



**Written Submission for 84<sup>th</sup> session of the Committee  
on the Elimination of Discrimination against Women  
(CEDAW)**

**by the Public Defender of Georgia**

## **Introduction**

1. The present report of the Public Defender of Georgia (hereinafter PDO) evaluates the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by the government of Georgia. In particular, it comments on the CEDAW concluding observations on the combined fourth and fifth periodic reports of Georgia and some of the implementation measures mentioned in the sixth periodic report (hereinafter National Report) of Georgia.

### **Paragraphs 8 and 9 – Visibility of the Convention, the Optional Protocol and the Committee’s General Recommendations**

2. The National Report describes various measures implemented to mainstream gender equality into the formal education system.<sup>1</sup> Despite these measures, school education doesn’t adequately teach such important topics as the sexual and reproductive health and rights in the context of gender equality. The component of human sexuality isn’t fully integrated into school education as the approach applied by the Ministry of Education and Science of Georgia towards education on human sexuality is narrow and deals only with the medical aspects of reproductive health.<sup>2</sup> Inadequate knowledge/competence of teachers themselves on reproductive health issues also remains a challenge.<sup>3</sup>

### **Paragraphs 10 and 11 – Legal framework for non-discrimination and equality**

3. The National Report refers to the ratification of the Istanbul Convention in 2017 and criminalization of forced marriage, FGM, stalking, sexual harassment and forced sterilization.<sup>4</sup> However, significant shortcomings remain in the relevant legal framework. The Criminal Code fails to include absence of free and voluntary consent in the definition of sexual crimes and to define honor-based violence.<sup>5</sup> The UN Human Rights Committee also noted “that current legislation fails to include the lack of consent as the core element of the definition of

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<sup>1</sup> Sixth periodic report submitted by Georgia under article 18 of the Convention, due in 2018, §18-19.

<sup>2</sup> Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021, pages 117, available at: <https://bit.ly/3PZMMly> [last accessed 26.12.2022].

<sup>3</sup> Ibid.

<sup>4</sup> Supra note 1, §37.

<sup>5</sup> Alternative Report of the Public Defender of Georgia on the 2021 Reports by the Ministry of Justice concerning enforcement of decisions issued by the European Court of Human Rights and the UN Committee on the Elimination of Discrimination against Women, 2022, pages 20-21, available at: <https://bit.ly/3L1xCrL> [last accessed 26.12.2022].

rape and to define “honor-crimes”.”<sup>6</sup> Moreover, the current legislation fails to define the meaning of an intimate partner, to comprehensively regulate economic violence and to provide certain important guarantees (e.g., involvement of the psychologist) for the victims during court hearings.<sup>7</sup>

4. CEDAW called upon Georgia to raise awareness about legal framework for non-discrimination and gender equality.<sup>8</sup> In this connection, the National Report claims, based on a 2017 study, that approximately 80% of the Georgian population “is aware that there are laws protecting victims of domestic violence, services for survivors of violence and anti-domestic violence campaigns”.<sup>9</sup> The PDO would like to refer to a newer report about changes in the public’s attitudes towards hate speech, hate crime, and discrimination between 2018 and 2021 in Georgia.<sup>10</sup> Per this report, “While the public’s attitudes have become increasingly positive about diversity, there has been little if any change in terms of awareness of Georgian legislation against discrimination, hate crime, and hate speech. Knowledge of and appreciation of existing redress mechanisms and their effectiveness also remain stagnant”.<sup>11</sup>

## **Paragraphs 12 and 13 – Applicability of the Convention**

6. The Covid-19 had a particularly negative impact on socio-economic conditions of women and girls living in the occupied territories. The regulations introduced to prevent the pandemic restricted their right to movement, access to housing and basic services.<sup>12</sup> Although the state continued to provide access to small grants under the Peace Initiative to improve the economic situation of conflict-affected women, the number of women beneficiaries from the occupied territories was low.<sup>13</sup> Moreover, the IDP women and women living near the dividing line also faced financial difficulties caused by losing jobs due to the Covid-19.<sup>14</sup> Moreover, measures taken by the state to respond to the increased risks of violence against women and domestic

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<sup>6</sup> The UN Human Rights Committee, Concluding observations on the fifth periodic report of Georgia, 13.09.2022, CCPR/C/GEO/CO/5, §23.

<sup>7</sup> Supra note 5, page 21.

<sup>8</sup> CEDAW Concluding observations on the combined fourth and fifth periodic reports of Georgia, 24.07.2014, CEDAW/C/GEO/CO/4-5, §11.

<sup>9</sup> Supra note 1, §24

<sup>10</sup> Hate Crime, Hate Speech and Discrimination in Georgia: Attitudes and Awareness, Report of Public Survey conducted for the Co-operation Project “Fight against Discrimination, Hate Crimes and Hate Speech in Georgia”, 2022, available at: <https://rm.coe.int/book-eng/1680a583d0> [last accessed 26.12.2022].

<sup>11</sup> Ibid, page 49.

<sup>12</sup> Supra note 2, page 262.

<sup>13</sup> Ibid, page 263.

<sup>14</sup> The Public Defender of Georgia, Impact of Covid-19 Pandemic on conflict-affected Women and Girls, 2021, pages 17-18, available at: <https://bit.ly/3C3AYZH> [last accessed 26.12.2022].

violence during the pandemic weren't specifically tailored to the needs of conflict-affected women and girls affected.<sup>15</sup> Other problems faced by the conflict-affected women during the pandemic were limited access to information about the virus, food, medications, clean drinking water and health services including sexual and reproductive health services.<sup>16</sup>

## **Paragraphs 14 and 15 – National machinery for the advancement of women**

7. The National Report refers to the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence Issues (CGE) and the Parliamentary Gender Equality Council (GEC) as the key bodies of national machinery for gender equality.<sup>17</sup> With regards to the GCE, the special PDO report found that it lacked effectiveness because of its somewhat ambiguous mandate, weak role in defining the government's vision/strategy, lack of human and financial resources, etc.<sup>18</sup> The agencies within CGE mainly didn't use gender mainstreaming methods and didn't have (except for the Ministry of Defense) specific staff member focusing on gender equality issues, etc.<sup>19</sup> As to the GEC, the PDO noted the critical need for more human and financial resources as the persons working for the Council had to combine their responsibilities with additional tasks and the GEC financially depended on donors,<sup>20</sup> contrary to the CEDAW's recommendations.<sup>21</sup>

8. In general, the role of institutional mechanisms for gender equality is largely administrative support and advisory functions and fails to influence policy-making and improve the rights of women.<sup>22</sup> The lack of a state vision on gender mainstreaming, including a lack of readiness and coordination, remains a challenge - gender mainstreaming tools are chaotic and unsystematic.<sup>23</sup>

## **Paragraphs 16 and 17 – Temporary special measures**

9. The National Report mentions the 2020 amendments to the Election Code adopting the gender quotas at the national and local levels.<sup>24</sup> However, the rule regulating election of

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<sup>15</sup> Ibid, page 19.

<sup>16</sup> Ibid, pages 20-22.

<sup>17</sup> Supra note 1, §69

<sup>18</sup> The Public Defender of Georgia, Assessment of Effectiveness of Gender Equality Institutional Mechanism in Georgia, 2021, pages 8-9, 13, available at: <https://bit.ly/39cUWW1> [last accessed 26.12.2022].

<sup>19</sup> Ibid, pages 16-20.

<sup>20</sup> Ibid, page 27.

<sup>21</sup> Supra note 8, §15.

<sup>22</sup> Supra note 2, page 114.

<sup>23</sup> Ibid.

<sup>24</sup> Supra note 1, §88.

candidates in local self-governments was unexpectedly changed in 2021 to require every third candidate to be of opposite sex instead of every second one as required by the previous rule.<sup>25</sup> This change, introduced without discussions with stakeholders and the public, is a significant setback for women's political engagement. Moreover, introduction of gender quotas is insufficient in itself to achieve substantive equality in political participation as women still face many barriers, e.g., gender stereotypes, equal access to resources, sexual harassment, sexism, threats and intimidation.<sup>26</sup> These problems cannot be solved by the mandatory gender quota alone and require adoption by the government of all possible and reasonable means including awareness raising campaigns.

## **Paragraphs 18 and 19 – Stereotypes and harmful practices**

10. The National Report describes various measures taken to address early/child marriage.<sup>27</sup> However, issues such as insufficient coordination between authorities, unsatisfactory functioning of the referral procedure and shortcomings in prevention have persisted.<sup>28</sup> Despite criminalization of forced marriages mentioned in the National Report,<sup>29</sup> relevant state bodies are mostly unable to identify coercion in cases of engagements of underaged girls.<sup>30</sup> The PDO research on early marriage among ethnic minorities also revealed that the work of the state on child marriage issues is not consistent, systematic and unified.<sup>31</sup> In terms of measuring the scale of child marriage as recommended by the CEDAW,<sup>32</sup> the aforesaid research showed that different agencies talk about different statistics of early marriage in their municipality.<sup>33</sup> As to awareness raising also recommended by the CEDAW,<sup>34</sup> government agencies lack knowledge/awareness as their employees link child marriage to traditions, religions and “backwardness” of ethnic minorities.<sup>35</sup> Thus, delayed and ineffective response of the authorities to the crimes of forced marriage is often caused by pre-established attitudes and stereotypes about ethnic minorities.<sup>36</sup>

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<sup>25</sup> Supra note 2, page 113.

<sup>26</sup> Ibid.

<sup>27</sup> Supra note 1, §§19, 91, 239-241.

<sup>28</sup> Supra note 2, page 122.

<sup>29</sup> Supra note 1, §37.

<sup>30</sup> Supra note 2, pages 122-123.

<sup>31</sup> The Public Defender of Georgia, Harmful Practices of Early/Child Marriage in Kvemo Kartli: Research of Attitudes, 2021, 2021, page 13, available at: <https://bit.ly/3yMMLnS> [last accessed 26.12.2022].

<sup>32</sup> Supra note 8, §19.

<sup>33</sup> Supra note 31, page 13.

<sup>34</sup> Supra note 32.

<sup>35</sup> Supra note 31.

<sup>36</sup> Supra note 2, page 123.

## Paragraphs 20 and 21 – Violence against women

11. The National Report refers to the decrease in the number of femicides between 2014-2019.<sup>37</sup> However, the PDO would like to underline more recent negative trends. In particular, the number of cases of inciting women to suicide/attempted suicide and the number of attempted murders of women increased in 2021.<sup>38</sup> Moreover, the number of killings/attempted killings increased from 19 in 2019 to 24 in 2020.<sup>39</sup> There were slightly less - 22 femicide cases in 2021,<sup>40</sup> while already 18 cases of femicides were reported during the 10 months of 2022.<sup>41</sup>

12. The aforesaid statistics indicate the need to improve prevention of and response to violence against women and domestic violence. In terms of prevention of repetition of violence, the National Report refers to introduction of a risk assessment tool, a GPS electronic monitoring system and monitoring mechanism of restraining orders.<sup>42</sup> Despite these measures, the law enforcers are often unable to perceive systematic nature of cases of violence against women and domestic violence and the police reaction is fragmental, incapable of preventing repetition of violence.<sup>43</sup> In several cases, the authorities failed to prevent femicide/attempted femicide and recurrence of violence although investigations had already been launched or MIA had already been notified about violence.<sup>44</sup> Moreover, the rate of application of the electronic surveillance system in tandem with a restraining order is extremely low. In 2021 9,376 restraining orders were issued for domestic violence and 744 restraining orders were issued for violence against women.<sup>45</sup> Electronic surveillance was imposed on only 14 persons in connection with domestic violence, and on 1 person in connection with violence against women.<sup>46</sup>

13. The lack of due diligence in violence prevention also pertains to the judiciary. Imposition of improperly mild and short sentences contributes to repetition of gender-based crimes, often leading to femicide.<sup>47</sup> Judges often don't assess the risk of repeating or continuing gender-based

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<sup>37</sup> Supra note 1, §108.

<sup>38</sup> Supra note 2, page 121.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> December 10 Marks International Human Rights Day – 2022, available at: <https://bit.ly/3WC1pNO> [last accessed 26.12.2022].

<sup>42</sup> Supra note 1, §§114-115, 118

<sup>43</sup> Supra note 2, page 119.

<sup>44</sup> Ibid; Supra note 5, page 18.

<sup>45</sup> Supra note 43.

<sup>46</sup> Ibid.

<sup>47</sup> The Public Defender of Georgia, Femicide Monitoring Report 2020, pages 25-29, available at: <https://bit.ly/3I3c00u> [last accessed 26.12.2022].

or domestic violence or committing femicide by convicts against their family members or partners.<sup>48</sup>

14. In terms of prevention, the National Report also describes a training course on “Violent Attitudes and Behaviour Change”.<sup>49</sup> However, the number (97) of participants in the aforesaid course was very low in 2021 due to its voluntary character.<sup>50</sup> Moreover, no course/program has been available for abusers against whom a protection order is launched.<sup>51</sup>

15. As to response to violence against women, the latest (2022) concluding observations of the CCPR noted low rates of prosecution and conviction for violence against women, including sexual violence.<sup>52</sup> Indeed, difficulties in identification of gender as a motive in cases of attempted femicides, identification of an action as committed against a family member and on the ground of gender, and classification thereof according to a specific legal provision still persist.<sup>53</sup> The number of cases/judgments where the gender motive of the crime was identified and punishment was aggravated is still low.<sup>54</sup>

16. The National Report refers to various victim support measures/services, including a witness and victim coordinator’s office.<sup>55</sup> However, the involvement of the coordinators in cases of violence against women and domestic violence is very low and formalistic due to, inter alia, the small number of the employed coordinators.<sup>56</sup> 18 coordinators employed by the Prosecutor’s Office worked on 119 cases of violence against women and 1706 cases of domestic violence in 2021 while 14 coordinators employed by the Ministry of Internal Affairs worked on 108 cases of violence against women and 1682 cases of domestic violence.<sup>57</sup> Moreover, the PDO report reveals limited availability of victim support services, their temporary/one-off nature and low awareness about them, certain criteria (e.g., being registered in the municipality) as barriers to inclusion in services.<sup>58</sup> The CCPR also noted “insufficient protection and support services for victims, including psychological services”.<sup>59</sup>

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<sup>48</sup> Ibid, pages 25-27.

<sup>49</sup> Supra note 1, §125.

<sup>50</sup> Supra note 2, pages 119-120.

<sup>51</sup> Ibid, page 120.

<sup>52</sup> Supra note 6, §23.

<sup>53</sup> Supra note 2, page 122.

<sup>54</sup> Ibid.

<sup>55</sup> Supra note 1, §123.

<sup>56</sup> Supra note 2, page 120.

<sup>57</sup> Ibid.

<sup>58</sup> The Public Defender of Georgia, Evaluation of Gender Equality Policies of Municipalities (upcoming report).

<sup>59</sup> Supra note 6.

## Paragraphs 24 and 25 – Participation in political and public life

17. The CEDAW expressed concern about limited involvement of women in peace negotiations to implement the national action plan for the implementation of Security Council resolutions on women and peace and security.<sup>60</sup> Some parts of the National Report mention certain measures aimed at engaging conflict-affected women in the peace process and adoption of the Women Peace and Security Action Plan 2018-2020.<sup>61</sup> The PDO evaluated the implementation of this Action Plan and found that in 2018-2020, the number of women employed in leadership/senior positions at the Ministry of Internal Affairs was critically low, ranging from 6% to 7%,<sup>62</sup> while the percentage was 6% in 2021.<sup>63</sup> The representation of women in senior positions in the civil office of the Ministry of Defense decreased from 33% in 2020 to 20% in 2021.<sup>64</sup> Representation of women in peace negotiations didn't increase in 2018-2020, with a rate ranging from 33% to 20% and equal participation in peace and reconciliation processes remained a challenge in 2021.<sup>65</sup>

18. As to participation of women in political and public life, the PDO would like to describe challenges at the local level, in addition to the information provided above in paragraph 9. Work practices of women in different positions of the municipality are heterogeneous.<sup>66</sup> Thus, while women hold decision-making positions in some municipalities, they are low-ranking civil servants in other municipalities.<sup>67</sup> The identified barriers to employment and/or advancement in local self-governments include absence of sexual harassment prevention mechanisms, the burden of domestic work, stereotypical attitudes, inaccessibility of municipality buildings for disabled women and language barrier in case of women from ethnic minorities.<sup>68</sup>

19. As to the gender equality councils of municipalities mentioned in the National Report,<sup>69</sup> some of the barriers to their effective functioning are insufficient financial and human

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<sup>60</sup> Supra note 8, §24

<sup>61</sup> Supra note 1, §§56, 78.

<sup>62</sup> The Public Defender of Georgia, Monitoring Report of the 2018-2020 National Action Plan of Georgia for Implementation of the UN Security Council Resolutions on Women, Peace and Security, 2021, page 6, available at: <https://bit.ly/3GeFoyN> [last accessed 26.12.2022].

<sup>63</sup> Supra note 2, page 116.

<sup>64</sup> Ibid; Supra note 62.

<sup>65</sup> Ibid.

<sup>66</sup> Supra note 58.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Supra note 1, §159.



resources, lack of political will of municipal decision-makers and sensitivity to gender equality issues.<sup>70</sup>

## Paragraphs 30 and 31 – Health

20. In terms of maternal health mentioned in the National Report,<sup>71</sup> inadequate integration of the postpartum care and psychological support into the state maternal health program remains a challenge negatively affecting women during pregnancy, childbirth and postpartum stage.<sup>72</sup> Moreover, the incomplete integration of family planning services into the primary health care hinders access to information on these services and contraceptives, especially for women from vulnerable groups,<sup>73</sup> in contravention to the CEDAW recommendation.<sup>74</sup>

21. As to sex-selective abortions, they remain quite common among ethnic minorities as women are frequently forced by families to have an abortion when the fetus is female.<sup>75</sup> Families prevent women from using contraception in order to prolong “family name/line” while pregnant women are forced to have an abortion if sex of the fetus is unacceptable to their families.<sup>76</sup>

23. Women victims of sexual violence continue to face legislative obstacles in terms of terminating their pregnancy resulting from sexual abuse. After the expiration of the statutory period, the artificial termination of the pregnancy resulting from violence is possible only after the court delivers a guilty verdict.<sup>77</sup> Such a regulation is problematic, as the duration of criminal proceedings usually exceeds the term of pregnancy.<sup>78</sup> For a woman in this situation, refusal of the termination of pregnancy may become a source of psycho-emotional stress and social stigma.<sup>79</sup>

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<sup>70</sup> Supra note 58.

<sup>71</sup> Supra note 1, §193-194.

<sup>72</sup> Supra note 2, page 116.

<sup>73</sup> Ibid.

<sup>74</sup> Supra note 8, §31.

<sup>75</sup> Special Report of the Public Defender of Georgia on Assessment of Sexual and Reproductive Health and Rights of Women and Girls from Non-dominant Ethnic Groups in Georgia, 2022, page 23, available at: <https://bit.ly/39gXu5N> [last accessed 26.12.2022].

<sup>76</sup> Ibid.

<sup>77</sup> Special Report of the Public Defender of Georgia on Equality and Combating and Preventing Discrimination, 2020, page 12, available at: <https://bit.ly/3vp3t3t> [last accessed 30.12.2022].

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

## **Paragraph 32 and 33 – Rural women**

22. Rural women should have adequate access to economic opportunities, social services, health care, nurseries, services for domestic violence victims, and equal opportunities to participate in political and public life.<sup>80</sup> The PDO report/study involving women from municipalities reveals scarcity and unsustainability of social services and women's low awareness about them, scarcity of health care programmes, inaccessibility or absence of sexual and reproductive health services (e.g. maternity/gynecological departments) and taboo/stigma on them, financial and mobility barriers.<sup>81</sup> Moreover, the main need of women from municipalities is employment which is hindered by domestic work, stereotypical attitudes in households, lack of professional training/re-training and poor transport infrastructure.<sup>82</sup> Furthermore, lack of pre-school educational institutions in many municipalities and limited access to land due to discriminatory practices and financial barriers are persisting problems impeding women's economic empowerment.<sup>83</sup> As for services for domestic violence victims and participation in political/public life, please view paragraphs 16 and 18-19 respectively.

## **Paragraph 34 and 35 – Disadvantaged groups of women**

23. According to a special PDO report, negative socio-cultural factors/practices, insufficient knowledge of women and doctors, scarcity, unequal geographical distribution and insufficient funding of state sexual and reproductive health programs/services, lack of gender-sensitivity, non-inclusiveness, low-quality and administrative problems of existing programs prevent access of women from ethnic minorities to such services/programs.<sup>84</sup> As to access to employment, the language barrier hindering employment isn't counterbalanced by effective state policies.<sup>85</sup>

24. Lack of access to transportation, physical environment, and information hinders engagement of women with disabilities in public life.<sup>86</sup> Moreover, these women have difficulties in obtaining reproductive health services due to their low awareness, flawed

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<sup>80</sup> Supra note 8, §33.

<sup>81</sup> Supra note 58.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Supra note 75, Pages 5-11.

<sup>85</sup> Supra note 58.

<sup>86</sup> Ibid.

legislation and state policy, non-adaptation of medical facilities and medical professionals' inadequate competence, stereotypical attitude and low sensitivity.<sup>87</sup>

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<sup>87</sup> The Public Defender of Georgia, Assessment of the Needs of Women and Girls with Disabilities and the State of Protection of their Rights in Georgia, 2022, pages 23-26, available at: <https://bit.ly/3FHfbHI> [last accessed 26.12.2022].