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Public Defender of Georgia

Written submission to the 58th Session of the Committee on the Elimination of Discrimination Against Women (CEDAW)

by the National Human Rights Institution – Public Defender (Ombudsman) of Georgia

The present submission focuses on the activities of the Public Defender in the field of elimination of discrimination against women, describes the processes pertinent to the situation of women in Georgia and underscores major challenges and trends related to protection/promotion of their rights.

Public Defender would like to inform the Committee that submission can be posted on the CEDAW website for public information purposes.

Activities of the Public Defender’s Office in the area of elimination of discrimination against women

According to the mandate provided under the Organic Law of Georgia, Public Defender oversees observance of human rights and freedoms in the country, among them rights of women, addresses human rights violations either based on applications/complaints or on his own motion and carries out civic education and awareness raising activities.

Pursuant to Article 14 (1) of the Law of Georgia on Gender Equality, Public Defender of Georgia ensures protection of gender equality, monitors the given field and responds to violations of gender equality within the framework of its competences.

Public Defender welcomes the adoption of the Law on Elimination of All Forms of Discrimination which mandates the Ombudsman of Georgia to oversee issues of elimination of discrimination (Article 6) and grants the Ombudsman additional powers for strengthening gender equality in Georgia. Furthermore, National Human Rights Strategy, adopted by the Parliament of Georgia in May 2014 and its draft Action Plan set relevant standards for ensuring gender equality. Public Defender of Georgia will monitor implementation of the said documents within its competences.

Elimination of discrimination against women, facilitation of women’s equal access and equal opportunities in economic and political life, fight against stereotyped roles of men and women and combating violence against women, including domestic violence, are key priority areas in the work of the Public Defender of Georgia. To this end, Public Defender of Georgia contributes to eliminate gender inequality through effective and accountable management of cases and ensures the compliance of government and public institutions with human rights and gender equality national and international legal obligations.

Gender Equality Department of the Office of Public Defender of Georgia (PDO)

On May 15, 2013 organizational changes were carried out at the Office of Public Defender of Georgia. In particular, Centre for Children's and Women's Rights was split into two different structural units - Centre for Child's Rights and Gender Equality Department. Setting up the Gender Equality Department (hereinafter Department) within our Office has been a significant piece of organizational development and also a proof that the Office of Public Defender of Georgia is committed to play a pivotal role in gender related issues. We would also like to underline, that Public Defender is the first state funded institution in Georgia which ensured the establishment of structural unit working on gender equality issues.

The Department is vested with the following mandate:

- Monitoring state compliance with national and international documents on gender equality;
- Overseeing the observance of human rights and fundamental freedoms;
- Studying and responding upon cases of gender based discrimination;
- Studying applications/complaints on gender equality issues and preparing relevant reports, recommendations, and proposals;
- Generalizing practices of state and non state actors in gender equality domain abroad and facilitating their implementation in Georgia;
- Carrying out research and awareness raising activities on gender equality.

The Department carries out its activities in accordance with the Constitution of Georgia, relevant international human rights documents, Organic Law on Public Defender of Georgia, Charter of the Office of Public Defender of Georgia and other legal acts of Georgia on gender equality issues.

The activities of the Department are carried out by the following employees: 1 head of the Department, 1 Lawyer, 1 Consultants on Women's Rights and 3 interns. In order to strengthen capacities of the Department, UN Women employed National Expert on Women's Rights who assists the Department in carrying out its daily activities; preparatory work for the employment of 2 other consultants by UN Women is ongoing as well.

The budget allocated for the Department from the total PDO budget for 2014 is 91 000 GEL (approximately 38 000 Euros), which covers salaries of the employees, equipment and maintenance, visits to the regions and other expenses related to everyday activities of the Department.

With the support of UN Women, Office of Public Defender of Georgia developed draft Gender Equality Strategy and Action Plan (AP) for the years 2013-2016. The draft Strategy and AP set out directions and priorities for Public Defender's gender-related work, having the Gender Equality Department at the core of its development and coordination. The Strategy is included in administrative and budgetary plans of the Office; the progress of implementing draft Strategy and AP is assessed annually; the plan can be updated in case of emerging developments.

Pursuant to the draft Strategy, Office specially uses Convention on the Elimination of Discrimination against Women as an international instrument that guides standard setting in Georgia. In addition, the European Convention on Human Rights and the jurisprudence of the European Court on Human Rights inform actions and strategy of the Office of Public Defender of Georgia.

The Strategy sets out following goals:

1. To reinforce and develop the internal capacity and coordination among departments of the Office of Public Defender of Georgia to address gender-related claims and issues:

Objective 1.1: Create effective gender oriented case-management guidelines and coordination mechanisms to be applied by all departments within the PDO

Objective 1.2: Build capacity within the PDO in order to support gender mainstreaming

Objective 1.3: Ensure the fair and transparent funds distribution within the different departments of the PDO, strengthening the Gender Equality Department resources

2. To enhance gender equality concepts and meanings in Georgian institutions:

Objective 2.1: Develop a shared vision and explicit consensus on gender equality objectives relevant to the country strategy on the achievement of gender equality (National Action Plan for the Implementation of Gender Equality)

Objective 2.2: Follow up on the implementation of PDO recommendations and suggestions with relevant institutions

Objective 2.3: Monitor the implementation of Law of Georgia on Elimination of All Form of Discrimination/Gender Equality component

3. To develop joint-actions and partnerships with civil society and international organizations in gender-related issues:

Objective 3.1: Involve stakeholders from civil society in dialogue on objectives and activities

Objective 3.2: Engage treaty monitoring processes, to include a specific focus on the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention Against Torture, and the implementation of the Convention on the Rights of Persons with Disabilities

Objective 3.3: Develop joint-actions with civil society organizations working at regional and local level

4. To increase awareness on gender equality in Georgian institutions, civil society and right-holders:

Objective 4.1: Involve media in the gender equality strategy

Objective 4.2: Develop the internal capacity of the PDO to raise media awareness on gender equality

Objective 4.3: Design outreach actions involving public media directed to make the right-holders aware of the work of the PDO to protect human rights and equality

Number of cases examined by the Department during 2013-2014:

2013					
Total Number of complaints	Domestic violence	Women prisoners	Labour rights	Social security	Commercial sex workers, harassment, violence in public places
114	26	14	11	10	14

2014						
Total number of complaints	Domestic violence	Women prisoners	Labour rights	Social security	Early marriages	Commercial sex workers, harassment, violence in public places
50	19	10	4	7	4	5

Recommendations issued by Public Defender of Georgia:

2013	Total number of recommendations	Issues raised	Addressees	Fulfillment of recommendations
	3	Labour Rights	2 – Self governing bodies	Did not fulfill
			1 – Ministry of Defense of Georgia	Fulfilled

2014	Total number of recommendations/proposals	Issues raised	Addressees	Fulfillment of recommendations
	6	1 - Ensuring single mother with shelter	Rustavi City Hall	Did not fulfill
		5- Domestic violence	1-Ministry of Labour, Health and Social Affairs of Georgia 4-Ministry of Internal Affairs of Georgia	2 – Fulfilled 2 – Pending 1 – Not fulfilled

Representation of women at the Office of Public Defender of Georgia:

Total number of employees:	78	female - 45
Total number of structural units:	9	chaired by female - 6
Total number of Deputy Heads of structural units:	5	female - 3

I. General observations

Government of Georgia undertook several important steps both on legislative and practical levels in order to provide safeguards for the protection and promotion of women's rights in the country. Law on Gender Equality, legislation to protect victims of domestic violence, as well as the revision of Labour Code are among good examples of legislative guarantees introduced during the reporting period.

Public Defender also welcomes the adoption of Action Plan for the implementation of Security Council Resolutions #1325, 1820, 1888, 1889 and 1960 on Women, Peace and Security, as well as Action Plan for Activities to Combat Domestic Violence and Protect Victims of Violence, Action Plan on Gender Equality, Action Plan against Trafficking and their gradual update as well as the most recent Human Rights Strategy and Action Plan, incorporating the component on Gender Equality and Advancement of Women.

Within its mandate, Public Defender kept a watchful eye over the human rights situation of women. Along with positive developments, problems still remain in the enforcement of the above laws, together with interpretation of certain legal norms and fulfillment of country's international commitments pertaining to this field. Women are still subject to domestic violence; in most instances, reporting of cases of domestic violence to law enforcement bodies and/or the judiciary lead to nothing but secondary traumatization, due to the callousness and lack of action by the authorities. In several cases implementation of protection measures designed for the victims of domestic violence lack promptness and efficiency.

Representation of women on legislative, executive and self-government levels is still very low. According to the Global Gender Gap Index, Georgia was ranked 109 out of 133 countries in 2012, and 97 out of 136 countries in 2013. The trend of women's participation is particularly alarming in the regions where women of ethnic minority background reside.

In terms of non-discrimination of women in labour relationships, Public Defender would like to stress that,

in practice women's average pay differs from average pay of men; they are mainly employed on low pay positions and are prevented from career promotion. Lack of professional development programs as well as the dismissal of pregnant women is particularly acute in Georgia.

Finally, early marriages and girls' drop out from schools are the causes for most concern to Public Defender of Georgia. In spite of the fact that these problems have been underscored by the Ombudsman in his two recent parliamentary reports and various statements, the authorities fail to pay adequate attention and to provide relevant response.

II. Special observations

a. Observations with respect to issues posed in paragraph 8 in the list of issues:

Despite legislative and institutional safeguards, criminalization of domestic violence as well as number of conducted awareness raising campaigns by different stakeholders, people still live in the community of stereotypes, where in most cases domestic violence against women is justified.

Public Defender of Georgia welcomes the criminalization of domestic violence by decision of Parliament of Georgia in June 2012. In particular, Articles 11¹ and 126¹ were incorporated in Criminal Code of Georgia in order to determine domestic violence as criminal offence and define the responsibility measures.

Methods to identify cases of domestic violence were strengthened in 2012. This is confirmed by receipt of reports from victims. According to the information sought from the Ministry of Internal Affairs of Georgia, 257 restrictive orders were issued in 2011; this number was increased to 307 by the end of 2012. Nevertheless, this trend has been weakened during 2013. According to the data of the Ministry of Internal Affairs of Georgia, total number of domestic conflict calls/reports received by the operational management center of LEPL "112", emergency assistance during the period of 01/01/2013-30/12/2013 was 5 447; among them, 358 cases were identified as domestic violence, but, Restrictive Order was issued only on 212 cases.¹ Among the registered cases, following indicators of violence were registered: physical - 139; psychological - 188; economic – 18 and coercive - 13. No facts of sexual violence were identified.

The growing number of cases of femicide is particularly alarming. According to the data of the Ministry of Internal Affairs of Georgia, 21 cases of female murder were registered in 2013 in Georgia; among these cases, 8 were committed by husbands against wives, 1- by a child against the mother. In 2014 approximately 10 cases of female murder were identified, mainly committed by husbands or partners. The department currently studies 3 cases of cruel forms of physical injuries incurred on women.

State Foundation for protection and assistance of the victims of human trafficking runs shelters for the victims of domestic violence (Tbilisi, Gori and Kutaisi) and provides other services. According to the information provided by the Foundation,² in 2013, the shelter was used by 34 adults and 53 juveniles. In Kutaisi, equipping of new, 17-bed shelter was finalized. Besides the shelter, the victims received the following type of services: medical - 13 adults, 18 juveniles; psychological - 32 adults; legal - 25 adults; individual consultation – 50 persons. Domestic violence hotline was used by 776 persons. It is notable that up until now, hotline service is free for Silknet³ subscribers. The process of providing free hotline service is in progress and **it is important to resolve the issue as soon as possible.**

Interagency coordination of domestic violence issues and implementation of effective measures for protection of victims of domestic violence are still very problematic. To this end, **it is essential to give special importance to enhance monitoring over enforcement of Restrictive and Protective Orders and to coordinated operation of the Ministry of Internal Affairs of Georgia and social workers from the Social Service Agency in order to identify cases of domestic violence, monitor the enforcement of Restrictive and Protective Orders, including among such vulnerable groups as persons with disabilities, persons of old age and those below the poverty line, and to assist the victims of violence. Public Defender further expresses his deep concern about an increased tendency of murders of**

¹Letter №138331, 22.01.2014 of the Ministry of Internal Affairs of Georgia.

² State Foundation for protection and assistance of the victims of human trafficking, letter №07/1587, dated December 23,2013

³ Telecommunication company, which provides customers with communication service throughout Georgia.

women mentioned above and urges the Minister of Internal Affairs of Georgia to act immediately and to introduce a special emergency strategy in shortest possible time which not only concentrates on the effective investigation of facts of violence, but also pays a special attention to setting up of preventive measures.

Another important topic that Public Defender would like to underscore is the low level of public awareness on issues of women's harassment and low public activism for identification and elimination of such harmful practices. Often, forms of harassment such as harassment in street, offensive behavior in public transport are not considered to be violent or illegal. Public often demonstrates no tolerance against the victims of harassment and such person suffers from double discrimination. In number of cases, the victim fails to perceive the violence executed against her or decides to endure it in order to avoid public blaming.

Public Defender identified facts of harassment of women in public places, which was demonstrated in degrading acts against them; during examination of these cases, Public Defender found that proper attention was not paid to the issue of gender equality by the Ministry of Internal Affairs of Georgia. **It is important to discuss such violations as gender-based violence demonstrated in forms of harassment against women together with violation of public order, at all stages of investigation and case management.**

There are reports about the cases of sexual harassment, but absence of sufficient amount or content of documentation and surveys prevents development of effective strategies. Public opinions impede identification of such facts and adequate legal response. It is important that the state authorities take all necessary measures to eliminate women's harassment and provide protection of victims. To this end, **it is essential to consider restriction of sexual harassment by legislation and to develop adequate system of sanctions. Furthermore, Public Defender deems that protection measures in public and civil areas must be enhanced. Special attention must be paid to protection of safety and security in public spaces, transport and streets.**

Particular attention shall be given to ratification preparation work undertaken in 2012 for the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) of 2011. In particular, with the initiative of Inter-Agency Council on combating domestic violence and support from the UN Women, working group for preparation of ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was established.

The working group analyzed Georgian legislation in terms of compatibility and harmonization with the convention and prepared the relevant legislative amendments, in particular: to the Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Domestic Violence Victims; to the Administrative Procedure Code of Georgia; to the Criminal Procedure Code of Georgia; to the Criminal Code of Georgia; to the Law of Georgia on Legal Status of Foreigners; to the Law of Georgia on Refugee and Humanitarian status. In addition, the study was conducted on compatibility of Georgian service to victims of domestic violence with the requirements of the Convention. Nevertheless, in spite of the positive steps carried out in terms of harmonizing national legislation with the requirements of the convention, the document has not been ratified yet. **Therefore, the Public Defender of Georgia urges the Parliament of Georgia to commence this process as soon as possible.**

b. Observations with respect to issues posed in paragraph 9 in the list of issues:

Key challenge for gender equality is low rate of women's involvement into political life of the country. For 2013, women's share in the parliament was 11 %, 21 % - in the Cabinet of Ministers and 10 % - in local self-government bodies.

Despite the fact that after the Parliamentary Elections of 2012 women's representation in the legislative body has been increased by 5%, Georgia still remains in the list of the countries where women's representation on a decision-making level is still low. As to the women's representation in executive branch, from 2011 through 2012, their number did not exceed 16% (three women ministers), and in 2013 number of women ministers made 21%; as of today, there are only 4 women ministers in the Cabinet.

Women's participation in execution of local self-government has been decreasing during the last decade. As a result of the elections of 1998, women made 14% of local self-government bodies, and after the elections of 2010 – only 10%. The index of women's participation is particularly low in the self-government bodies of the municipalities settled by ethnic minorities. Out of 148 MPs elected in Akhalkalaki, Ninotsminda, Gardabani, Marneuli and Tsalka Sakrebulo, only 4 are women, which make only 2.7% of total deputation and lags behind the total index (10%).

Public Defender of Georgia welcomes measures taken in 2013 for facilitation of women's political participation. In particular, on July 29, 2013 paragraph 7¹ was added to article 30 of the Organic Law of Georgian on Political Unions of Citizens, which provided for additional 30% on party funding in case, 30% of every ten members would be opposite sex in the party list submitted. Nevertheless, gender statistics published by the election administration of Georgia in 2014 show that these changes are not incorporated in practice; in particular: there were only 2 women out of 14 in the list of Tbilisi mayoral elections of 2014; As per registered candidates for Mayors in the self-government bodies 8 are women and 65 - men. The distribution of election candidates in the party list also shows regrettable figures: there are only 427 women out of 1129 candidates. As to the gender composition of candidates registered by the party in the majority system of elections, there are only 846 women out of 5707 total candidates.

It shall be outlined, that in 2013, the assistant to the Prime Minister on the issues of human rights and gender equality, and the advisor to the Minister of Regional Development and Infrastructure in gender issues were appointed. However, no structural units to support gender mainstreaming have been established yet. Furthermore, **it is of utmost importance to promote leader women on local self-government level and to strengthen the engagement of women from ethnic minorities and rural areas in local decision making processes.**

c. Observations with respect to issues posed in paragraph 11 in the list of issues:

Despite number of positive steps made towards legislative regulation of employment domain, the issues of women's promotion, their equal participation in economic development and proper pay are still problematic. Feminization of poverty and high rate of violence against women caused low economic activity of women. Despite the fact that more women are employed, their average pay differs from average pay of men, which is caused by employment of women on low pay positions and so called "glass ceiling" in job places, which prevents their career promotion. Women's esteemed annual income in USD is 3,442, and man's – USD 8,660.⁴

Special attention shall be paid to employed women with families, in order for them to maintain competitiveness after short leave of absence from labor market, due to pregnancy or child care, and be involved into labor market, which Public Defender of Georgia identified particularly problematic in Georgia. Lack of professional development programs and trainings, which would allow employed women with families to engage into and stay on labor market as well as lack of transparent procedures for positional promotion, career growth and incentives are of particular concern to Public Defender of Georgia.

Public Defender of Georgia has studied the cases of dismissal of pregnant women from local self-government bodies. In spite of the fact that women themselves made the application on resignation, Public Defender of Georgia identified that applications were written as a result of cheating. Because of the facts of covert discrimination, the dismissed had no evidence and therefore it was impossible to provide legal solutions to the problems. Public Defender of Georgia addressed relevant municipalities (Telavi and Kareli) with recommendations to restore resigned women on their positions; however, recommendations were not fulfilled by the local authorities. In order to implement effective safeguards against dismissal of pregnant women from their positions, on numerous instances, **Public Defender of Georgia recommended the ratification of Labor Organization 1983 Convention on Protection of Maternity, but unfortunately, with no avail.**

⁴ See: <<http://www.weforum.org/reports/global-gender-gap-report-2013>> [last visited on 1.02.2014].

Public Defender of Georgia finds frequent cases of sexual harassment at jobs particularly striking; however, due to the fact that this issue is still tabooed, not discussed and not addressed, reporting level of such cases to the Office of Public Defender of Georgia is significantly low. That is why **it is important to develop the definition of sexual harassment as one of the types of discrimination, in consideration of current international statutes, cultural/traditional values and applicable legal tools. Sexual harassment must be prohibited on legislative level and system of adequate sanctions must be developed in Georgia.**

d. Observations with respect to issues posed in paragraphs 20 and 10 in the list of issues:

Early marriage of girls is a well-established practice in Georgia. Compelled marriages as a result of abduction or deal between the parents represent particular concern.

In accordance with the parliamentary report for 2012, Public Defender of Georgia stated that, as per the data of the Ministry of Education and Science of Georgia, 7 367 girls from public and private schools ceased basic education course during the period of October 2012-January 2013; in most cases the reason was early marriage. The rate of terminated education is especially high in Kvemo Kartli Region (1214). Despite the recommendations provided in the report, the issue of early marriage is still very urgent and unfortunately, no effective steps have been carried out yet.

Public Defender identified that decision of early marriages is in certain instances made by a minor and in some cases by her parents. Among the reasons cited by youth, the most urgent is poor socio - economic conditions of the family where the girl resides.

The situation is especially difficult in Lagodekhi region, Kabali community, which is inhabited by Azerbaijani ethnic minorities. According to the results of the recent study carried out by the Office of Public Defender of Georgia, more than 20 early marriage cases were registered recently; frequency of cases of forced marriage, abduction of girls and marriage deals are particularly alarming. During the informational meeting in Kabali public school №1, representatives of the Public Defender of Georgia identified that girls cease to attend the graduating classes and decide not to go to school due to greater risk of abduction. During January - February 2014, 3 cases of abduction were identified by the Office of Public Defender of Georgia.

Public Defender considers that the main problem is lack of attention of the relevant authorities. In Kabali community people have no information on institutions where they can apply in cases of violation of child's rights. Alienation of young girls in exchange of domestic animals and money is an established practice in this community, which **to the view of the Ombudsman of Georgia, is necessary to combat by means of interagency coordination. It is important to activate the social service, police and educational institutions.**

Despite of the existing legal regulations, practice gives different outcome. The problem is that in case of termination of school education, the reason is not indicated, which makes it difficult to establish real statistics on early marriage. **Therefore, it is of utmost importance to indicate reasons in case of termination of school attendance, which would allow keeping statistics and quickly responding to cases of violation. Furthermore, it is essential to activate legal sanctions against violator's of minors' rights and to raise awareness on issues of early marriages by educational activities for professionals working with minors, parents and youth.**

Finally, it should be mentioned that notwithstanding the considerable efforts made by the Georgian authorities and important progress achieved in the field of fostering gender equality and non-discrimination of women, significant challenges persist and require further consolidated efforts, targeted and effective actions from the government.

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