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REVIEW OF GEORGIA'S GENDER MAINSTREAMING OBLIGATIONS AND THEIR FULFILMENT STATUS

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INTRODUCTION

Gender equality is an important objective of the state, which can be achieved through the interaction of a number of complex measures. Gender mainstreaming is one of the tools for achieving gender equality, in the implementation of which Georgia has undertaken a number of international commitments. In order to achieve gender mainstreaming, it is important to define it as an ongoing process that transcends the formalist approach to equality and thus will aim to achieve substantial equality.

States' commitments to the full realization of women's rights include the development of specific and effective policies and programs that will improve the situation and position of women, including through the adoption of temporary special measures.¹ This means that the state must take immediate action to assess the de jure and de facto situation of women and take concrete steps to develop policies that are based on a clearly defined goal of eliminating discrimination against women.²

Georgia has made significant progress in recent years in terms of a stand-alone gender equality policy. In particular, national gender equality institutes have been developed in the country, periodic Action Plans on Gender Equality, on Violence Against Women and on UN Resolution NI 325 on Women, Peace and Security have been developed and implemented. The legislative environment has been improved, which includes important steps to eliminate violence against women, services and related mechanisms for victims of violence, as well as promoting women's empowerment and their involvement in economy. Nevertheless, gender equality policy is still characterized by many shortcomings, especially in terms of gender mainstreaming. The tools of the mainstream are limited to a formalistic approach, which involves the creation of certain mechanisms, although in practice effective steps are lacking. In particular, the implementation and monitoring of gender mainstreaming (in all areas) as well as the implementation of gender mainstreaming in the budgeting sector remain significant gaps in state policy-making. The state has not yet developed appropriate mechanisms for gender mainstreaming in education, economy, employment and other sectors. This in spite of the fact that the commitment to gender mainstreaming in all policy areas is explicitly defined, along with other international instruments, by the Beijing Declaration and Platform for Action.

The problem of the introduction of mainstreaming tools by the state is also reflected in the lack of financial resources, as well as the lack of political will to ensure the full representation of women and the effective mainstreaming of issues related to them in all spheres of life. According to the International Labor Organization, gender mainstreaming policies are not well understood and supported by states and organizations, therefore existing mechanisms for achieving gender equality are not effective - to translate commitments into adequate resources and into their actual implementation.³

Among international human rights instruments, the UN Sustainable Development Goals (SDGs), the Beijing Declaration and Platform for Action (BPfA) and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are particularly important in terms of gender mainstreaming. These documents, in addition to setting the standard for states for achieving gender equality and the protection and implementation of women's rights, can also be seen as guide to developing the tools and mechanisms needed to achieve gender equality which bear importance to be use effectively by states in practice. Georgia has made commitments

¹ CEDAW, Article 4

² Ibid, Par. 24

³ ILO, Resource guide on Gender issues in employment and labor market policies, Working towards women's economic empowerment and gender equality, 2014

under each of these instruments, but the state, in the implementation process, still lacks a comprehensive vision and understanding of the intersection of different areas; therefore, its policies are often superficial and targeted, failing to address the wide range of problems facing women in Georgia and concentrates on separate general gender equality policy. The general gender equality strategy differs from the gender mainstreaming mechanisms, while gender equality relates to the general policy of the state on specific issues, mainstreaming focuses on specific policies in governance and on specific areas. Accordingly, mainstreaming complements and contributes to the achievement and effectiveness of the general framework for gender equality. Separately, none of them can effectively achieve the set goal – effective achievement of gender equality.⁴

Accordingly, the purpose of this paper is to analyze the framework and concept of gender mainstreaming, to demonstrate its relevance to other gender equality policies, and to demonstrate the effectiveness of mainstreaming tools, the effective implementation of which may have transformational potential. Therefore, this document, based on international documents, analyzes the complex nature of gender mainstreaming and summarizes and reviews the commitments recognized by Georgia toward the implementation of gender mainstreaming in practice. The document also identifies key shortcomings in the implementation of international commitments that hinder the achievement of gender equality in real life.

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⁴ CoE, Gender Mainstreaming, Conceptual framework, methodology and presentation of good practices, 1998, see: <https://www.unhcr.org/3c160b06a.pdf>

I. METHODOLOGY

“Review of Georgia’s gender mainstreaming obligations and their fulfilment status” aims at identifying Georgia’s commitments and assessing their performance status.

To achieve this goal, a desk review was carried out, which included the mapping of relevant international obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Declaration and Platform for Action (BPfA) and the Sustainable Development Goals (SDGs) with respect to gender mainstreaming commitments.

To assess the status of implementation of these commitments at the national level, relevant legal framework for gender mainstreaming, action plans and strategies developed by relevant state agencies, and relevant secondary sources were analyzed. In order to assess the measures taken by the state, public information from state agencies was also requested. Based on the collected material, the status of the application of gender mainstreaming tools in practice was studied and analyzed, on the basis of which the research provided relevant recommendations to governmental agencies for effective implementation of gender mainstreaming in practice.

2. GENDER MAINSTREAMING FRAMEWORK AND CONCEPT

Focusing on gender issues in society and politics is a clear global strategy set by the international community to achieve gender equality, gender mainstreaming and women empowerment. The 1995 Beijing Declaration and Platform for Action, which sets out the commitment to ensure equality for women in 12 critical areas for states, identifies the need for gender mainstreaming and critique in all areas and rights of women. The Declaration and Platform for Action emphasized the need to ensure gender equality in all areas of social and economic development.

At the same time, the Beijing Declaration and Platform for Action states that in addressing the inequality between women and men relating to power and decision-making at all levels, governments and other actors should encourage active and visible mainstreaming of gender in all relevant policies and programs, so that all decisions are based on gender analysis and impact assessment on men and women.⁵

According to the United Nations Economic and Social Council (ECOSOC),

“Mainstreaming of gender perspective is the process of evaluating the outcomes for women and men that will follow any planned action in all areas and at all levels, including legislation, policy or program. This strategy involves considering problems faced by women and men, the experience they have accumulated in all areas of political, economic and public life; In the process of developing, implementing, monitoring and evaluating policies and programs in such a way as to bring equal benefits to women and men, and not to allow inequality. The ultimate goal is to achieve gender equality.”⁶

The Council of Europe defines gender mainstreaming as “(re)-organizing, strengthening, developing and evaluating policy processes in such a way that the gender perspective is incorporated into all policy levels and areas by the actors involved in policy-making.”⁷

It is clear from both definitions that gender equality is the goal of long-term development, while gender mainstreaming is a strategic approach tailored to a specific context, and includes technical and institutional measures to achieve this goal. Gender mainstreaming integrates the gender equality component into national public and private organizations, central or local policies and services, and sectoral programs. In the long run, it aims to change discriminatory social institutions, recognizing that discrimination may be embodied in laws, cultural norms and public practice. These progressive changes, in turn, rely on data, analysis, budgeting, and the mobilization of social efforts.⁸

The above definition emphasizes the purpose, process, objects, and subjects of mainstreaming. The object of the mainstream are all policies at all levels and areas, while the subjects are ordinary actors. Gender mainstreaming means that the policy process is reorganized in such a way that ordinary actors have knowledge of how to incorporate a gender perspective into practice.⁹ In addition, this also means that gender expertise is involved in the policy process as an equally important part of the expertise of policy makers. The definition also shows

⁵ BPFa, para. 189

⁶ ECOSOC Agreed Conclusions 1997/2

⁷ Council of Europe. Gender mainstreaming: conceptual framework, methodology and presentation of good practices. Strasbourg, 1998.

⁸ UN Women, GENDER MAINSTREAMING IN DEVELOPMENT PROGRAMMING, A guidance note, 2014, p. 7, accessible at: <https://bit.ly/38jT8HY>

⁹ CoE, GENDER MAINSTREAMING Conceptual framework, methodology and presentation of good practices, 1998, see: <https://www.unhcr.org/3c160b06a.pdf>

where mainstreaming can be used to address gaps in gender equality policy. Mainstreaming expands the content of gender equality and offers a much deeper understanding of it, as it does not see the mechanism of gender equality in isolation from other issues, thus providing a circle of stakeholders and actors to enhance the achievement of the goal of gender equality.¹⁰ According to the European Commission, recognizing and constantly taking into account the differences between the conditions, situations and needs of women and men in all policies and planned activities is a basic element of the “mainstreaming” principle. This does not only mean providing women with access to certain programs or resources, but also involves the simultaneous mobilization of legal instruments, financial resources, and the strengthening of analytical and organizational capacity to achieve equality between women and men in all areas. To this end, it is necessary and important that equality policy are based on statistical analysis of the status of women and men and the promotion of change in various areas of life.¹¹

Gender mainstreaming does not replace separate gender equality strategies. Mainstreaming and a separate gender equality policy constitute the so-called dual approach. The main difference between these two approaches is in the policies and actors. For a stand-alone gender equality strategy, the focus is on a specific problem that arises from gender inequality, for which a policy is being developed, whereas for gender mainstreaming, the focus is on a policy that already exists and needs to be reorganized to take a gender perspective.¹² Stand-alone gender equality policies are not enough to create a society that is truly based on gender equality. However, mainstreaming also cannot function without a separate policy, as it acts as a medium to mainstream. Consequently, mainstreaming and separate gender equality policies are not only complementary strategies, but they also form the twin track strategy for gender equality.¹³

In the process of gender mainstreaming, special importance is attached to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which provides a general, albeit basic, framework for the effective implementation of mainstreaming. Article 2 of the Convention calls on states to take immediate action to eliminate discrimination against women.

The Committee’s general recommendation N28 addresses the implementation of these policies in more detail and specifically, emphasizing the commitment of states to **respect, protect and fulfill** the right to protection against discrimination, to promote the development of women, to improve their positions and to achieve substantial equality. The Committee notes that the disregard of women’s perspectives in legislation, policy, programs and practices, and therefore its neutral nature causes [indirect] discrimination, as that neutral measures ignore the pre-existing unequal status of women. Moreover, indirect discrimination reinforces the already existing inequality due to the structural and historical inequality of women and the non-recognition of power imbalances between women and men.¹⁴

As it was mentioned, the States’ commitment to the full realization of women’s rights implies the development of concrete and effective policies and programs that will improve the situation and position of women, including through the adoption of temporary special measures.¹⁵ According to the general recommendation of CEDAW, a key element of Article 2 of the Convention is the development and implementation of a policy toward discrimination against women. This requirement is an essential and critical component of the general obligation to

¹⁰ Ibid, p.15-16

¹¹ European Commission. Communication: “Incorporating equal opportunities for women and men into all Community policies and activities” (COM(96)67final). In electronic form, only in French. see: <https://bit.ly/3qnF19r>

¹² CoE, GENDER MAINSTREAMING Conceptual framework, methodology and presentation of good practices, 1998, see: <https://www.unhcr.org/3c160b06a.pdf>

¹³ Ibid

¹⁴ CEDAW, General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 2010, Par: 16

¹⁵ Ibid, Par: 16

implement the Convention.¹⁶ This means that the state must take immediate action to assess the de jure and de facto situation of women and take concrete steps to develop policies that are based on a clearly defined goal of eliminating discrimination against women. Therefore, according to the general recommendation after the assessment of the situation, the state should take adequate measures, which will be of continuous nature and relevant to the reality - in respond to new challenges.¹⁷ The Committee notes that the policy should be action and result-oriented, with indicators, objectives and action timelines and adequate resources identified. The policy should be linked to the mainstreaming the government budget processes so that all aspects of the policy are adequately funded.¹⁸

There is an international agreement that the budgets of states are not gender neutral, while the expenditures of states based on neutrality affect the social and economic status of women and men.¹⁹ Gender budgeting, which is used to ensure gender mainstreaming in state fiscal policy, is a critical tool for implementing these policies.

Temporary special measures play an important role in the implementation of gender mainstreaming in state policies and programs. Beyond the formal notion of discrimination, gender equality and women's equal political participation are fundamental and integral parts of the principle of justice, and women's political "silence" is a clear demonstration of this injustice. "It is a clear and grotesque injustice that representation is monopolized by men. If there is no barrier to the exclusion of certain groups from political life, then political power and influence would be randomly distributed between the sexes and ethnic groups that make up a significant part of society [...] However, the existing distorted distribution of political positions is evidence of intentional or structural discrimination."²⁰ In this context, women are deprived of the rights and opportunities that are fully available to men.²¹

From a feminist point of view, although there are different ways to achieve equality, a consensus has been reached on the issue that representation matters, that patterns of low representation of women reduces the degree of citizenship, hence the quota mechanism is not a mean to achieve women superiority but a an effective mechanism for democratization of the political environment and legal representation.²² Everyone's participation and involvement in decision-making and public life requires mechanisms for representation of groups.

Globally, discussions about women's political participation and economic decision-making are not new. International organizations, European institutions or women's rights organizations have for decades called on states to ensure the principle of substantive equality beyond the formal framework of gender equality, which required equal representation of women and "attendance" in electoral or other governing institutions; however, existing data demonstrate that women's representation in electoral system is substantially low, with 24.3% of MPs at the national level as of February 2019 being women, which is a substantially small increase compared to the 1995 data, when the figure was 11.3%.²³ To compensate for the barriers to women's political participation and to promote their involvement, over the years, mandatory gender quotas have become an effective means for achieving substantial equality as a response to women's historical political silence and lack of representation in

¹⁶ Ibid, Par:24

¹⁷ Ibid, Par: 24

¹⁸ Ibid, Par: 24; 28

¹⁹ see: <https://bit.ly/2PLRN6b> p. 13 CEDAW, General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 2010, Par. 28

²⁰ Anne Phillips, *The Politics of Presence*, Oxford, Clarendon Press, 1995

²¹ Anne Phillips, *Democracy and Representation: Or, Why should it Matter who our Representatives Are?* in *FEMINISM AND POLITICS, OXFORD READINGS IN FEMINISM*, 224-244

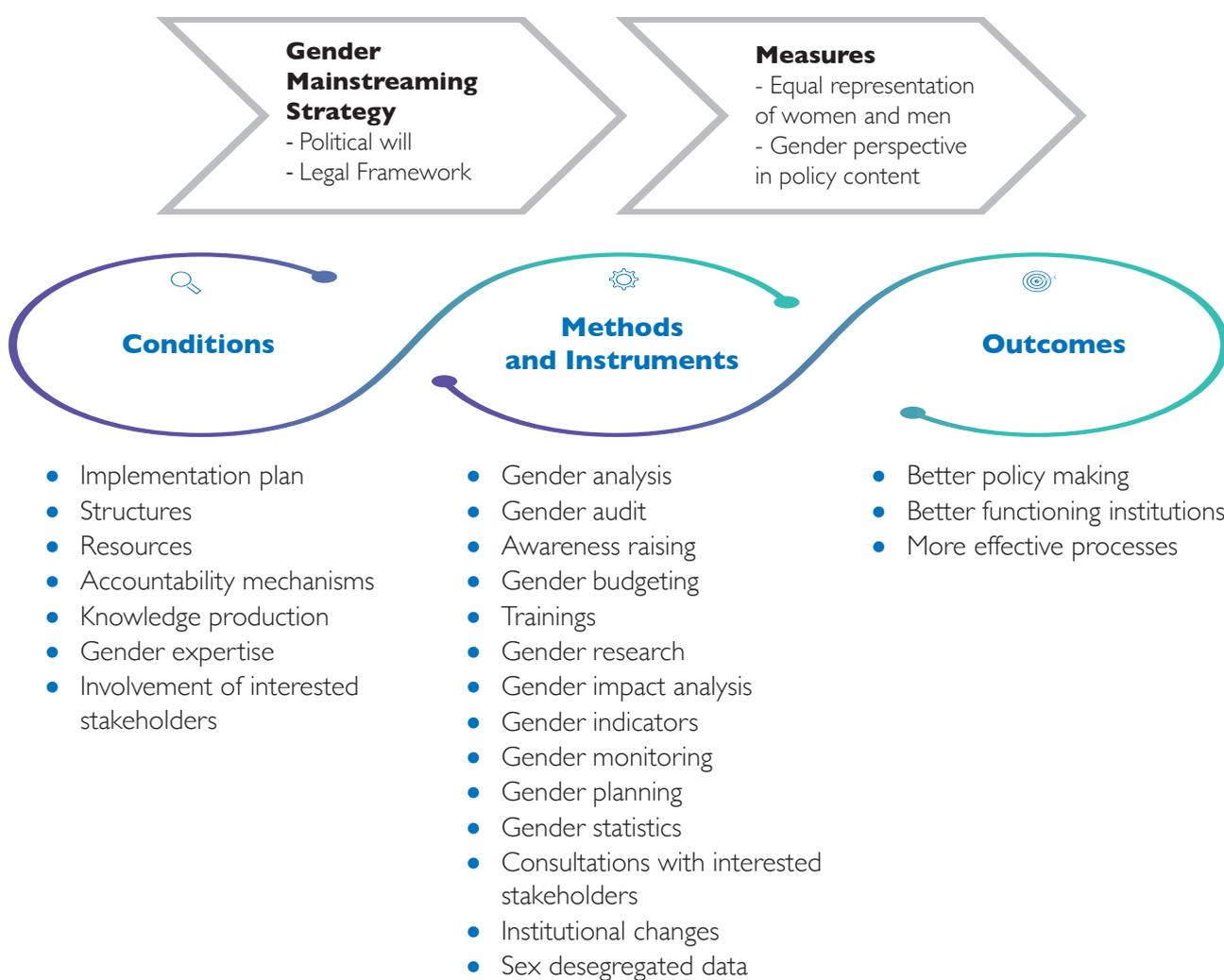
²² Shireen Hassim, "Women, Parliaments and Gender Equality in Africa: Exploring the Virtuous Circle of Representation," in Bauer and Britton (2006). p. 215

²³ Inter-Parliamentary Union. "Women in national parliaments," as of 1 February 2019, also see the map, Inter-Parliamentary Union and UN Women. "Women in Politics 2019 Map", <https://bit.ly/3v5oHyD>

various social, economic and political spheres. Quoting as a tool allows to find an effective solution to eliminate the exclusion of women from the understanding of perfect citizenship.²⁴

The Committee also considers the mechanisms for collecting gender-aggregated data, an effective monitoring system, follow-up assessments, and the rethinking of measures based on these assessments as a tool for considering gender perspective in public policies and programs. Beyond the instruments, the issue of the existence of institutional mechanisms in the executive branch, which is a direct actor in the implementation of the above-mentioned actions, is noteworthy. According to the Committee, it is through this mechanism that initiatives should be presented, the process should be coordinated and the implementation of legislative changes overseen vis-a-vis policy and programmatic commitments. According to the committee, it is also important to support independent monitoring institutions, and to involve civil society, the community and interested stakeholders in the processes.²⁵

For a better visualization of the gender mainstreaming process, its components and importance, see the table of the European Institute for Gender Equality (EIGE)²⁶:



²⁴ Éléonore Lépinard and Ruth Rubio-Marín, *Transforming Gender Citizenship, The Irresistible Rise of Gender Quotas in Europe*, Cambridge University Press, 2018

²⁵ Ibid

²⁶ Accessible at: <https://eige.europa.eu/gender-mainstreaming/what-is-gender-mainstreaming>.

3. REVIEW OF INTERNATIONAL COMMITMENTS OF GEORGIA

3.1. Beijing Declaration and Platform for Action (BPfA)

The Beijing Declaration and Platform for Action is the main document adopted at the Fourth World Conference on Women in 1995, affecting all UN member states.²⁷ The document sets out the obligations of governments to promote and protect the rights of women and girls. During the Global Five-Year Progress Review in 2000, Member States (including Georgia) took an obligation to expedite the implementation of the platform-defined activities through the review process every five years.²⁸ The Beijing Declaration and Platform for Action define change to achieve gender equality and is an important tool in planning and implementing gender equality policies. The Beijing Declaration and Platform for Action states that in addressing the inequality between women and men in power and decision-making at all levels, governments and other actors should encourage active and visible mainstreaming of gender perspective in all relevant policies and programs, in such a way that all the decisions are based on impact assessment on men and women and gender analysis.²⁹

Particularly noteworthy are the Articles of the Beijing Declaration concerning the commitment of the government and other actors to strengthen the institutional mechanism for gender equality, to promote gender mainstreaming in all policy areas. According to Article 205 of the Declaration, the state is obliged to ensure the creation and implementation of government policies on equality between women and men, to develop appropriate strategies and methodologies, and to facilitate coordination and cooperation with the central government to ensure mainstreaming of gender perspective in all those processes, that encompass policy implementation. At the same time, the government and other actors, when developing women's empowerment mechanisms, should ensure an active and visible gender mainstreaming policy in all policies and programs, so that appropriate analysis of the possible impacts of these mechanisms on women and men can be carried out before making a decision.³⁰ The government is also required to report regularly to the legislature on progress about gender issues in relevant policies, as required by the Beijing Platform for Action.³¹

According to the Beijing Platform for Action, the National Mechanism for the Empowerment of Women is a policy-coordinating agency within the government at the central level. Its main function is to support mainstream gender perspective at all policy levels.³² Accordingly, the Platform for Action sees the implementation of relevant work to mobilize policies to support gender analysis, monitoring, evaluation, advocacy and gender mainstreaming under the **National Mechanism for Women's Empowerment**.³³ However, the document states that the existing national mechanisms are often unpredictable in terms of effectiveness, are often marginalized in national government structures, lack a clear mandate, as well as human and financial resources, due to low interest of high political structures in these issues and lack of political will to implement them.³⁴

Although the Beijing Declaration and Platform for Action itself is a guiding document for gender mainstreaming

²⁷ UN, Beijing Declaration and Platform for Action (BPfA), 1995. see: <https://bit.ly/3kUJLAAk>

²⁸ Ibid

²⁹ BPfA, Par. 189

³⁰ *ibid*, Par. 202

³¹ *Ibid*, Par. 203 (e)

³² *Ibid*, Par. 201

³³ *Ibid*, Par. 196

³⁴ *Ibid*, Par. 197

in different spheres through 12 critical areas defined by it, recognition of the principle of equal participation and gender balance in the decision-making process by the Declaration is particularly important. This recognition not only implies a call for the elimination of gender discrimination, but also includes equal participation as an important feature and requirement of democracy. Special measures and substantive or de facto equality are not only a legitimate, but also a necessary means for ensuring women's access to decision-making - as the foundation of justice and democracy.³⁵

Accordingly, pursuant to the Beijing Declaration and Platform for Action, all states, including Georgia, are required to implement following strategic objectives for gender mainstreaming in each critical area:

<p>Women and Poverty</p>	<p>Strategic Objective A.1. Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty</p> <p>Strategic Objective A.2. Revise laws and administrative practices to ensure women's equal rights and access to economic resources</p> <p>Strategic Objective A.3. Provide women with access to savings and credit mechanisms and institutions</p> <p>Strategic Objective A.4. Develop gender-based methodologies and conduct research to address the feminization of poverty</p>
<p>Education and Training of Women</p>	<p>Strategic Objective B.1. Ensure equal access to education.</p> <p>Strategic Objective B.2. Eradicate illiteracy among women.</p> <p>Strategic Objective B.3. Improve women's access to vocational training, science and technology, and continuing education.</p> <p>Strategic Objective B.4. Develop non-discriminatory education and training.</p> <p>Strategic Objective B.5. Allocate sufficient resources for and monitor the implementation of educational reforms.</p>

³⁵ Ibid

<p>Women and Health</p>	<p>Strategic Objective C.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services.</p> <p>Strategic Objective C.2. Strengthen preventive programmes that promote women's health.</p> <p>Strategic Objective C.3. Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues.</p> <p>Strategic Objective C.4. Promote research and disseminate information on women's health.</p> <p>Strategic Objective C.5. Increase resources and monitor follow-up for women's health.</p>
<p>Violence against Women</p>	<p>Strategic Objective D.1. Take integrated measures to prevent and eliminate violence against women.</p> <p>Strategic Objective D.2. Study the causes and consequences of violence against women and the effectiveness of preventive measures.</p> <p>Strategic Objective D.3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.</p>
<p>Women and Armed Conflict</p>	<p>Strategic Objective E.1. Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.</p> <p>Strategic Objective E.2. Reduce excessive military expenditures and control the availability of armaments.</p> <p>Strategic Objective E.3. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.</p> <p>Strategic Objective E.4. Promote women's contribution to fostering a culture of peace.</p> <p>Strategic Objective E.5. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.</p> <p>Strategic Objective E.6. Provide assistance to the women of the colonies and non-self-governing territories.</p>

<p>Women and the Economy</p>	<p>Strategic Objective F.1. Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.</p> <p>Strategic Objective F.2. Facilitate women's equal access to resources, employment, markets and trade</p> <p>Strategic Objective F.3. Provide business services, training and access to markets, information and technology, particularly to low-income women.</p> <p>Strategic Objective F.4. Strengthen women's economic capacity and commercial networks.</p> <p>Strategic Objective F.5. Eliminate occupational segregation and all forms of employment discrimination.</p> <p>Strategic Objective F.6. Promote harmonization of work and family responsibilities for women and men.</p>
<p>Women in Power and Decision-making</p>	<p>Strategic Objective G.1. Take measures to ensure women's equal access to and full participation in power structures and decision-making.</p> <p>Strategic Objective G.2. Increase women's capacity to participate in decision-making and leadership.</p>
<p>Institutional Mechanisms for the Advancement of Women</p>	<p>Strategic Objective H.1. Create or strengthen national machineries and other governmental bodies.</p> <p>Strategic Objective H.2. Integrate gender perspectives in legislation, public policies, programmes and projects</p> <p>Strategic Objective H.3. Generate and disseminate gender-disaggregated data and information for planning and evaluation.</p>
<p>Women and the Media</p>	<p>Strategic Objective J.1. Increase the participation and Access of women to expression and decision-making in and through the media and new technologies of Communication.</p> <p>Strategic Objective J.2. Promote a balanced and non-stereotyped portrayal of women in the media</p>
<p>Women and the Environment</p>	<p>Strategic Objective K.1. Involve women actively in environmental decision-making at all levels.</p> <p>Strategic Objective K.2. Integrate gender concerns and perspectives in policies and programmes for sustainable development.</p> <p>Strategic Objective K.3. Strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.</p>

<p>The Girl Child</p>	<p>Strategic Objective L.1. Eliminate all forms of discrimination against the girl child.</p> <p>Strategic Objective L.2. Eliminate negative cultural attitudes and practices against girls.</p> <p>Strategic Objective L.3. Promote and protect the rights of the girl child and increase awareness of her needs and potential.</p> <p>Strategic Objective L.4. Eliminate discrimination against girls in education, skills development and training</p> <p>Strategic Objective L.5. Eliminate discrimination against girls in health and nutrition.</p> <p>Strategic Objective L.6. Eliminate the economic exploitation of child labour and protect young girls at work.</p> <p>Strategic Objective L.7. Eradicate violence against the girl child.</p> <p>Strategic Objective L.8. Promote the girl child's awareness of and participation in social, economic and political life.</p>
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The Beijing Platform for Action also addresses the critical area of women's human rights protection (Critical Area I), it pervasively addresses each area listed in the table, and calls on states to take significant and result-oriented measures to protect women's rights at the national level.

In April 2019, the Government of Georgia submitted a comprehensive national-level review of the Beijing Declaration and Platform for Action +25,³⁶ which outlines the progress made in the country on the issues that the state has undertaken to implement under the Declaration. However, it should be noted that despite significant progress in implementing the tasks set out in the Beijing Declaration and Platform for Action, no real changes have been made in terms of women's rights and substantive policy changes. An in-depth analysis carried out by the UN Women - "Country Gender Equality Profile",³⁷ which assesses the achievement of the objectives under the Sustainable Development Goals/Targets and under the critical areas of the BPfA, shows that gender mainstreaming in all critical areas and policies is not carried out properly, therefore there are still many gaps in legislation, policies and practices in terms of women's human rights, that create a substantial barrier to ensuring women's access to services, adequate resources, equal rights and equal citizenship.

³⁶ see: <https://bit.ly/3rvKVbc>

³⁷ UN WOMEN, COUNTRY GENDER EQUALITY PROFILE OF GEORGIA, 2020

3.2. Sustainable Development Goals (SDGs)

The Sustainable Development Goals (SDGs) are continuation of the Millennium Development Goals (MDGs). The UN General Assembly adopted 2030 Agenda for Sustainable Development by the Resolution A/RES/70/1 in September 2015, which entered into force in October of the same year. The resolution outlined 17 goals for sustainable development and 169 targets, which are interrelated and unite in three dimensions - economic, social and environmental. The 2030 Agenda is the only global agenda at this stage, in which all countries are equally involved, and the main message of which is to “leave no one behind”.

The Sustainable Development Goals, with their respective targets, are designed to contribute, among other things, to ensuring gender equality and the empowerment of women and girls.

Among the Sustainable Development Goals, Goal 5 is particularly relevant in terms of gender mainstreaming, which aims to achieve gender equality and the empowerment of women and girls, to promote, enforce and monitor the absence of discrimination on the grounds of sex. Target 5.1 aims to end all forms of discrimination against all women and girls everywhere and as an indicator defines legal frameworks to be in place to promote, enforce and monitor equality and nondiscrimination on the basis of sex.

Target 5.5 under this goal obliges states to ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. Georgia-aligned target replicates this point.³⁸

It is important that the SDGs consider following indicators to measure implementation of this target:

- Proportion of seats held by women in national parliaments and local governments (5.5.1)
- Proportion of women in managerial positions (5.5.2)

Sustainable Development Goal 4 shall also be mentioned here, which obliges states to ensure inclusive and equitable quality education. Under target 4.7 states commit that by 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development.

The indicator under this objective (4.7.1) is extent to which (i) global citizenship education and (ii) education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in: (a) national education policies, (b) curricula, (c) teacher education and (d) student assessment.

Sustainable Development Goal 3 is also important, obliging states to ensure healthy lives and promote well-being for all at all ages. Under this goal states shall take relevant measures to reduce the global maternal mortality ratio (target 3.1) and shall 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 (target 3.7). This objective is also foreseen by SDG 5.6, which aims to ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action (target 5.6).

According to the National Matrix on SDG Targets and Indicators aligned by Georgia, this target and indicator is unchanged, but according to the document, the methodology for its calculation has not yet been defined by the Inter-agency and Expert Group on SDG Indicators.³⁹

Georgia submitted its first National Voluntary Review (VNR) on SDGs implementation in 2016, followed by 2020.⁴⁰

³⁸ National Matrix on Alignment of Sustainable Development Goals

³⁹ National Matrix on Alignment of Sustainable Development Goals

⁴⁰ VOLUNTARY NATIONAL REVIEW (VNR), Secretariat of the SDGs Interagency Council of Georgia, Administration of the Government of Georgia, 2020, accessible at: <https://bit.ly/3v5ISfR>

3.3. Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)

As noted, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) serves to promote gender equality and the elimination of violence against women and girls.

In its 2014 General Observations on Georgia, the CEDAW Committee calls on the State to establish national mechanisms in the executive to coordinate, implement and monitor gender equality policies, and to ensure that these mechanisms have a strong mandate to ensure gender mainstreaming in all state policies and programmes, with the allocation of adequate human, technical, and financial resources.⁴¹

In addition, the Committee recommends the State to ensure the full and equal participation of women in political and public life, especially in decision-making positions, including in local legislatures. The Committee also calls the State to develop mandatory quota mechanisms for political parties in order to substantially increase women's representation in national and local legislative bodies.⁴²

The Committee is concerned about Georgia's lack of understanding of the importance of temporary special measures as set out in Article 4 (1) of the Convention. In this regard, the absence of mandatory quotas prevents the achievement of substantive or de facto equality between women and men in all spheres. In addition, the lack of temporary special measures prevents involvement of vulnerable and marginalized women, including victims of multiple discrimination, rural minorities, ethnic minorities, older women and women with disabilities.⁴³ In this regard, the Committee urges the State to ensure that it implements the Convention and General Recommendation 25 by introducing temporary special measures. The State is also recommended that in setting up these special measures, it assess its impact on women and makes these findings, including gender-relevant statistics, available to the general public.⁴⁴

While the Committee considers the Gender Equality Council to be an important mechanism, it is concerned that the Council lacks adequate substantive, technical and administrative support and resources.⁴⁵ Accordingly, the Committee calls the State to strengthen the Gender Equality Council by allocating adequate human, technical and financial resources, promoting its visibility and effectiveness, and providing political support to ensure effective implementation of its work.⁴⁶

In addition, during the monitoring, the Committee considered it insufficient to establish a human rights and gender equality adviser position at the Prime Minister's Office in 2013, and called the State to establish a comprehensive national mechanism to coordinate and effectively implement gender equality policies in the executive branch, with a strong mandate of gender mainstreaming in all government policies and programs, through adequate human, technical and financial resources.⁴⁷

Georgia had to send the implementation report of these recommendations to the CEDAW Committee in 2018; however, government of Georgia sent the report two years later, in November 2020. late.

⁴¹ CEDAW/C/GEO/4-5 Concluding observations on the combined fourth and fifth periodic reports of Georgia, 2014, Par. 15 (b)

⁴² CEDAW/C/GEO/4-5 Concluding observations on the combined fourth and fifth periodic reports of Georgia, 2014, Par. 25

⁴³ Ibid, Par. 16

⁴⁴ Ibid, Par. 17

⁴⁵ Ibid, Par. 14

⁴⁶ Ibid, Par. 15 (a)

⁴⁷ Ibid, Par. 15 (b)

4. STATUS OF IMPLEMENTATION OF COMMITMENTS MADE BY GEORGIA IN RELATION TO THE GENDER MAINSTREAMING MECHANISMS

4.1. Separate strategy of the gender equality and legal reforms

As a result of amendments to the Constitution of Georgia, state paid special attention to the achievement of essential equality of women. According to the Article 11 part 3 of Constitution (Right to equality), the state ensures equal rights and opportunities to men and women. State takes special measures for ensuring of equality of men and women and for elimination of discrimination.⁴⁸

Law on Elimination of any Form of Discrimination, adopted in 2014, is a special frame for ensuring of equality and eliminating of discrimination; the law aims to eliminate discriminative attitude to people and to ensure protection of human rights through Public Defender and National Courts of Georgia. As a result of amendments made to the law in 2019 and 2020 the scope of the law was refined and the mandate of Public Defender of Georgia was also strengthened, that was essential amendment to the law in the perspective of its enforcement.

Besides, amendments to the anti-discrimination law influenced such important issues, like special and temporary activities to achieve actual equality for women, namely, in accordance to the Article 2, part 7 of the law: "Discrimination is not special and temporary activities, which are elaborated to encourage and to achieve actual equality, especially in relation to the issues of gender, pregnancy and maternity, as well as to the persons with limited abilities".⁴⁹

Weakness of implementation of mentioned rights in practice negatively affects realization of labor rights of women. Low representation of women in political, public or economic life, along with other reasons is caused by lack of balance between work and private life – disproportional heaviness of household tasks and family obligations.⁵⁰ Furthermore, unequal participation of women at the labor market, as well as their concentration on the low income jobs, along with other factors, is caused by minor maternity guaranties, accordingly, most part of women consent to lower pay in order to perform an unequal share of unpaid household tasks.⁵¹ The aim to strengthen women economically and to ensure for them equal conditions could not be achieved without adequate legal settlement of labor relations and their implementation. This means that existing legislative provisions should be adjusted to the gender sensitive frame, and the mechanisms for right protection should be flexible, to ensure subjects of unequal and discriminative attitude to restore their violated rights through legal tools.

Georgia adopted numerous recommendations within the scope of its commitments, in relation to the settlement of standards of ensuring equality at work in line with international obligations. Besides, above mentioned UN mechanisms, Georgia took obligation coming out from Association Agreement with EU⁵² to harmonize national legislation with directives. Among them directive 2006/54/EC, which foresees implementation of principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. For the purposes of directive, achievement of equal treatment is based on prohibition of discrimination based on gender, equal access to employment and professional development opportunities, equal working conditions and remuneration, equal use and provision of professional social security schemes. It is important, that despite the fact

⁴⁸ Constitution of Georgia, Article 11, part 3

⁴⁹ See: <https://matsne.gov.ge/ka/document/view/4485888?publication=0>

⁵⁰ UN women foundation in Georgia, Gender analysis of labor legislation, 2020

⁵¹ Adrienne Cruz, Good practices and challenges on the Maternity Protection Convention, 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156): A comparative study, 2012, p. 26, see: <https://bit.ly/3v3OzLk>

⁵² ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, amendment XXX, see: <https://bit.ly/3sSR950>

that implementation of obligations foreseen by directives related to equality was defined for 2017-2018 years, Georgia still did not fully harmonize labor legislation with the provisions of directives. Notwithstanding the fact that on September 29, 2020 amendments to Labor Code of Georgia were approved, which foresee important provisions to improve labor relations, and to strengthen the rights of women among them; though the law still does not deal with existing challenges, which women workers are facing at workplace, including the issues of remuneration of maternity term, overtime work and pay gaps, especially in private law labor relations.

Accordingly, it is important to identify gaps in relation to women work and elaborate complex legal framework for their elimination, which will be in line with internationally recognized and established standards.⁵³

Besides necessity to strengthen women and eliminate discrimination in labor relations, state has also commitment to make effective steps against violence against women and domestic violence. Georgia ratified Istanbul Convention on 2017, respectively state took obligation to comply its legislation and practice with the provisions of the Convention. Despite the fact, that in the recent years important amendments were made to the law on "Elimination of violence against women and/or domestic violence, and on assistance and support to victims of violence", as well as institutional mechanisms to fight gender violence against women were strengthened,⁵⁴ practice of violence against women and prevention of femicide still remains critically challenging for the state.

In relation to the Criminal legislation, it is important, that despite the obligations within the scope of Istanbul Convention, Parliament of Georgia did not approve important amendment in relation to the "rape", which is the most severe crime against women, and at the same time is the invisible. According to the amendment the provision with gaps, related to the "rape" in Criminal Code of Georgia had to be amended, but it was not changed because lack of support. "Rape" provision of Criminal Code of Georgia is not still in line with standards set by international documents, including Istanbul Convention. The regulation of the norm, that for qualification of "rape" requires action through violence, threatening of violence and through using of helplessness of victim, creates practice with gaps, according to which if offender did not use physical power and victim did not resist at any cost, the action is not qualified as "Rape".⁵⁵ Accordingly, the fact of rejection of the amendment should be assessed negatively.

As we already mentioned, prevention policy is the fundamental tool for elimination of gender inequality, violence against women and domestic violence; prevention does not mean only adoption of appropriate legislation and punishment measures, but also long-term actions to raise public awareness. State mechanisms oriented to raise awareness might include strengthening of formal education, spreading information and knowledge through informal channels.⁵⁶ For example, Article 14 of Istanbul Convention requires, that states should take all possible measures "to incorporate teaching materials in educational programs at all stages of education - related to equality of men and women, not stereotype gender roles, mutual respect, settlement of human conflicts without violence, violence against women based on gender and right to personal inviolability – and will be tailored to the growing development possibilities for listeners".⁵⁷ Despite this obligation, state still does not recognizes the right to complex education on sexuality and does not ensures its full inclusion in formal educational curricula and

⁵³ Liparteliani R, Kardava E, "harmonization of national legislation of Georgia with the directives related to labor rights of women foreseen by Association Agreement between Georgia and EU", Foundation of Fredrich Ebert, 2018, see: <https://bit.ly/3qqr4sx>

⁵⁴ UN WOMEN, COUNTRY GENDER EQUALITY PROFILE OF GEORGIA, 2020, page. 41-48, see:

⁵⁵ Dekanosidze T. and others "Gender and law – gender analysis of Georgian legislation", page 30

⁵⁶ Article 14, Istanbul Convention

⁵⁷ Article 14(1), Istanbul Convention

books.⁵⁸ This rights are not also guaranteed by the Code on the Rights of the Children” adopted in 2020.⁵⁹

In light of implementation of the reform, amendment made to Election Code of Georgia, on July 2, 2020 is important; through this amendment 25% gender quotation mechanism was approved. According to the mentioned amendment political parties will be obliged to ensure that in proportional lists, at least, every fourth person should be of a different sex.⁶⁰ At this moment there are 21 women members of parliament from all 150 members (14%), but through the amendment the number will rise to 30 members. Besides, according to the amendments from 2028 to 2032 elections in the lists of political parties every third person should be of different sex.⁶¹ In order to raise women representation in politics and to facilitate participation of women in public life, this amendment should be assessed positively.

But as the conclusion we should mention, that measures taken by state for implementation of separate gender equality strategies/policies are characterized with progress, state took important measures to effective implementation of such policies in national legislation, action plans and strategies. Though, we should mention, that there are numerous gaps in implementation process of separate gender equality policy. Namely, as the result of observation on important legislative amendments and reform process we can notice two main tendencies, the parliament does not approve amendments which are related to problematic dominant gender views and stereotypes on the one hand, and causes different attitude in society, in some cases this attitude is even negative; and on the other hand those issues, which cause resistance from particular groups of society and are not in the interests of business and employers. Besides, we should consider the fact that state has not fully realized formation of specific frame for ensuring of gender equality in special areas and issues, that is a result of just general understanding of gender equality; the fact is obvious while using of gender mainstreaming mechanisms in practice - inconsistent usage of tools and not systematic implementation of these tools in all areas and fields. Accordingly, despite recognized obligations state does not show enough will to achieve women equality in all fields and to eliminated legislative gaps, which is preventive to achieve of the equality in Georgia.

⁵⁸ Public Defender of Georgia, sexual and reproduction health and rights: national assessment, main findings, 2019, p.14, see: <http://ombudsman.ge/res/docs/2019072913513711692.pdf>

⁵⁹ See: <https://bit.ly/3v7f7eH>

⁶⁰ Organ Law of Georgia on amendments to the Georgian Organ Law “ Electoral Code of Georgia” , 02.07.2020

⁶¹ See: <https://civil.ge/ka/archives/358338>

4.2. Policy of gender mainstreaming and the status of implementation

As we already mentioned, commitments made by Georgia obliges the state to make broad and essential work in all fields and on all levels to implement gender mainstreaming tools in relation to implementation of gender mainstreaming, but measures taken by state are not in line with abovementioned international standards. Gender mainstreaming policy requires launching of new approaches of gender perspective; includes close cooperation between departments which created the policy and which have exclusive competencies in relation to gender equality; accordingly, the policy requires reorganization of processes and involvement of external political actors in the process, non-governmental organizations among them. In other words, mainstreaming requires procedural changes, such as the rethinking of approaches to policy making, shifts in organizational culture or the creation of new channels for consultation and co-operation.⁶² But as it is shown by the practice of implementation of gender mainstreaming policy in Georgia that gender equality policy is still centralized and tries to respond the problems of raised gender inequalities with launching of separate gender equality policy; but it could not make chain, sector work and ensure mainstreaming in all fields and levels, as well as spread of expert knowledge and its diversity. Along with this problem there is also lack of such policy tools and techniques, which ensure full implementation of mainstreaming. It is important for mainstreaming to launch new tools and adapt/alter old ones, including alteration of gathering of statistical data and inclusion of gender as one of the indicators of data collection and processing methodologies.⁶³

Respectively, despite the important progress, especially related to the legislation ensuring gender equality and launching/creating of action plans, there are still essential challenges in the process of implementation of mainstreaming. Commitments taken based on Beijing Declaration and action platform are not translated to the national framework mechanisms. Gender perspective is not integrated in planning of sectoral policies, their implementation, monitoring and assessment, including economic, agriculture, employment and budgeting issues. Institutionalization of gender mainstreaming and development of gender mainstreaming opportunities in national activities are essential for implementation of mechanisms for women strengthening in the country.

- **Gender mainstreaming in policy planning, monitoring and assessment**

Within the scope of Beijing Declaration and action platform, obligations were defined for the states, which include integration of gender issues in all areas, while planning any kind of policy and program, monitoring and assessment, along with strategies, plans and programs aiming to strengthen gender equality. Essential role in this process plays public administration and clear definition of gender equality and mainstreaming obligations in principles of good governance.

“Concept of public service reform of Georgia” 2014, is the one element of the public governance, which defines principles of effective governance and criteria for creation of effective public service. According to the mentioned concept, state is aiming to create appropriate conditions for strengthening gender mainstreaming in public service and elaboration of mechanisms, which will help to achieve gender equality. According to the concept “Gender equality policy should foresee obligation of gender equality at all levels of governance; besides, the attention should be paid to the mechanisms ensuring gender equality and identification of financial resources for their implementation, systems of monitoring and assessment”.⁶⁴

⁶² CoE, GENDER MAINSTREAMING Conceptual framework, methodology and presentation of good practices, 1998, p. 18, see: <https://www.unhcr.org/3c160b06a.pdf>

⁶³ *ibid*

⁶⁴ Ordinance of Government of Georgia #627, November 19, 2014 on “Approving of concept of public service reform and some actions related to it”, paragraph 10, see: <https://bit.ly/3rtokf9>

For implementation of the mentioned measures concept defines the responsible public agency – legal person of public law – Public Service Bureau, as the main agency which should ensure incorporation of gender equality mechanisms in all institutions, monitor and coordinate of this process at national and local levels (in the employment sector).⁶⁵ Besides, Bureau will elaborate instructions for state agencies in accordance with the concept, on data collection and reporting related to gender and equality, as well as on the systems and processes, which should be launched within the existing organizational structure, in order to implement processes of gender mainstreaming and equality planning, monitoring and assessment in the human resource management main areas.⁶⁶ According to the concept all state agencies were obliged to collect all data aggregated based on gender sign and provide appropriate information to the Bureau, at least once a year.⁶⁷ Within the scope of annual report of public service, bureau will present conclusion and statistical data about gender mainstreaming and equality in public service.⁶⁸ Concept also states, that Bureau should create effective institute for coordination of gender and equality issues, at central, as well as at local governmental levels, which will coordinate spreading of knowledge, through assistance to colleagues and integration of equality teaching.⁶⁹ Though, despite above mentioned important provisions, core obligations provided by concept are not turned into practical implementation and are not reflected in the strategies of public service reform and periodic action plans.

Namely, state started implementation of public service reform in 2015, for creating of transparent, accountable and effective public governance system, respectively “guideline for Public Administration Reform (PAR)”⁷⁰ was elaborated for 2015-2020 years, which “aims to create broad conceptual frame and mechanisms before 2020, and is directed towards transparent, predictable, responsible and effective public administration, which will respond to society needs and will be in line with European standards”.⁷¹ Document identifies six main fields for the reform, namely - elaboration of politics and coordination, human resource management, accountability, providing of state services, management of public finances and local self-government. Despite the fact that document identifies problems related to those areas and is setting important goals for their elimination, important for elaboration of policies of Government of Georgia and their coordination, for planning of governmental activities and implementation of monitoring effectively, for quality control and strengthening of monitoring functions through tools of permanent analysis of documents and assessment tools, we should stress, that guideline is free from gender perspective and it does not involve gender perspective in relation to any issue, field of public administration reform, aim or problem. Issues related to gender mainstreaming are not also foreseen by the public administration reform action plan of 2019-2020⁷² prepared based on guideline; so, that is step made backwards in light of effective implementation of mentioned reform.

Here we should also mention, that Resolution of the government #629 approved in 2019 on “the Approval of the Rules for the Evaluation of Policy Papers, Development and Monitoring”,⁷³ aims to plan result-oriented policy, monitoring and assessment; establish mechanisms ensuring quality in this direction.⁷⁴ However, it is important that

⁶⁵ *ibid*

⁶⁶ *Ibid*, paragraph 10.1

⁶⁷ *Ibid*, paragraph 10.2

⁶⁸ *Ibid*, paragraph 10.3

⁶⁹ *Ibid*, paragraph 10.4

⁷⁰ See: <https://bit.ly/3ejHoj2>

⁷¹ *Ibid*, p.6

⁷² See: <https://bit.ly/3bmGs4N> short analysis of this guideline is available here: <https://bit.ly/3bpWQ4A>

⁷³ Ordinance of Government #629, December 20, 2019, on approving of elaboration of documents, monitoring and assessment rules, see: <https://bit.ly/3sX7jue>

⁷⁴ *Ibid*, article 1.1

the rule set in the resolution is completely free from gender perspective and does not provide obligation for gender analysis and assessment. According to the resolution, the public agency, within its competence, will develop policy documents in which it defines the goals and objectives for the short, medium and long term, to solve specific problems; however, none of the provisions includes the tools and goals necessary for gender mainstreaming. Part of the resolution is also the "Policy Planning, Monitoring and Evaluation Guide",⁷⁵ which also does not take into account the gender perspective in the policy planning or evaluation process. The guide makes only a general note, stating that "cross-cutting issues must be taken into account when formulating goals and objectives in sectoral policy documents. Including human rights-based approach. Namely, the issues of gender, minorities and other vulnerable groups".⁷⁶ The Guide restricts itself only with the recommendation in relation to the indicators, namely "special attention should be paid to cross-cutting issues, such as human rights, gender, minorities and issues related to the people with special needs".⁷⁷ This cannot be considered as a clear and unambiguous mechanism of policy planning, monitoring and evaluation in the context of gender mainstreaming.

- **Gender analysis**

Assessing the impact on men and women is especially important for the implementation of general policies or programs planned by the state. The absence of a gender perspective in these documents does not mean neutrality, but a "gender-blind" approach.⁷⁸ Such approach may inadvertently lead to different outcomes and impacts on men and women, and may even exacerbate social, cultural, or economic inequalities. If these different gender influences will not be taken into account at the stage of creating / planning of the programs and policies, they will not be able to address the existing gender challenges. To avoid this, interventions should address the different needs of men and women, identify gender inequalities in access to and control of resources, address gender roles and gender stereotypes, and ensure that policies support gender equality.⁷⁹

In this context, gender impact assessment is the first step in avoiding the adverse effects of policy, as it allows policy makers to determine the impact of new regulations or programs on women and men and gender equality,⁸⁰ as well as the development of policies and programs that reflect social-economic reality of women and men, which makes it possible to take into account the gender gap section in the policy planning process.⁸¹

However, despite the importance and value of gender impact assessment, relevant state documents and concepts in the mainstream context do not imply an obligation to conduct gender impact assessment. It was not included in the Resolution of Government of Georgia on "the Approval of the Rules for the Evaluation of Policy Papers, Development and Monitoring", nor in the Public Administration Reform Guide.

⁷⁵ Ibid, article 5

⁷⁶ State Administration, planning of the policy, monitoring and assessment guide, p.21

⁷⁷ Ibid, p.23

⁷⁸ EIGE, Gender Impact Assessment, see: <https://bit.ly/30oyMsE>

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ CoE, GENDER MAINSTREAMING, Conceptual framework, methodology and presentation of good practices, 1998, p. 31

- **Gender budgeting**

The issue of budgeting should be mentioned separately among the tools of gender mainstreaming. Gender budgeting is a strategy for achieving gender equality between women and men, focusing on how resources are allocated and spent. Gender budgeting is a gender-based assessment of the budget from a gender perspective incorporating at all levels of budgeting process, restructuring of revenues and expenditures to promote gender equality.⁸²

The aim of gender budgeting is to ensure the accountability and transparency of fiscal plans, to promote a gender-sensitive budgeting process that can be achieved by ensuring equal inclusion of women and men in the budget preparing process, and finally the goal is to protect women's rights and promote gender equality.⁸³

Despite the essential importance of gender budgeting in the mainstream process, the use of this tool in Georgia is characterized with significant weaknesses. Georgia has not yet established gender-sensitive budgeting at the central and municipal levels, although the program budget should reflect gender-disaggregated indicators.⁸⁴ However, "according to the current legal framework, there is no legal obligation to take into account gender aspects at all stages of the budget process, which therefore does not consider the stages of the process as a whole and requires taking into account gender aspects (if necessary) only when developing indicators."⁸⁵

It should be noted that according to the gender analysis of the state budget, the analysis of budget information provided in the program format shows that in most of the programs gender aspects are not represented, neither according in the program description, nor in purpose, results and evaluation indicators. "This indicates the fact that during elaboration of the programs by relevant agencies, these programs were not considered in the context of gender-sensitiveness. Therefore, the gender aspect was not identified as one of the evaluation indicators of mentioned programs."⁸⁶

Modern approaches consider gender budgeting as an integral part of public financial management and good governance. Public Financial Management is part of the Public Administration Reform Strategy, however, as noted above, the 2015-2020 Public Administration Reform Guide developed by Georgia says nothing about the importance of gender budgeting and relevant indicators. While, achieving gender equality and effective management of gender mainstreaming policies is an impossible without gender budgeting.

⁸² EIGE, Gender Budgeting, see: <https://bit.ly/38k0Y4c>

⁸³ *ibid*

⁸⁴ UN WOMEN, Country Gender Profile of Georgia, 2020

⁸⁵ Budget Office of Parliament of Georgia, gender analysis of state budget of 2020, 2019 see: <https://bit.ly/30q31zn>

⁸⁶ *ibid*

4.3. Institutional mechanisms of gender equality

Appropriate regulation of mainstream instruments and measures in national policy documents, laws or by-laws is essential for the effective implementation of gender mainstreaming mechanisms. In this regard, the Law of Georgia on Gender Equality, adopted in 2010, which establishes the framework for functioning of national mechanisms and principles to be achieved, is essential. The law aims to ensure elimination of discrimination in all areas of public life, to create appropriate conditions for the realization of equal rights, freedoms and opportunities for women and men, to promote elimination of discrimination.⁸⁷ It is noteworthy that as a result of amendments to the law in recent years, the mandate of national mechanisms for gender equality has also been strengthened.⁸⁸ It is important that the law identifies principles necessary to implement a separate gender equality policy and achieve equality in various areas of life; But it does not provide clear and detailed obligations for implementation of long-term gender mainstreaming for particular agencies. Namely there is no obligation to use methods necessary to promote gender equality, including gender mainstreaming and gender impact assessment reports, temporary special measures, gender monitoring or gender budgeting based on it; consequently, the law does not define nor the named tools / methods.

The law refers to specific method of gender mainstreaming only in article 5, which involves providing of statistics in gender field, according to the provision “statistic data on gender issues includes separate data based on sex”, but the norm is not obligatory and does not ensure specific resources for relevant institutions. It is noteworthy that “government does not have currently a well-established concept of gender mainstreaming and gender budgeting, nor has developed training module for public servants that will enable to teach them a unified approach on these issues for all state institutions.”⁸⁹

The law on gender mainstreaming defines only institutional mechanisms, and therefore the main instrument for mainstreaming in the country is the National Gender Equality Mechanisms, which consist from the following institutional agencies:

At national level – a) Gender Equality Council of the Parliament of Georgia b) Interagency Commission on Gender Equality, and on Violence Against women and Domestic Violence g) Gender Department of Public Defender

At Regional level – Gender Equality Council of Supreme Council of Autonomous Republics.⁹⁰

At municipal level – Municipal Councils of Gender Equality. Though, despite the existence of those institutional mechanisms, law says nothing about implementation of gender mainstreaming and the scope of their mandate, there is nothing about obligation of the mechanisms to create, implement, assess and monitor relevant institutional vision of implementation of gender mainstreaming.

⁸⁷ Article 2

⁸⁸ Amendments related to national mechanisms took place in 2016, 2017, 2018, 2019 and 2020

⁸⁹ UNDP gender equality in Georgia: barriers and recommendations, part 1, 2018

⁹⁰ Action plan of Gender Equality Council of Autonomous Republic of Adjara of 2019-2020, see: <https://bit.ly/3bqVWTNr>

4.3.1. The Permanent Parliamentary Gender Equality Council

According to the Statute of the Permanent Parliamentary Council on Gender Equality (18.06.2019 №1 / 223/19)⁹¹ approved by the Order of the Chairman of the Parliament of Georgia of 16.02 201741/3, 2017, "The Council facilitates the definition of the main directions of the state policy in the field of gender by the Parliament of Georgia, ensures the creation and development of a legal framework in the field of gender equality, discusses and approves relevant strategies, controls the activities of bodies accountable to the Parliament; raises awareness of gender equality and supports women's empowerment through implementation of supporting measures".⁹²

The main functions of the Council include following tools necessary for implementation of gender mainstreaming:

- a) Facilitate the definition of the main directions of the state policy in the field of gender by the Parliament of Georgia;
- b) Analyze legislation of Georgia and develop proposals to ensure the elimination of gender inequality in the legislation;
- c) Ensuring the expertise of draft legislative acts submitted as the legislative initiative in terms of gender equality assessment;
- d) Develop and implement a system for monitoring and evaluation of measures taken to ensure gender equality, develop relevant recommendations;
- e) Oversight over executive branch of the government on gender issues, and other activities.

To accomplish these tasks, the Council approved an Action Plan for 2018-2020 on 17 April 2018.⁹³ Within the scope of the action plan, the Council took responsibility to make gender analysis of state budget of Georgia (indicator 1.5.4.)

The plan refers that each parliament committee will analyze gender impact minimum on one draft law (indicator 1.3.1), though, according to the information received from the Office of the Parliament,⁹⁴ it is obvious, that only six from all existing 15 parliamentary committees prepared analyses of gender impact on following draft laws:

- "Assessing the Gender Impact on Some Aspects of Small Business Taxation and Income Tax" (prepared by the Committee on Sectoral Economics and Economic Policy);
- "Assessing the Gender Impact of Legislative Changes in Violence Against Women and Domestic Violence" (prepared by the Committee on Human Rights and Civil Integration);
- "Gender Impact Analysis - Draft Law on Domestic Violence and Gender-Based Crimes" (prepared by the Committee on Legal issues);
- "Gender Impact Analysis of the Draft Law on Labor Security" (prepared by the Committee on Health and Social issues);

⁹¹ See: <https://bit.ly/3qrUnuO>

⁹² იქვე, მუხლი 2

⁹³ See: <https://bit.ly/3ercPRE>

⁹⁴ Response letter of the Office of the Parliament, 8590/2-8/20, 21-09-2020

- “Analysis of Gender Impact of the Draft Law of Georgia on Physical Education and Sports” (prepared by the Committee on Sports and Youth issues).
- The Committee on Environment and Natural Resources, with the support of the National Democratic Institute (NDI) and the Permanent Parliamentary Council for Gender Equality, prepared a Gender Impact Assessment of the Draft Law on Water Resources Management in 2020.

It should be also mention, that despite the fact that the plan of the council foreseen the obligation of gender analyze (indicator 1.3.2.), it is not still incorporated in new project of explanatory report. And as to the request of the information made by Public Defender, related to empowerment of staff of the parliament which was necessary for gender analyze/assessment⁹⁵, in the response we find out that it was not carried out but implementation is planned by the end of 2020.

As the sum-up we should mention, that Gender Equality Council of Parliament of Georgia is important mechanism in implementation of gender mainstreaming in practice. We should welcome the fact that the Council uses the part of the gender mainstreaming tools, and as the result some steps are made in direction of gender analyses of draft laws, but it needs more consistent practice and solid institutional framework. We should say that using gender assessment tools by parliament became more visible, but implementation of such activities is not foreseen in the law on gender equality. Accordingly, it is important, that the Council should have the obligation of elaboration of gender mainstreaming by relevant legal framework and institutional mechanisms.

In this regard, it is essential to strengthen the work of the Council to facilitate effective implementation of gender mainstreaming tools in practice, in order to assist relevant agencies to make gender-sensitive policy, also to strengthen supervision of executive branch of government related to gender issues and to monitor the execution.

4.3.2. Inter-agency commission on gender equality, violence against women and domestic violence

According to Georgian law on gender equality, Government of Georgia creates inter-agency commission on gender equality and the issues of violence against women and domestic violence to ensure system and coordinated work on gender and other issues foreseen by legislation of Georgia.⁹⁶ According to the statute of the Inter-agency council on gender equality and the issues of violence against women and domestic violence⁹⁷ the goals of the council involve following activities, related to implementation of gender mainstreaming in practice:⁹⁸

- Facilitate implementation of gender mainstreaming in executive government agencies and sectoral policy;
- Facilitate collection and analyses of data segregated by sex sign;
- Facilitate implementation of international commitments of Government of Georgia in the field of gender equality, women rights, violence against women and domestic violence.

Despite mentioned obligations, resolution does not define clearly specific measures which should be taken by commission in order to facilitate implementation of gender mainstreaming in executive governance bodies and sectoral policy, and through which activities commission is able to coordinate the agencies, these issues are not considered also in the law on gender equality. The implementation of these obligations concerns the activities

⁹⁵ According to the 1.3.3 indicator of action plan “the training course of gender impact analyses is elaborated on the base of Parliament Training Center”, besides, according to 1.3.4 indicator, “based on the pilot program new trainers of GIA are prepared (minimum 1 staff member from each committee)”

⁹⁶ Georgian Law on Gender Equality, Article 12, paragraph 6

⁹⁷ Resolution of Government of Georgia #286, June 2, 2017, Tbilisi on “Creation of inter-agency council on gender equality and the issues of the violence against women and domestic violence and approval of its statute”

⁹⁸ Ibid, Article 4

of the Human Rights Action Plan of the Government of Georgia for 2018-2020 12.3.1.1, which instructs the Commission to “establish a coordination mechanism within the interagency commission with the involvement of the state executive and municipal gender advisors.” According to the information received from the Commission,⁹⁹ on August 21, 2019, the issue of fulfillment of obligations is related to the activities of the Human Rights Action Plan of the Government of Georgia for 2018-2020 12.3.1.1. At the meeting of the Interagency Commission on Gender Equality, Violence against Women and Domestic Violence of the Administration of the Government of Georgia, a platform for cooperation with local authorities was approved, which represents a coordination mechanism with municipalities. The mechanism identifies persons responsible for gender in the administrations of the State Representative, and sets up a working group with their participation in the Interagency Commission. The main purpose of the concept is to support gender policies tailored to local needs, identify regional needs and plan measures responding to the needs. However, despite these activities / measures, it is still unclear what specific tools should be used to support gender policy, to identify needs and, consequently, implement gender mainstreaming at the governmental and local-municipal levels. Such ambiguity prevents implementation of the gender mainstreaming and it is left behind the effective enforcement mechanisms.

4.3.3. Gender Equality Council of The Supreme Council of the Autonomous Republic of Ajara

The Action Plan of the Supreme Council of the Autonomous Republic of Adjara for 2018-2020¹⁰⁰ foresees trainings on raising awareness on gender equality, including gender mainstreaming, gender budgeting, gender analysis of legislative initiatives, based on those training tools will be implemented in practice; In particular, it should lead to preparing of gender analysis of legislative initiatives and regional acts, as well as a gender assessment of the budget.

According to the information requested from the Supreme Council it has been found out that most of the activities foreseen by the plan were not implemented,¹⁰¹ and the reason for this was lack of the funds,¹⁰² according to the received information, “Funding sources (resources) could not be found; accordingly, the most part of the activities was not implemented. Conducting of trainings, seminars and meetings was also prevented by pandemic spread from the beginning of 2020”.¹⁰³

This indicates that the institutional mechanisms of the state ensuring gender equality and the implementation of mainstream tools are largely depending on donor support, and are not considered as a priority issue on the action agenda. Besides, the Gender Equality Council of the Supreme Council of Adjara itself is passive and ineffective. According to the research of Transparency International Georgia, the Council did not complete the action plan for 2016-2018 as well.¹⁰⁴

For the effective work of the Council, it is necessary for it to ensure effective operation of the platform of interagency commission in order to fulfill the obligations set out in the work plan, using the gender mainstreaming mechanism, which also means active work to make visible gender-sensitive issues in society.\

⁹⁹ Administration of Government of Georgia, response letter: GOV 6 20 00042741, 06/10/2020

¹⁰⁰ The Action Plan of the Supreme Council of the Autonomous Republic of Adjara for 2019-2020, see: <https://bit.ly/3qlvQaL>

¹⁰¹ See also, what does (or does not) Gender Equality Council of Adjara Supreme Council do? Transparency International, Georgia. November 18, 2019, see: <https://bit.ly/3ekWjmm>

¹⁰² The response letter of the Gender Equality Council of Adjara Supreme Council, # 1530, 09/09/2020

¹⁰³ *ibid*

¹⁰⁴ See also, what does (or does not) Gender Equality Council of Adjara Supreme Council do? Transparency International, Georgia. November 18, 2019, see: <https://transparency.ge/ge/blog/ras-ar-aketebs-acharis-umaglesi-sabchos-genderuli-tanascorobis-sabcho>

4.3.4. Municipal Councils of Gender Equality

The existence of gender equality municipal councils is essential to achieve the complex goal of gender equality at the local level. "The process of appointing gender advisors and forming gender councils in local governments is a step towards gender mainstreaming."¹⁰⁵ At this stage, gender equality councils are established at the council level in all municipalities, and most of the persons responsible for gender are employed in the City Hall.¹⁰⁶

Councils are responsible to review the state of gender equality in the municipality and develop proposals based on local needs to ensure identification of discrimination and its elimination, as well as to coordinate their implementation.¹⁰⁷ Accordingly, municipal councils need to plan and to coordinate the implementation of measures to ensure gender equality.

Gender equality action plans of local municipalities are particularly important for achieving gender equality and for using gender mainstreaming tool. It should be noted that the local self-government gender equality action plan has been elaborated by 57 out of all 64 municipalities in Georgia. The majority of these municipalities (53%) have adopted the Gender Equality Action Plans for 2018-2019.¹⁰⁸

As for gender budgeting, in most cases (61%), gender equality councils do not have a budget corresponding to the action plan.¹⁰⁹ However, as the ombudsman's study shows, "there are examples in practice when councils are funded from the local budget and the amount allocated to them ranges from GEL 3,000 to GEL 31,000."¹¹⁰

However, significant problems are obvious in the work of the councils. According to a research conducted by the Public Defender of Georgia on Gender Policy of Local Self-Government Bodies in 2019, the challenge for Gender Councils of Local Self-Government in the country is the low sensitivity of council members themselves and lack of knowledge / information on key gender issues. According to the research, gender advisors are unaware of their functions and responsibilities and perform mainly technical work at board meetings, such as organizing meetings and drawing up meeting minutes.¹¹¹ At the same time, the essential problem is "the low representation of women in decision-making positions, which is also related to the low sensitivity of men to gender issues. Council members also have minor information on legislative changes and institutional mechanisms in place to achieve gender equality in the country. Knowledge of gender budgeting issues and their practical application remains a problem for municipalities. "Most council members do not identify the specific needs of women and do not have information on the impact that a gender-sensitive budget can have on the well-being of the local population, especially women."¹¹²

¹⁰⁵ Public Defender of Georgia, Assessment of gender policy of local self-government bodies, 2020, p.16, see: <http://ombudsman.ge/res/docs/2020061711084253805.pdf>

¹⁰⁶ *ibid*

¹⁰⁷ Women information center, practical advices for representatives of local self-governments in the process of implementation of gender equality policy, 2019

¹⁰⁸ Public Defender of Georgia, assessment of gender policy of local self-governments, 2020, p.13 see: <http://ombudsman.ge/res/docs/2020061711084253805.pdf>

¹⁰⁹ *Ibid*

¹¹⁰ *ibid*

¹¹¹ *Ibid*, p.17

¹¹² *Ibid*, p.35

This indicates that local municipalities are not able to fulfill the role of the National Gender Equality Mechanism at the local level, which is reflected in the weakness of the methodological and instrumental framework of gender mainstreaming and does not affect the local needs of women.

Gender mainstreaming policy requires the creation of a sustainable system of knowledge about gender equality / perspective, which will be shared among all actors involved in policy making, in order to develop opportunities / skills for the implementation of the gender mainstreaming strategy.¹¹³ Based on mentioned facts, it is essential for Interagency Commission on Gender Equality, Women and Domestic Violence to work closely with local governments and gender councils to strengthen them and raise their awareness to enable strong and institutionalized gender equality mechanisms at the local level.

¹¹³ CoE, Gender Mainstreaming, Conceptual framework, methodology and presentation of good practices, 1998, p. 19

SUM UP AND RECOMMENDATIONS

Gender mainstreaming is essential in achieving gender equality in the country. Georgia made important steps to implement separate gender policy and to alter existing practice, in relation of bringing to practice necessary tools and their implementation, which has resulted in a substantial improvement in Georgia's legal environment and an increase in gender sensitivity in state policies / action plans, this fact might be assessed as the step forward. Georgia has also joined the international human rights mechanisms related to women rights and committed itself to implement them to achieve gender equality at the national level, through the effective use of gender mainstreaming, along with other tools.

However, as mentioned in the beginning, gender mainstreaming policies are often misunderstood by policymakers; they are often seen as an aim themselves rather than tools to achieve final goal; This is reflected in the superficial, declarative use of gender equality tools and isolated policies in a variety of areas, including the lack of understanding of the need for a gender perspective in sectoral policies and programs, while gender mainstreaming requires to continue specific gender policy, in order to be sure that equality issues related to gender will not disappear and equality policies will not be overly fragmented.¹¹⁴

A correct understanding of the gender mainstreaming is prevented by missing of its definition in the legislation, as well as by other related instruments without which achieving equality is a substantial difficulty. Despite significant changes to the Gender Equality Law in recent years, which have strengthened the mandate of the National Gender Equality Mechanisms, the law remains declarative. The law sets out the principles needed to achieve equality in various areas of life, but it does not contain clear and detailed obligations for relevant agencies to continue gender mainstreaming; namely neither the law nor the relevant policy documents are defining the priorities of the state in the areas of public administration and human rights; and does not contain an obligation to use the methods needed to promote gender equality, including gender mainstreaming, gender impact assessment reports, gender monitoring and gender budgeting; accordingly, the law does not clarify these methods, which often leads to ambiguity in practice. However, neither this law nor any other relevant policy document explicitly regulate the obligation to use mainstream tools by institutional mechanisms for gender equality.

It should also be noted that in practice there is asymmetry between areas, if significant progress is made in formulating and implementing separate gender equality policies, such as strengthening institutional mechanisms to combat violence, the role of gender-sensitive policies in specific areas is relatively small and negligible, including health, social security or labor issues. At the same time, Georgia has not yet ratified important international instruments for women's empowerment, access to economic resources and equality in labor relations, including the ratification of the ILO N183 Convention on Maternity Protection and the N156 Convention on Employees with Family Obligations.

Effective implementation of gender mainstreaming is hindered by in-depth understanding of international obligations by all government agencies and lack of information about them. Researches in Georgia show that the state does not provide information on the obligations of the state at the central, and especially at the municipal level, to inform employees / officials and raise awareness about the mechanisms needed to implement it, which creates a substantial asymmetry between institutions. This shows that the low level of coordination between the relevant agencies remains a significant challenge, which contradicts the basic principles of effective work of the necessary mechanisms for gender mainstreaming.

¹¹⁴ CoE, Gender Mainstreaming, Conceptual framework, methodology and presentation of good practices, 1998, 83. 18

Although the main purpose of this analysis was not to provide an in-depth assessment of the effectiveness of Georgia's national mechanisms for gender equality and mainstreaming, it did attempt to outline some of the difficulties associated with making national mechanisms work effectively. As this small research shows, there are particular problems in relation to the work of the Municipal Councils for Gender Equality at the regional, local level and the Gender Equality Council of the Supreme Council of the Autonomous Republic. The activities of municipal councils are not sufficiently supported by the state, which directly affects the quality of their effectiveness.

Respectively, for the effective use of the gender mainstreaming framework by the relevant state agencies in practice, it is important to consider the following recommendations:

To the Parliament of Georgia:

- Ensure continuous revision of Georgian legislation to reflect the principles of gender equality and the empowerment of women.
- Adequately reflect gender mainstreaming commitments and instruments in the Georgian Law on Gender Equality and clearly regulate the responsibilities of agencies, including gender budgeting, gender audit, gender assessment and analysis of the commitments, and effectively implement them in practice.

To the Government of Georgia:

- Take appropriate effective measures to formulate a gender mainstream vision for the state, in particular for the Government of Georgia, based on international commitments, clearly define the goals and objectives of gender mainstreaming and include them in relevant policy documents.
- Ensure that the Public Governance Reform (PAR) Strategy of 2021-2024 adequately reflects the principles of gender mainstreaming in relevant action plans and includes clear commitments in all areas covered by the strategy.
- Provide support for the implementation (development, implementation, monitoring and evaluation) of gender mainstreaming at all levels of the public policy cycle.
- Take appropriate measures to ensure the development of a state strategy on the introduction of gender budgeting in the management of public finances and its practical implementation.
- Facilitate the development and implementation of effective gender mainstreaming policies by institutional mechanisms for gender equality at the central and local levels.
- Provide gender mainstreaming in all areas of state policy and in relation to critical fields, especially to social and economic challenges.
- Provide dissemination of information on gender mainstreaming tools to local governments and raise awareness and capacity for effective implementation in practice.
- Facilitate fulfillment of Georgia's international commitments on gender mainstreaming and ensure that best practices are explored.

To the Civil Service Bureau:

- Enhance the capacity of public servants to use gender mainstreaming, gender impact assessment, gender budgeting and other gender mainstreaming tools
- Ensure the development and implementation of a strategy to promote gender equality in the public service.

To the Local Self-Government Bodies:

- Promote local research of practice based on women's needs to tailor gender mainstreaming tools to specific local situations and challenges.

