will of the minor, to inform their parent(s) about the services provided. Most providers also request consent from parents for the provision of services, which violates adolescents' right to confidentiality and hampers the quality of services.⁸⁵

Abortion is still seen as a family planning method by the general population in Georgia, largely due to the lack of available family planning services and information, especially in rural areas. The legislation on abortion has several problematic provisions and various recommendations have been issued to review existing regulations. These include regulations related to pre-abortion counselling, the five-day waiting period for reconsidering the decision, the 12-week legal period for abortion, and legal restrictions beyond of the legal 12-week period.⁸⁶ The assessment by the Public Defender's Office reveals that the five-day waiting period does not work in practice and has not achieved a decrease in the number of abortions. On the contrary, it creates an unnecessary barrier for women to access abortion services.

⁸³ Ibid.

⁸⁴ Public Defender of Georgia, *Report on Sexual and Reproductive Health*, Tbilisi, 2017; *National-level Review of the Implementation of the Beijing Declaration and Platform for Action*, Tbilisi, 2020.

⁸⁵ Public Defender of Georgia, *Sexual and Reproductive Health and Rights: National Assessment*, Tbilisi, 2019.

⁸⁶ The Law on Health Care requires court authorisation for abortion beyond 12-weeks' gestation in cases of rape.

In a number of cases, women have not returned to a medical facility after the five-day waiting period and instead sought an abortion at another facility or chose an arbitrary method for terminating their pregnancy. Then, with their health deteriorating, some return to the original medical facility.⁸⁷ Other barriers to access to safe abortion include (i) geographic location and (ii) a lack of financial means, especially for women in rural areas. Most medical facilities with a permit for gynaecological services do not offer abortions or family planning services, especially in the regions. The absence or inaccessibility of abortion services promotes the existence of various illegal practices.⁸⁸

Article 39 of the Istanbul Convention establishes that **forced abortions** are a serious form of violence against women. Despite the obligations that Georgia has accepted after ratifying the Istanbul Convention, the issue of forced abortions is still not regulated by law.

COVID-19 has had a significant impact on obtaining sexual and reproductive health services. With the onset of the pandemic, the Government recommended the temporary discontinuation of non-urgent and planned health appointments. Consequently, health clinics categorised non-emergency abortions as 'elective' or 'non-essential', which further constrained access to abortion care during the emergency state and lockdown.⁸⁹

The **violation of patient confidentiality** is a significant barrier to accessing high quality services. While receiving reproductive health or contraceptive services, confidentiality is frequently violated in many forms. These include the presence of a third party (including other medical personnel) during a consultation with the patient's doctor, sharing medical information with the patient's family members who accompanied her without her consent, and interviewing the patient in a space that is not isolated. An important challenge for women is the absence of an environment free from stigma and discriminatory attitudes while receiving services. Women often experience insensitive, discourteous, disrespectful and unfavourable attitudes from service providers, which makes it uncomfortable for the patient and negatively affects the quality of the services delivered and received.⁹⁰

Women with disabilities often lack awareness of family planning/contraception services. This is a major obstacle to their access to adequate services. Women who have lived with disabilities from an early age have less information about contraception than women whose disabilities manifested in adulthood. The reason for this is the perception that women with disabilities are 'asexual creatures' from childhood, who should not have reproductive health issues.

⁸⁷ Public Defender of Georgia, *Sexual and Reproductive Health and Rights: National Assessment*, Tbilisi, 2019.

⁸⁸ Ibid.

⁸⁹ United Nations Population Fund, *How COVID-19 Related Isolation Measures Impacted Access to Selected Sexual and Reproductive Health Services in Georgia*, UNFPA, Tbilisi, 2021.

⁹⁰ Public Defender of Georgia, *Sexual and Reproductive Health and Rights: National Assessment*, Tbilisi, 2019.

Another important barrier to women with disabilities receiving family planning services is the inaccessibility of clinics. Gynaecological examination rooms and gynaecological chairs throughout Georgia are not adapted for women who use wheelchairs, which makes it impossible to conduct proper gynaecological examinations. In addition, while entrances to medical facilities are typically accessible, inner premises are not adapted for wheelchair-users. Gynaecological services for women with hearing and speech impairments are problematic because medical institutions do not have sign language interpreters. Thus, women with disabilities are obliged to take their own interpreter (or a family member who functions as an interpreter), which prevents the confidentiality of the services they access.

The health care needs of **LGBTI persons** have not yet been studied at the state level in Georgia. Government policies, strategies and action plans on the health system do not address their needs and interests. With respect to services **transgender-specific services**, there are no clinical guidelines that address diagnostic and transition procedures.

Sex workers are among the most vulnerable groups in Georgia as they appear to be among the least informed about methods for treating sexually transmitted infections (STIs).⁹¹ Up to 40% of sex workers undergo health checks for STIs once every three months, and 49% only once every six months. Moreover, 77% of sex workers have never had a Pap Smear Test (cervical screening) and 78% have never received the HPV vaccine.

Surrogacy is not a component of the health care system due to the absence of legislation on modern reproductive health technologies, including surrogacy and in vitro fertilisation. As a result, women involved in these services do not have legal protection.⁹²

Education on sexuality is not included in Georgia's formal education system. This component of education is only superficial part of school education and it fails to provide adolescents with proper information about gender and power inequalities, sexual orientation, gender identity, safe sexual relations and other important issues.⁹³

⁹¹ Only 27% claim to be well-informed about STIs.

⁹² Public Defender of Georgia, *Sexual and Reproductive Health and Rights: National Assessment*, Tbilisi, 2019.

⁹³ Ibid.



2.3. Economic and social rights, and the empowerment of women and girls

Situation overview

Women in Georgia still face discrimination in economic and social life. In terms of labour relations, women are concentrated in sectors that leave them vulnerable and involve unequal employment conditions. Over the last decade, Georgia's **labour participation rate** was between 62%–67% for men and 40%–46% for women, indicating significant gender differences in terms of entry into the labour market. Based on data from 2020, 33.9% of women and 49.5% of men are employed. The **unemployment rate** is 12.5% for men and 6.6% for women.⁹⁴

Lower unemployment rates among women compared to men are linked to the fact that 'unemployed persons' are defined as persons who are actively looking for work and are willing to start working almost immediately. Since women are considerably less active in the labour market, the share of unemployed women is also low.

⁹⁴ National Statistics Office of Georgia, *Women and Men in Georgia*, Geostat, Tbilisi, 2021.

On average, women spend **37 hours per week on paid economic activities**, while men spend about 42 hours.⁹⁵ At the same time, women carry out three times more unpaid household care work than men. While women spend 45 hours per week, on average on average on **unpaid care work**, men spend an average of 15 hours per week on such work. This double burden leaves women with fewer opportunities to engage in gainful formal employment outside the home.⁹⁶

Gender differences in wages remain significant. Women earn about two-thirds (67.6% in 2020) of men's average monthly salary,⁹⁷ indicating a gender pay gap of 32.4%. Over the past 10 years, this ratio remained stable with no clear indication that the gender pay gap is shrinking. Moreover, employed women have better education-related labour market characteristics than men, but earn lower wages per hour than employed men.

The **minimum wage** in Georgia has been GEL 20 since 1999⁹⁸ and has never been adjusted to account for inflation, real wages, or changing living standards. In 2005, the minimum wage for employees in the executive branch of government was set at GEL 135.

However, private employers are only obliged to pay GEL 20, with minimal repercussions if the law is violated. A shallow bar for the minimum wage incentivises employers to pay lower salaries, below the subsistence minimum of GEL 206.⁹⁹ In 2020, a survey identified GEL 854.10 as the average value of a perceived decent minimum wage – more than four times higher than the current subsistence minimum and more than forty times higher than the current minimum wage.¹⁰⁰

The Georgian labour market is characterised by both **horizontal segregation**, i.e. women tend to work in less profitable sectors of the economy, and **vertical segregation**, i.e. women tend to occupy lower-paid positions than men within the same sector. Women tend to dominate in the fields of education, social services and health care, while men predominate in management-level positions in the government and private sector, especially in the sectors of energy, information technology (IT) and construction.

The **monitoring of labour rights** in Georgia is not in line with international standards, despite legislative changes that established the Labour Inspection Department¹⁰¹ in 2018 to monitor work safety.

⁹⁵ Ibid.

⁹⁶ United Nations Entity for Gender Equality and the Empowerment of Women, 'Georgia's first-ever Time Use Survey taking start', 18 June 2020, available at: <https://georgia.unwomen.org/en/news/stories/2020/06/georgias-first-ever-time-use-survey-taking-start>

⁹⁷ National Statistics Office of Georgia, *Women and Men in Georgia*, Geostat, Tbilisi, 2021.

⁹⁸ Presidential Order No. 351 of 4 June 1999.

⁹⁹ National Statistics Office of Georgia, 2020.

¹⁰⁰ Sichinava, D. and M. Atchaidze, *Minimum Wage in Georgia: Gauging Public Opinion*, Friedrich Ebert Stiftung, Bonn, 2020.

¹⁰¹ The Labour Inspection Department was established within the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia.

Agriculture remains a priority sector for Georgia in terms of its contribution to gross domestic product (GDP) and economic growth. Approximately 43.4% of the country's territory is designated as agricultural land. Moreover, 41.7% of Georgia's population live in rural areas and 75% of the rural population is self-employed, largely in the agricultural sector.¹⁰² Some 59% of self-employed women involved in small family farming are unpaid.¹⁰³ Women are more involved in low-income activities than men, such as subsistence agriculture. As their work is associated with family responsibilities, it remains largely unpaid. Moreover, women employed in all agricultural sectors are paid less than men.¹⁰⁴

Women have **limited access to resources**, such as land. Data on the documented ownership on agricultural land shows that 12.6% of documented land owners are women and 30.6% are men. Reported but undocumented data indicates that the figures are 34.1% and 47.7%, respectively. Due to their lack of registered land, women have limited access to credit, grant schemes and government subsidies. Compared to men, women also have less access to information, modern technologies and agricultural resources.¹⁰⁵

Access to credit is problematic, although there are no formal legal barriers that prevent women from obtaining access to credit. However, loans are de facto less accessible to women because many women do not own land or property that can serve as collateral. Special concessional programmes implemented by banks, microfinance institutions (MFIs) and international organisations rarely target the most impoverished men or women, or start-up initiatives. Furthermore, these initiatives rarely take into account the specificities of the agricultural sector. Access to microfinance products is limited for ethnic minority women due to linguistic and cultural barriers, as well as for internally displaced persons (IDPs) and conflict-affected women due to the absence of collateral.

The share of women among newly-established **enterprise owners** has remained stable in recent years, ranging from 29.1% in 2018 to 29.2% in 2019 and 29.7% in 2020. The major challenges that women face when embarking on entrepreneurial ventures are related to the lack of access to financial and other types of resources.¹⁰⁶

COVID-19 has worsened women's socio-economic conditions and deepened gender inequality in Georgia. **Earnings from productive activities such as salaried jobs, entrepreneurship and farming** have decreased significantly for scores of women and men.

¹⁰² Ministry of Environmental Protection and Agriculture of Georgia, *Agriculture and Rural Development Strategy of Georgia for 2021–2027*, Government of Georgia, Tbilisi, 2021.

¹⁰³ Food and Agriculture Organization of the United Nations, *Gender, Agriculture and Rural Development: Country Gender Assessment Series*, FAO, Rome, 2018.

¹⁰⁴ UN Joint Programme for Gender Equality, East-West Management Institute, 'Gender Equality in Georgia, Gender Barriers in Georgia: Barriers and Recommendations', 2018.

¹⁰⁵ Food and Agriculture Organization of the United Nations, *Gender, Agriculture and Rural Development: Country Gender Assessment Series*, FAO, Rome, 2018.

¹⁰⁶ United Nations Entity for Gender Equality and the Empowerment of Women, *Country Gender Equality Profile of Georgia*, UN Women, Tbilisi, 2021.

UN Women's recent rapid gender assessment of the impact of COVID-19 reveals that one-third of the employed population have lost their jobs, while 78% of women reported that they would struggle to cover basic expenses if restrictive measures to curb the spread of COVID-19 continue. Women were hit harder by the economic impacts of the COVID-19 pandemic as they disproportionately work in insecure sectors and occupations. As women outnumber men in the informal sector, more women found themselves out of work during the pandemic.¹⁰⁷

Even in non-crisis situations, care responsibilities fall heavily on women, as noted above. In the context of the pandemic, the increased demand for **care work** deepened existing gender inequalities in the division of household chores. Women reported spending more time on domestic activities than men during the pandemic, and less time spent on leisure activities. Correspondingly, men are more likely to report an increase in leisure activities than women.

Tasks related to child care appear to have been most affected by the pandemic, as the time dedicated to instructing, teaching and training children, or playing with them, has increased. Both men (60%) and women (63%) reported similar changes in this regard. However, fewer men than women reported an increase in the amount of time spent on aspects of child care that are unrelated to play or education (e.g. bathing, cleaning, etc.) with only 44% of men reporting an increase, compared with 61% of women.¹⁰⁸

Overview of legislation and policies

Labour rights are protected by the Constitution of Georgia, the Labour Code of Georgia and the Law on Public Service.

Gender inequality in the workplace is a major issue, especially in terms of maternity protection and work-life balance. As there are two separate regimes that regulate labour relations in the country – one for public servants and another for all other employees – labour protection standards are higher for the public service in terms of guaranteeing paid maternity leave and compensation for extended maternity leave and parental leave.

Regarding **maternity and paternity protection** for those who are not employed in the public sector, the Labour Code of Georgia provides for maternity leave of 126 calendar days. In the case of complications during childbirth or the birth of twins, maternity leave is granted for 143 calendar days, distributed over the pregnancy and postnatal periods. Maternity leave is an exclusive right of the mother of the child, although the father of the child has a right to enjoy the days of such leave which are not used by the mother.

¹⁰⁷ United Nations Entity for Gender Equality and the Empowerment of Women, *Rapid Gender Assessment of COVID-19 Situation in Georgia*, UN Women, Tbilisi, 2020.

¹⁰⁸ These figures are based on: United Nations Entity for Gender Equality and the Empowerment of Women, *Rapid Gender Assessment of COVID-19 Situation in Georgia*, UN Women, Tbilisi, 2020.

The Labour Code also provides for parental leave of 604 calendar days, only 57 of which are paid. Parental leave may be enjoyed in whole or in part by the mother or the father of the child.¹⁰⁹

Public servants enjoy better standards of protection. The **Law of Georgia on Public Service** grants fully compensated maternity leave for 183 calendar days, or 200 calendar days in the case of complicated childbirth or the birth of twins, distributed over the pregnancy and postnatal periods. Moreover, public officers are granted unpaid maternity leave of 730 calendar days on the basis of an application.¹¹⁰

The Law on Public Service also allows public sector employees to retain their salary and pardons any time missed from work if this is used for medical check-ups or examinations during pregnancy, so long as this is proved by medical documents.

The **Labour Code** prohibits employers from employing pregnant or breastfeeding women to perform hard, hazardous and dangerous work. The same prohibitions apply to work during the night and overtime employment, unless the employee provides their consent for such work. In addition, breastfeeding mothers with a child up to one year old is entitled to request and receive an additional break of not less than one hour, which is considered to be a working hour and is meant to be reimbursed. The Labour Code prohibits the termination of a woman's employment during maternity leave.

The **retirement** age for men and women is different in Georgia. Women are allowed to retire and receive an old-age pension from the age of 60 and men from the age of 65.¹¹¹

Implemented measures and achievements

In 2019, the **Law of Georgia on Elimination of all Forms of Discrimination** was amended to also cover labour and pre-contractual relations. It now requires employers to protect individual equality principles in labour relations, as well as in pre-contractual relations, including vacancy announcements and the prohibition of discrimination during interviews, including access to insurance benefits without gender-based discrimination. The definition of discrimination was added to the Labour Code of Georgia in 2020.

In 2019, the Parliament of Georgia unanimously approved a **Bill on Sexual Harassment**. As noted above, the bill defines sexual harassment as a form of discrimination and provides response mechanisms. Relevant legislative amendments have been introduced to the Labour Code, the Law on the Public Defender, the Code of Civil Procedure and the Administrative Code of Offences of Georgia.

¹⁰⁹ Article 37 of the Labour Code of Georgia.

¹¹⁰ Article 64 of the Law of Georgia on Public Service.

¹¹¹ Legislative Herald of Georgia, 'On the approval of the rules for appointment and issuance of state pension/pension package and state compensation', 2006, available at: <https://matsne.gov.ge/ka/document/view/63028?publication=0>

In 2019, the **LEPL Employment Support Agency** was created. Its objective is to facilitate labour and the employment of the population and implement an active labour market policy, including creating employment opportunities abroad. In 2020, the Parliament adopted the Law of Georgia on Labour Assistance, which aims to support Georgian citizens to find jobs. In the same year, a provision on equal pay for work of equal value was added to the Labour Code. Employers are now required to ensure equal remuneration for women and men for the equal work they perform.

The Government of Georgia's new **SME Development Strategy of Georgia 2021–2025** recognises the gender gap in small and medium-sized enterprises (SMEs) in terms of equal rights, knowledge and perspectives, as well as business opportunities, including women's and men's unequal access to finance. One of the strategy's priorities is promoting the development of women's entrepreneurship. This is intended to be achieved by popularising the Women's Empowerment Principles (WEPs), improving gender statistics in state programmes, promoting women's participation in state programmes, strengthening women's digital skills and the capacity building of state agencies to enable them to mainstream gender in their programmes.

Challenges and gaps

Although significant progress has been made to improve labour legislation in Georgia, much work still needs to be done to make it more gender-sensitive and inclusive.

Georgian legislation regulating labour relations does not regulate the **informal employment sector**. Thus, it does not guarantee the rights of people involved in informal employment. Women employed in the non-agricultural informal sector are primarily domestic workers. In 2019, about 99% of domestic workers were women, usually middle-aged and older married women with general or vocational education (75%) or tertiary education (20%).¹¹² They face increased risks to their health and well-being due a lack of decent working environments, insufficient legal protection, and low awareness of civil and labour rights.

The **COVID-19 pandemic** further worsened the precarious nature of domestic work due to its unstable and under-appreciated status. Informal employment posed additional challenges for domestic workers when trying to obtain government compensation as part of the anti-crisis plan. Domestic workers had difficulties in accessing most government assistance programmes due to their informal employment status.¹¹³

In Georgia, women face important challenges in accessing **entrepreneurship**, such as a lack of access to financial and other types of resources.

¹¹² United Nations Entity for Gender Equality and the Empowerment of Women, *Regulatory Impact Assessment of ILO C189 – Domestic Workers Convention*, UN Women, Tbilisi, 2021.

¹¹³ Ibid.

Women own fewer assets compared to men. Their disproportionate responsibilities related to unpaid domestic and care work, as well as prevalent gender stereotypes, create additional barriers for women looking to start their own businesses.¹¹⁴

Despite recent legislative amendments to Georgia's labour legislation, several challenges remain. These include the fact that (i) existing legislation does not guarantee sufficient **compensation for mothers** and their children during the paid maternity leave period, (ii) different groups of workers can benefit from the unequal **uptake of maternity leave**, with civil servants specifically in a better position in this regard compared to other workers, and (iii) taking up **parental leave** is unequal between men and women.

Although the legislation does not associate maternity leave solely with women, in reality, it is very difficult (for civil servants) or nearly impossible (for other workers) for men to take paid paternity leave.¹¹⁵

Georgia has not yet ratified important **International Labour Organization (ILO) Conventions**, such as the Maternity Protection Convention, 2000 (No. 183), the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Domestic Workers Convention, 2011 (No. 189). The ratification and implementation of the standards set forth in these conventions is critical for achieving gender equality in labour relations.

The newly introduced changes in the Labour Code establishing the principle of equal pay for work of equal value for all employees will not guarantee the decrease of the **gender pay gap**. While the new requirement applies to both public and private organisations, its enforcement remains a significant challenge. The legislation has not established any reporting requirements or a reporting scheme for equal pay for work of equal value, nor has it assigned the task of collecting this information to any governmental body. Moreover, the norms regarding equal pay for work of equal value are not properly specified, as there are no explicit criteria defining the concept of 'equal work'.

The **unequal distribution of unpaid care work** between women and men is a major challenge for women's economic and social empowerment in Georgia. Problematically, there is no state approach to recognise, reduce and redistribute unpaid care work.

¹¹⁴ United Nations Entity for Gender Equality and the Empowerment of Women, *Country Gender Equality Profile of Georgia*, UN Women, Tbilisi, 2021.

¹¹⁵ Ibid.



2.4. Women's participation and leadership in politics and public life

Situation overview

Women are underrepresented at all levels of leadership in politics and public life in Georgia, whether in elected office, civil service or the judiciary. This existing inequality is reflected in the country's rankings on international gender equality indices.

As noted above, Georgia ranked 49th of 156 countries on the **Global Gender Gap Index 2021**. In terms of political empowerment, Georgia moved from 59th to 60th position in the past 15 years on the index. In terms of the number of women in parliament, based on 2021 global data of the Inter-Parliamentary Union on national parliaments, Georgia ranked 113th of 188 countries.¹¹⁶

¹¹⁶ Inter-Parliamentary Union, 'Monthly ranking of women in national parliaments, January 2021', 2021, available at: <https://data.ipu.org/women-ranking?month=1&year=2021>

The **Parliament** of Georgia is elected based on a mixed electoral system. Following the constitutional amendments of 2020, the Parliament consists of 120 proportional and 30 majoritarian seats. As a result of the October 2020 elections, 31 women were elected (20.6% of mandates), but only 29 entered Parliament (19.3% of Members of Parliament). Women's representation has always been low in the Parliament of Georgia, ranging between 7% and 15% until 2020.¹¹⁷

In the country's political system, the **president** is the head of state and the **prime minister** is the head of government. As of December 2021 Georgia has its first-ever woman president. However, the country has never had a woman prime minister. As of December 2021, one of the three **vice-prime ministers** is a woman and three of the country's 12 **ministers** are women.¹¹⁸ Women are also underrepresented at the level of deputy ministers, 25% of whom are women.¹¹⁹

A considerable gender imbalance exists within the **civil service**. An important part of this imbalance stems from the fact that the Ministry of Internal Affairs (MIA) is male-dominated. Based on Civil Service Bureau data in 2020, 30.4% of civil servants are women, including the Ministry of Internal Affairs. Overall, 36.4% of rank I and II managerial positions are held by women. When the Ministry of Internal Affairs is excluded, women's share of these positions is 53.4% and 43.4%, respectively.¹²⁰

Women are also under-represented in **local authorities**. Following local elections in 2021, 68.59% of local council members elected from proportional lists are men, and 31.41% are women. Moreover, among majoritarian candidates, 92.86% are men and 7.14% are women. Among the 64 mayors of local municipalities, including self-governing cities, only three are women and 61 are men.

In the **judiciary**, women are relatively well-represented but still face a glass ceiling. Overall, 55.6% of judges in Georgia are women, but only 10.7% of decision-making positions in the judiciary are held by women and just 22.2% of the Presidents of Chambers are women. Moreover, 15.4% of Court Chairs are women, and no woman judge chairs a judicial panel. Among Georgia's High Courts, 37.5% of the members of the Constitutional Court and 40% of the members of the Supreme Court are women.¹²¹

¹¹⁷ In 2004–2008, women's representation in Parliament was 11%; in 2008–2011 it was 7%; in 2012–2016 it was 15%; and in 2016–2020 it was 15%.

¹¹⁸ Government of Georgia, 'Government', n.d., available at: https://www.gov.ge/index.php?lang_id=GEO&sec_id=27&mod_id=0&info_id=0&new_year=0&limit=0&date=&new_month=&entrant=1

¹¹⁹ United Nations Entity for Gender Equality and the Empowerment of Women, *Women in Decision-Making*, UN Women, Tbilisi, 2020.

¹²⁰ Ibid.

¹²¹ Ibid; Council of Europe, *Main factors contributing to the under-representation of women judges in the management of the common courts of Georgia*, COE, Strasbourg, 2019.

Overview of legislation and policies, implemented measures and achievements

The Constitution of Georgia (1995), the Election Code (2020 amendments) and the Law on Gender Equality (2010) are the main national documents that create a policy framework for supporting women's representation in decision-making.

In 2020, Georgia adopted **gender quotas** for parliamentary and local elections. The mechanism of a 25% gender quota – whereby one candidate must be of the opposite sex for every four candidates – for proportional party lists was adopted for the Parliament. That is, 25% of 120 seats for the total 150 seats in Parliament. In 2024, parliamentary elections will become fully proportional; thus 25% of all Members of Parliament (of a total of 150) must be of the opposite sex. The gender quota is also set to increase to one in three candidates in 2028. Therefore, women's parliamentary representation will likely be around 33%. Political parties that meet this requirement before 2028 will receive additional state funding.

The mechanism of a 50% gender quota was adopted for local councils. However, the 2021 legislative amendment replaced it with the mechanism of one candidate of the opposite sex for every three candidates, which will be applied for the first time in local elections in October 2021.

Surveys reveal a significant **increase in the proportion of people who believe that women's and men's representation in Parliament should be equal**.¹²² The proportion of people who support the idea of more women engaging in Georgian politics increased from 50% in 2013 to 60% in 2019.¹²³ Opinion polls show that the electorate is ready to vote for women, as most people increasingly believe that women are as good decision-makers as men.

Challenges and gaps

Despite recent progress, the **proportion of women in Parliament** remains well below the 'critical mass' required, especially considering that Georgia's SDG target for 2030 is 30%. Women's low participation in public life is largely due to political culture, as well as the lack of party democracy and gender awareness. Overall, representatives of political parties have a poor understanding of the importance of women's political participation.

Increasing women's **political empowerment and leadership** is also a challenge. Although women are to credit for political parties' most important accomplishments, they are generally less ambitious than men in terms of promotions. Most women believe that they are not ready for a certain office and/or they that they do not deserve to be promoted yet.

¹²² National Democratic Institute, 'Combatting Violence against Women in Georgian Politics', 26 March 2021, available at: <https://www.ndi.org/our-stories/combating-violence-against-women-georgian-politics>

¹²³ United Nations Development Programme and United Nations Population Fund, *Men, Women, and Gender Relations in Georgia: Public Perceptions and Attitudes*, UNDP/UNFPA, Tbilisi, 2020.

Women's political participation is not a priority for the Government of Georgia. The legislative amendment on gender quotas was adopted as a result of active work by local civil society and international organisations in the country. However, shortly after its adoption and as local elections approached, the provision on local gender quotas was modified. As noted above, instead of a 50% gender quota, the mechanism of one candidate of the opposite candidate for every three candidates was adopted.

Violence against women in politics is another serious issue. A recent study by the National Democratic Institute (NDI) and the Caucasus Resource Research Center (CRRC) reveals that women who run for office are disproportionately targeted by violence and harassment, particularly online. Reviewing the comments on the Facebook pages of majoritarian candidates in 2020, the CRRC found that women received 40% of the comments categorised as abusive. These often called for women to return to stereotypical gender roles of staying home and caring for children, or attributed their success to personal or sexual relationships with prominent men.¹²⁴

Despite the fact that women are better represented in the **judiciary**, their participation in management bodies remains low. There is an absence of predefined objective criteria in the selection process for management positions in the judiciary. This leaves open possibilities for discretionary and subjective decisions, with selection often dictated by adherence to informal networks. The selection process is crucial for ensuring women's equal representation in judicial leadership positions. Women are successfully entering the legal profession since the primary selection process is based on competition and objective assessment. However, the promotional procedures are not considered fair and transparent. The tendency for in-group bias by male decision-makers persists, implying that women may be unconsciously or consciously bypassed for promotion within the judiciary.

¹²⁴ National Democratic Institute, 'Combatting Violence against Women in Georgian Politics', 26 March 2021, available at: <https://www.ndi.org/our-stories/combating-violence-against-women-georgian-politics>



2.5. Implementing the Women, Peace and Security Agenda

Situation overview

Georgia has faced territorial conflicts over past two decades, coupled with an influx of internally displaced persons who are unable to return home. Currently, the Tskhinvali region and Abkhazia, including Upper Abkhazia and the Kodori Gorge region, remain out of Georgia's de facto control.

About 304,000 **internally displaced persons** currently live in Georgia, 53% of whom are women.¹²⁵ Internally displaced and conflict-affected women face multiple challenges related to their social and economic rights and well-being.

¹²⁵ Internal Displacement Monitoring Centre, 'Country Profile: Georgia', 2021, available at: <https://www.internal-displacement.org/countries/georgia>

Women are **underrepresented in the security sector**. For instance, they hold:

- 23% of positions in the Ministry of Defence;
- 8% of positions in the armed forces;
- 2% of decision-making roles in the military;
- 5% of positions in the Ministry of Internal Affairs; and
- 14% of police positions.¹²⁶

Women are also **underrepresented in formal and informal peace processes**. In Georgia, the formal peace process is known as the Geneva International Discussions (GID) as they began in Geneva, Switzerland, on 15 October 2008, in accordance with the six-point agreement of 12 August 2008 and the implementing measures of 8 September 2008, following renewed hostilities in the Tskhinvali region/South Ossetia in August 2008. Co-chaired by the United Nations, the Organization for Security and Co-operation in Europe (OSCE) and the European Union (EU), the GID bring together representatives of Georgia, the Russian Federation, the United States of America and Georgia's breakaway regions of Abkhazia and the Tskhinvali region/South Ossetia to discuss security-related issues and the humanitarian consequences of the 2008 conflict in Georgia. The 50th round of the GID concluded on 11 December 2019. In February 2009, during the fourth round of the discussions, an agreement was reached on the establishment of another formal mechanism – the Incident Prevention Response Mechanism (IPRM) for both occupied Abkhazia and occupied Tskhinvali. Its main purpose is to discuss daily incidents on the ground and ensure prompt response.

Women's participation in these processes never attained the critical mass of at least 30% required to have a tangible impact on the processes. For instance:

- Only two of the 12 (17%) Georgian participants at the Geneva International Discussions were women.
- One in three participants in the Incident Prevention and Response Mechanism were women.
- There were no women among Abkhaz and South Ossetian participants.¹²⁷

The **physical, economic and social security** of internally displaced and conflict-affected women constitutes a major issue. Many such women live below the poverty line, lacking access to livelihoods and facing poor living conditions and poverty. Conflict-affected women in the Abkhazia and Tskhinvali regions face increased security risks in their efforts to mitigate economic hardship by crossing the Administrative Boundary Line (ABL), and thus risking possible detention and abuse.¹²⁸

¹²⁶ United Nations Entity for Gender Equality and the Empowerment of Women, *Women, Peace and Security Brief*, UN Women, Tbilisi, 2020, available at: <https://www2.unwomen.org/-/media/field%20office%20georgia/attachments/publications/2020/wps.pdf?la=en&vs=1049>

¹²⁷ Ibid.

¹²⁸ Public Defender of Georgia, *Impact of COVID-19 Pandemic on Conflict-affected Women and Girls: Special Report*, Tbilisi, 2021.

Internally displaced women and women who live along administrative boundary lines regularly experience **physical, sexual and psychological violence, as well as sexual harassment**.¹²⁹ Child marriages, honour killings and a complete ban on abortion in Abkhazia have been issues of critical concern for several years.¹³⁰ The absence of any response by law enforcement, fed by the belief that violence in the family is a private matter, alongside the absence of shelters, significantly impedes women's ability to escape violence in the home in both Abkhazia and Tskhinvali. There is no law prohibiting domestic violence in Abkhazia. The COVID-19 pandemic exacerbated domestic violence by isolating perpetrators and victims in a single space for extended periods of time, while making it even more difficult to escape violence.

One of the greatest challenges for the Government of Georgia is providing services – such as **health services, basic medication and contraception** – to women in conflict-affected areas given the lack of access to the region.¹³¹ The pandemic has also exacerbated this problem. Before the pandemic, women could access induced abortion services in the territory controlled by the Government of Georgia. However, after the only check point was closed, women had to resort to unsafe 'homemade' means of terminating a pregnancy with serious negative effects on their health.

The **COVID-19** pandemic and related restrictions have had a negative impact on the **economic situation of conflict-affected women**, large numbers of whom are involved in agriculture, small businesses and services. Many of these women lost their jobs, especially as women were unable to move from villages near the dividing line to work due to restrictions on municipal transport and increased transportation costs. Georgia's national crisis response and economic recovery policies have not focused on vulnerable groups affected by crisis – including conflict-affected women, particularly women and girls living in 'collective centres'¹³² for internally displaced persons, as well as in areas adjacent to the Administrative Boundary Lines along Abkhazia and the South Ossetia/Tskhinvali region. These effects magnify the already fragile economic status of conflict-affected women-headed households living in poverty in collective centres and rural areas along the Administrative Boundary Lines.

A survey conducted as part of UNDP's Rapid Response Facility initiative in 2020 shows that state social protection packages are the only source of income for the overwhelming majority of internally displaced households (71%). Furthermore, 11% of respondents reported not having any source of stable income; instead, they rely on occasional assistance from relatives and/or friends.

¹²⁹ In the Tskhinvali region/South Ossetia, there is no data on the extent of violence against women.

¹³⁰ According to the national-level review of the implementation of the Beijing Declaration and Platform for Action (Beijing +25) in 2020.

¹³¹ Public Defender of Georgia, *Interim Report on the Implementation of the National Action Plan on Women, Peace and Security*, Tbilisi, 2020

¹³² In Georgia, approximately 40,000 internally displaced persons still live in 411 substandard 'collective centres' with crumbling infrastructure and poor sanitary conditions.

According to the survey, only 18% of the internally displaced residents of collective centre are employed. During the pandemic, regardless of their employment status, remote working was not an option due to the unskilled or semi-skilled nature of their work. Thus the pandemic has aggravated the situations of fragility and conflict where social cohesion is already weak, services are limited and rights are violated.¹³³

Overview of legislation and policies, implemented measures and achievements

Georgia was the first country in the region to adopt a **National Action Plan** (NAP) for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security (WPS)¹³⁴ in 2011 for the 2012–2015 period, followed by the adoption of National Action Plans covering the 2016–2017 and 2018–2020 periods. The next NAP is currently under development.

Before the original NAP on WPS was adopted, the Parliament of Georgia adopted the State Concept of Gender Equality in 2006. This supports the full and equal participation of women and men at all levels of conflict resolution and peace-building processes. The NAPs on the WPS Agenda constitute a ‘whole of government’ approach to integrating gender perspectives in the security sector and decision-making processes, using a gender lens in peace negotiations, protecting the rights of women and girls, and promoting their meaningful participation in conflict prevention and resolution.

Women’s increased participation at the decision-making level in the security sector and in peace negotiations has been a key focus of all three successive NAPs on the WPS Agenda adopted by the Government of Georgia. Regarding women’s participation in **formal peace processes**, the plans commit to supporting women’s representation in formal peace negotiations (the GID and IPRM). To this end, the Government commits to continually investing in training women negotiators, promoting equal career advancement opportunities for women and men in the security sector, and to maintaining or increasing the percentage of women participating in government delegations to the formal peace process, according to the baselines set by the Government in 2017 for the GID (40% women) and the IPRM (33% women). It also commits to strengthening regular dialogue between government participants in GID and IPRM meetings and civil society, including non-governmental organisations (NGOs), women’s rights activists, and internally displaced and conflict-affected women. These measures aim to ensure that women’s priorities and needs are included in the GID negotiation agenda and that the IPRM responds effectively to their priorities and needs.

¹³³ Public Defender of Georgia, *Impact of COVID-19 Pandemic on Conflict-affected Women and Girls: Special Report*, Tbilisi, 2021.

¹³⁴ The international policy framework on women, peace and security (United Nations Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2008), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019), and 2493 (2019)) are built upon the principles of women’s participation in decision-making (in negotiations on international agreements and peace-talks, as well as in civil and military services), the prevention of violence against women, the protection of women and girls from sexual and gender-based violence, and the social and economic empowerment of internally displaced persons and conflict-affected women and girls.

Regarding **informal peace processes**, the National Action Plans set out to increase the inclusion of internally displaced and conflict-affected women, youth and women's organisations in peace-building. To this end, the plans provide for direct support to women's CSOs for the implementation of people-to-people diplomacy initiatives and leadership trainings. Moreover, increasing the participation of internally displaced and conflict-affected women and youth in decision-making processes on conflict prevention, management and resolution is a goal in and of itself. Activities in this regard include establishing regular dialogue mechanisms to ensure the inclusion of internally displaced women and youth in policy development, including in terms of livelihoods and resettlement, as well as in the development of targeted programmes in villages adjacent to the Administrative Boundary Lines.

The Public Defender's Office, in its assessment of the implementation of the National Action Plans, notes some positive developments. These include the availability of **free legal aid services** for internally displaced women and girl and those affected by the conflict. They also include the practice of **funding the education** of internally displaced and conflict-affected students, as well as **awareness raising and capacity building** on gender issues for security sector employees.¹³⁵

Challenges and gaps

The implementation of the National Action Plans remains problematic. The Public Defender's report highlights the limited scope of positive developments. Based on such reports, women's participation in peace processes has increased. However, women's mere presence cannot be considered the sole important factor. Instead, it is necessary to ensure women's meaningful participation in peace processes.¹³⁶ Moreover, despite positive developments, the number of women involved peace processes is still insufficient.

Several barriers impact the implementation of the Women, Peace and Security Agenda in Georgia. Among them are the patriarchal system and **persistent gender inequality**, with repercussions for women's meaningful participation in peace processes. As discussed above, the distribution of social roles and responsibilities is highly gendered. It is a gender stereotype that security issues are considered a task and responsibility for men. There is also a tendency to relegate and limit women's expertise and potential contributions to peace and security to so-called 'women's issues'.

¹³⁵ Public Defender of Georgia, *Interim Report on the Implementation of the National Action Plan on Women, Peace and Security*, Tbilisi, 2020.

¹³⁶ Women's meaningful participation in peacekeeping processes shall include the following components: (i) women shall be engaged in peace processes long enough to be able to consult, analyse and contribute to the peace format recommendations and consensus process; (ii) women should have prior knowledge of the issues being discussed at the negotiation table in order to be able to represent women's interests effectively; (iii) women and women's organisations should have opportunities to share information and experiences; (iv) women's organisations should have sufficient resources for engagement so that, as soon as opportunities arise, they can engage in negotiations without practical or financial problems.

These are presumed to be ‘softer’ issues, such as family reunification, health and education.¹³⁷

As regards women’s participation in the security sector, the main challenge is the **lack of gender-sensitive policies, including human resource policies** in security sector institutions. The vast majority of Georgian ministries that participate in the implementation of the Women, Peace and Security Agenda have no sectoral strategies or action plans on gender equality. The Ministry of Foreign Affairs, the Office of the State Minister of Georgia for Reconciliation and Civic Equality, the Ministry of Internal Affairs and the State Security Service of Georgia have not adopted any gender-sensitive policy documents to date. In 2014, the Ministry of Defence (MoD) became the first Ministry to adopt such policy, through its Gender Equality Strategy¹³⁸ and its Action Plan adopted in 2016. The former Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Migration was one of the first line ministries to adopt a Gender Equality Strategy and Action Plan in 2016. However, the ministry was split and merged with the Ministry of Health, Labour and Social Affairs and the Ministry of Internal Affairs, which disrupted the continuity of its gender-related work.¹³⁹

Moreover, although active hostilities have ceased, **insecurity** continues, impacting women and girls in specific ways. Detentions and restrictions on freedom of movement are a major concern for all civilians, with specific implications for women and girls, including for their security, human rights and access to education, health care and livelihoods. Restrictions on freedom of movement also directly impact peace-building opportunities. They impede contact and confidence-building between conflict-affected populations and limit people-to-people diplomacy at the grassroots level. The Public Defender’s assessment of the implementation of National Action Plan on the Women, Peace and Security Agenda notes that, despite the state’s commitment to increase the human security of internally displaced and conflict-affected women and girls, no measures have been taken, including the development of normative documents on a gender-sensitive early warning system.¹⁴⁰

The Public Defender’s assessment also noted that various needs of women affected by the conflict, as planned within 2018–2020 National Action Plan, have never been assessed. Such an assessment would help responsible agencies to design and implement evidence-based, gender-responsive policies.¹⁴¹

¹³⁷ United Nations Entity for Gender Equality and the Empowerment of Women, *Benchmarks, Barriers and Bridging the Gap: Enhancing Women’s Meaningful Participation and Contribution to Peace Processes in Georgia*, UN Women, Tbilisi, 2020.

¹³⁸ Decree No. 544 of the Minister of Defence of Georgia.

¹³⁹ United Nations Entity for Gender Equality and the Empowerment of Women, *Benchmarks, Barriers and Bridging the Gap: Enhancing Women’s Meaningful Participation and Contribution to Peace Processes in Georgia*, UN Women, Tbilisi, 2020.

¹⁴⁰ Public Defender of Georgia, *Interim Report on the Implementation of the National Action Plan on Women, Peace and Security*, Tbilisi, 2020.

¹⁴¹ *Ibid.*



2.6. Including women and girls in the green transition and digital transformation

2.6.1. Green transition

Overview of the situation, challenges and gaps

There is no exhaustive information on how women and men are affected by climate change and environmental degradation in Georgia. However, it is clear that people in vulnerable situations will be most affected, particularly in rural and mountainous regions.

According to data from 2018, 7% of households in rural areas do not have access to basic **drinking water services**, 15% of the rural population lacks access to basic **sanitation** services with a piped sewer system and 10% of rural households do not have access to basic **hygiene facilities**.¹⁴²

¹⁴² National Statistics Office of Georgia and United Nations Children's Fund, *Georgia 2018 Drinking Water, Sanitation & Hygiene – WASH: Multiple Indicator Cluster Surveys*, Geostat/UNICEF, Tbilisi, 2018, available at: https://www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-11/wash_en.pdf

The **quality of water** is a cause for concern, as E. coli is present in the source water of 25% of households, as well as in the drinking water of 31% of households.¹⁴³ The collection of drinking water appears to be both women's and men's responsibility (52% of men and 43% of women aged 15 and above).¹⁴⁴

In 2018, the absolute majority of Georgia's population had access to electricity (99%), and about two-thirds (68%) had access to **natural gas**.¹⁴⁵ In terms of households' total energy usage, electricity accounts for 16.4%, natural gas for 51.8% and firewood for 29.9%. Using firewood as a source of energy is very common in rural areas (82%).¹⁴⁶ Women are more affected by limited access to natural gas, especially in rural and mountainous areas, adding an extra burden to women's workloads and representing a health hazard. Health hazards arise from the fact that women do most of the cooking in their households. They are exposed to large amounts of smoke and particulates from indoor fires, and suffer from a number of respiratory diseases.

Natural disasters – such as floods, landslides and fires – affect women and men differently. Due to prevailing attitudes and perceptions about women's roles, women are often less well-prepared to react to natural disasters quickly. The groups most vulnerable to the effects of natural disasters include people living in high mountainous regions and rural areas, people living below the poverty line and people who live alone. Studies show that women and children are at greater risk (14 times greater) of dying during disasters than men.¹⁴⁷ Women are in a more vulnerable situation during disasters as they often do not have cars, many have several children, are the caretakers of elderly people in their families, and are bound to their homes. They have relatively low access to information, training and education on different life necessities, such as disaster management.

Air pollution in Georgia is high and among the leading causes of death. Adverse environmental exposures cause 21% of disease burden and 25% of deaths in Georgia, including 30% of disease burden and 14% of deaths among children. Georgia's mortality index attributed to ambient and indoor air pollution is the 3rd highest in the world. Among other indoor air pollutants, second hand smoke (SHS) exposure is a major indoor air pollutant that is particularly prominent and problematic in Georgia.¹⁴⁸ Georgia's 2017–2021 National Environment and Health Action Plan highlights addressing air pollution as among the most prominent public health priorities.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ WeResearch and Women Engage for a Common Future, *Monitoring the Implementation of the Sustainable Development Goals in Georgia*, WeResearch/WECF, Tbilisi, 2019, available at: https://www.wecf.org/wp-content/uploads/2020/02/WeResearch-for-WECF_Final-Report_ENG.pdf

¹⁴⁶ Ibid.

¹⁴⁷ Women's Fund in Georgia, *Situation Analysis and Recommendations on Environmental Justice and Women's Rights in Georgia*, Tbilisi, 2017.

¹⁴⁸ Berg, C., and L. Sturua, 'The Critical Need for Enhancing the Research Capacity Regarding the Intersection of Air Pollution and Non-Communicable Diseases in Georgia', *Georgian Med News*, 301, pp. 178–182, April 2020, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7894988/#R25>

However, there is limited in-country capacity to conduct research regarding the impact of such environmental hazards on health.

In terms of **waste management**, Georgia has adopted a Waste Management Code, a Waste Management Strategy and an Action Plan. Nevertheless, challenges remain, such as the need to improve the coverage of waste collection, to reduce the quantity of waste in landfills and to manage waste in an environmentally sound, safe manner. There is also a need to eliminate illegal dumping and littering through better waste collection, monitoring and law enforcement, alongside the introduction of circular economy principles, including for waste prevention, re-use, redesign, recycling and recovery.¹⁴⁹

Georgia's solid **waste recycling industry** has great, but unutilised, potential for development. This sector covers a number of industries, including plastics, paper, glass and aluminium recycling. In many cases, large portions of waste go to landfills although recyclable waste materials offer business opportunities that can facilitate the country's economic development, support local production and create income-generating activities for the population. These opportunities can also save primary natural resources and reduce other negative environmental effects, protecting land resources by having to construct fewer landfills. The gender-related impact of waste management and its potential for women's economic empowerment has not yet been assessed.

Overview of legislation and policies, implemented measures and achievements

The **Constitution** of Georgia dedicates a separate article to the right to protect the environment. However, it does not specifically refer to women's rights in the field of environmental protection. According to Article 29 of the Constitution, environmental protection and the rational use of natural resources shall be ensured by taking into account the interests of current and future generations. The Constitution establishes that everyone has the right to live in a healthy environment, to enjoy the natural environment and public spaces, to receive full information about the state of the environment in a timely manner, to care for the protection of the environment, and to participate in the adoption of decisions related to the environment.

The **Law of Georgia on Environmental Protection** aims to protect basic human rights in the field of environmental protection, as well as to ensure environmental protection and the rational use of natural resources. The law establishes the rights to live in a healthy environment, to obtain full, objective and timely information on the state of workplace and housing environments, to obtain an environmental education, to raise the level of environmental awareness, to participate in the decision-making process related to important environmental issues, and to receive compensation for damage caused by the failure to meet the requirements of environmental legislation. The law is gender neutral and does not mention women's rights specifically.

¹⁴⁹ World Bank, *Georgia Solid Waste Sector: Assessment Report*, Tbilisi, 2021.

Similar to the Law on Environmental Protection, other key legislative acts, by-laws¹⁵⁰ and strategic documents in the field of environmental protection do not recognise the special importance of protecting women's rights or ensuring women's and men's equal participation in environmental issues.

Georgia's **National Disaster Risk Reduction Strategy 2017–2020** includes a paragraph on gender equality in its disaster risk reduction policy and emphasises the special needs of women in emergencies, as well as the importance of engaging women in preparedness-related work. (An updated strategy on disaster risk reduction is not yet available). However, gender-specific disaster preparedness and response is not established in Georgia, although there has been some progress in improving the capacities of the country's emergency response and recovery services.

Georgia has made substantial efforts in recent years to start building a **waste management system** in by creating landfills that pollute less and by opening markets for waste management businesses, including recycling. The Waste Management Code, adopted in 2014, creates a legal and regulatory framework that supports waste prevention and reuse, as well as environmentally sound waste management processes including collection, transport, recovery (recycling, composting, etc.) and disposal. The objectives of the code are to: (i) protect human health and the environment by preventing or reducing waste generation and its adverse impacts, (ii) introduce effective mechanisms for managing waste and (iii) encourage the more effective use of resources that could be derived through the better management of the municipal waste stream. Georgia has also developed a National Waste Management Strategy 2016–2030 and a Waste Management Action Plan 2016–2020.

2.6.2. Digital transformation

The Sustainable Development Goals, nationalised by Georgia, acknowledge the importance of accessing information and communications technologies (ICT) as a central part of women's empowerment. SDG target 5.b compels state parties to enhance the use of enabling technology, particularly ICT, to promote women's empowerment. The inclusion of women and girls in **science, technology, engineering and mathematics (STEM)** from early to higher education has been recognised as the best means of ensuring their ability to engage in, and benefit from, the growing demand for employment with technological components. In Georgia, girls tend to dominate among students in the arts, health, education and business administration, while boys represent the vast majority of students in engineering and ICT specialisations.

Among the graduates of public and private education institutions, 75% of ICT students

¹⁵⁰ The Waste Management Code of Georgia; the Law of Georgia on Ambient Air Protection; the Law of Georgia on Water; the Law of Georgia on Subsoil; the Forest Code of Georgia; the Law of Georgia on Licenses and Permits; the Law of Georgia on Ecological Examination; the Law of Georgia on Environmental Impact Permits; the Law of Georgia on the System of Protected Areas; and the Law of Georgia on Nuclear and Radiation Safety.

are men and 25% are women, while 17% of engineering graduates are women and 83% are men.¹⁵¹ In terms of **women in ICT**, 12% of women in Georgia are employed in STEM-related careers (compared to 30% globally).¹⁵² Approximately 1,000 companies and organisations in Georgia are active in the field of technology, primarily computer programming and consultancy, followed by telecommunications and wholesale trade in ICT equipment. Georgian banks hire the greatest number of technical employees in the country. While currently underdeveloped, the ICT sector is growing steadily, with new government-instituted financial and tax incentives, alongside new policy and institutional instruments.

With regard to **gender equality and entrepreneurship in the digital economy**, women face more barriers than men as entrepreneurs. Barriers to women starting businesses include their lack of financial capital, due to women's low level of property and asset ownership overall. Moreover, it is still considered unusual to found a start-up rather than to pursue a safe and secure career in Georgia. Women are also judged more harshly than men for putting professional aspirations above family ambitions. In terms of **gender equality and the use of technologies**, the absolute majority of Georgians own a mobile phone – 85.8% of women and 87.4% of men in 2020. In the same year, 64% of households headed by men and 65% of women-headed households had a computer, with 80.6% using a computer every day. Internet access was available in 82% of women-headed households and 86% of households headed by men in 2020.¹⁵³

The **COVID-19 pandemic accelerated digitalisation** in many sectors, such as education, health services, banking and trade. At the same time, it revealed the limitations of online service provision caused by a lack of suitable devices in both urban and rural households. Overall, digital gender gaps are greater in rural areas and among communities that face intersectional disadvantages, including poverty, lower levels of education, a lack of employment or informal employment. This is due to a combination of costs, the lack of digital skills and the lack of mobile signal in some rural or mountainous areas. Georgia has a relatively high degree of access and connectivity. Despite this, about 20% of students from less advantaged schools reported not having internet access for distance learning.¹⁵⁴ During the lockdowns, a family's highest earner – usually the father – commonly used a personal computer for work, while mothers were generally expected to lend their devices to children for their studies, thereby hampering women's work and training processes.

¹⁵¹ National Statistics Office of Georgia, *Women and Men in Georgia 2020*, Geostat, Tbilisi, 2020, available at: <https://www.geostat.ge/media/38263/Women-and-Men-in-georgia%2C-2020.pdf>

¹⁵² European Union, 'How women can change the field of innovation in Georgia', 23 July 2021, available at: <https://eufordigital.eu/how-women-can-change-the-field-of-innovation-in-georgia>

¹⁵³ United Nations Entity for Gender Equality and the Empowerment of Women, *Country Gender Equality Profile of Georgia*, UN Women, Tbilisi, 2021.

¹⁵⁴ During the pandemic, Georgia pivoted to distance learning, largely broadcasting classes online, as well as through national television stations.



3. CONCLUSIONS AND FOLLOW-UP

Overall, the gender equality situation in Georgia is characterised by trends of continuous progress. Nevertheless, the implementation of gender equality policies, including inter-institutional coordination, remains weak. Major improvements are needed in terms of gender-related know-how and understanding at all institutional levels, as well as more and better data for policies, development and growth.

The full impact of the COVID-19 pandemic on gender equality in Georgia remains unknown. As such, this field requires further close monitoring and assessment. This brief overview should be used as a reference document for implementing the Country Level Implementation Plan (CLIP) and may be updated bi-annually, depending on whether other comprehensive analyses on gender equality in Georgia become available.





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