

MANDATORY GENDER QUOTA IN GEORGIA:  
PRACTICE OF THE 2020 AND 2021 ELECTIONS

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**Mandatory Gender Quota in Georgia:**  
**PRACTICE OF THE 2020 AND 2021 ELECTIONS**

*Tbilisi, 2022*



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*Authors of the study: Irma Pavliashvili, Salome Mukhuradze*

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## EXECUTIVE SUMMARY

The purpose of the study “Mandatory Gender Quota in Georgia: Practice of the 2020 and 2021 Elections” is to examine the mandatory gender quota mechanism in Georgia and its enforcement in practice by using the examples of the 2020 Parliamentary and 2021 Local Self-Government Elections.

In Georgia, significant steps have been taken to strengthen women’s political participation. However, the analysis of the legislative framework, the international best practices and the analysis of the qualitative study have shown that additional changes are needed to maintain progress in this area and to achieve substantive gender equality in the country. In particular, it is essential to improve the legislative framework, strengthen the national mechanisms of gender equality and promote the establishment of institutionally strong political parties.

The pre-election situation, the election day and the post-election period were assessed during the study, and the key **findings and recommendations** were made, which are included in the first chapter.

### KEY FINDINGS

**Gender equality, including strengthening the role of women in politics, is a requirement of the society.** The studies conducted in Georgia demonstrate the support and a high demand from the public on gender equality. This is also confirmed by this study.

**The attitude towards mandatory gender quotas in political parties is generally supported.** The introduction of the mandatory gender quota mechanism produced many new, good and active women who were previously only engaged in internal party activities.

**The duration of mandatory gender quotas remains a challenge.** Although gender quotas are, by definition, temporary measures, the international best practices show that the legislation of those countries which adopted the mechanism, does not limit its effect to a specific period.

**The proportion of mandatory gender quotas remains a challenge.** More than half of the population in Georgia are women,<sup>1</sup> but their representation in the Parliament is only 19.1%.<sup>2</sup> While the international community sets a target of 50 percent women’s representation in politics, the proportion of mandatory gender quotas determined by the Election Code of Georgia is not enough to achieve substantive equality or to promote properly women’s equal representation in the legislative body.

**The existing model of the financial incentive mechanism is ineffective and needs to be revised.** For the Parliamentary Elections of 2020, only three political parties and one electoral bloc benefited from the financial incentive mechanism provided for by the law. They nominated more female candidates than required by the mandatory gender quotas. The study of the existing practices reveals that the financial incentive mechanism needs to be reviewed and refined.

**Political parties do not have or have poorly developed and implemented internal party gender-related policies.** Sustainable political parties with strong internal democracy that acknowledge the importance of women’s participation in politics, human rights, gender equality and their role in solving these issues remain challenging.

**Political parties do not have clearly defined rules for attracting, recruiting, engaging and promoting female candidates, which hinders the inclusion of more women in political life.** None of the political parties has developed and implemented a professional development system for party members.

1 General Population Census, 2014. Available at the following address: <https://www.geostat.ge/ka>

2 Inter-Parliamentary Union (IPU), Women in National Parliament. Available at the following address: <https://data.ipu.org/women-ranking?month=7&year=2022>

**Publicity is particularly difficult for female candidates/politicians.** Women face different types of criticism (age, appearance, personal life). Absence of adequate mechanisms or their ineffectiveness at the internal party nor national level to respond to such cases is challenging.

Based on the key findings, qualitative data analysis and international best practices, the primary recommendations were worked out within the framework of the study.

## KEY RECOMMENDATIONS

- Along with the growth of women's representation in politics, it is essential **to increase their meaningful participation and involvement.** For this, political parties must create, develop, and implement internal party gender-related policies, including introducing internal party quotas, equally distributing resources, recruiting women candidates, and creating professional development systems.
- It is essential **to review the legal framework and extend the duration of mandatory gender quotas.** Based on the available evidence, it is recommended to repeal the provision in the Election Code of Georgia regarding the duration of mandatory gender quotas to a specific period (2028 and 2032).
- It is essential **to review the legal framework and increase the proportion of mandatory gender quotas.** In particular, based on the available evidence, it is recommended that the Election Code of Georgia determines the rule of nominating one different gender in every three candidates in the proportional list for the Parliamentary Elections of 2024 and the following elections and, as of 2032, introduces the principle of parity (one of the two candidates should be a representative of a different gender). In addition, one of the two candidates in the proportional list should be a representative of a different gender in the Local Self-Government Elections of 2025 and the next elections.
- It is essential **to review the duration of the financial incentive measures and change the financial mechanism to improve its targeting.**

## INTRODUCTION

*“All persons are equal before the law. Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited...”*

*...The state shall provide equal rights and opportunities for men and women. The state shall take special measures to ensure the substantive equality of men and women and to eliminate inequality...”*

*Constitution of Georgia, Article 11. Right to Equality<sup>3</sup>*

According to the principle of substantive equality, which was reflected in the Constitution of Georgia within the framework of the Constitutional Reform of 2017, the state was obliged to take specific measures to eliminate the inequality between women and men and to promote substantive equality. The constitutional change was necessary to eliminate existing inequalities and reverse the patriarchal agenda. However, women still face many challenges in this regard in Georgia. According to the study of the Council of Europe, “despite the recognition of formal equal political rights of women and men, participation in the political process, including membership and participation in political parties, standing as a candidate, being elected and holding office with legislative or administrative bodies, remains dominated by men.”<sup>4</sup>

The recent studies conducted in Georgia confirm that gender equality in politics, including mandatory gender quotas, is a public demand. According to the study, most voters support increasing participation of women in politics. For example, according to the National Democratic Institute’s (NDI) public opinion poll of July 2019, 65% support gender quotas.<sup>5</sup> The United Nations (UNDP, UNFPA) study on gender attitudes also confirms that 60% of the population of Georgia believes that greater involvement of women in politics will positively impact the country’s development.<sup>6</sup> In addition, 85% of women and 58% of men think that women face more obstacles in their careers than men.<sup>7</sup>

Based on the principle of substantive equality, as part of the Electoral Reform of 2020, the Election Code of Georgia introduced a mandatory gender quota mechanism for Parliamentary Elections until 2032, and for Local Self-Government Elections until 2028). By adopting this mechanism Georgia has taken an important step towards gender equality in politics, which also includes fulfilling the country’s international commitments undertaken and strengthening the country’s legislative framework accordingly.

For the 2020 Parliamentary and 2021 Local Self-Government Elections, political parties submitted party lists for election registration, where at least one in every four persons (for Parliamentary Elections) and one in every three (for Local Government Elections) was a representative of a different gender.

As a result, in the first year of the implementation of mandatory gender quotas, the representation of women in politics increased compared to previous years, both at the national and local levels. In the Parliament of Georgia, compared to the Parliament of the ninth convocation, women’s representation increased by 3% and amounted to 19.1%. As a result of the Self-Government Elections of 2021, their number in Sakrebulo (Local Assemblies) rose from 13.8% to 24%. From a proportional list, women won 31.4% (441) of mandates, while in 2017, women only gained 19.8% of mandates<sup>8</sup>. Despite the positive trend, as a result of Parliamentary and Local Self-Government Elections, women’s representation has yet to reach the critical mass that defines substantive equality.

3 The Constitution of Georgia, Article 11, Right to Equality 1995. Available at the following address: <https://matsne.gov.ge/ka/document/view/30346?publication=36>

4 Council of Europe, Regional Study on Women’s Political Representation in the Eastern Partnership Countries, 2017. Available at the following address: <https://rm.coe.int/regional-study-on-women-s-political-representation-in-the-eastern-part/16807419da>

5 National Democratic Institute (NDI), Public Opinion Polls, 2019. Available at the following address: [https://www.ndi.org/sites/default/files/NDI%20July%202019%20poll-Issues\\_GEO\\_For%20distribution\\_VF.pdf](https://www.ndi.org/sites/default/files/NDI%20July%202019%20poll-Issues_GEO_For%20distribution_VF.pdf)

6 United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), Study on Men, Women and Gender Relations in Georgia: Public Perceptions and Attitudes, 2020. Available at the following address: <https://bit.ly/3NJBi3b>

7 Ibid.

8 Fair Elections (ISFED), Women’s political representation and existing legislative barriers, 2018. Available at the following address: <https://www.isfed.ge/geo/angarishebi/kalta-politikuri-tsarmomadgenloba-da-arsebuli-sakanonmdeblo-barierebi>



Due to the geopolitical situation in 2022, Georgia was presented with an unprecedented opportunity to apply for EU Membership. In its opinion the European Council recognized Georgia's European perspective and set relevant requirements for Georgia, and if they are met, Georgia will receive EU Candidate Status. The requirements also include strengthening efforts to promote gender equality and combat violence against women.<sup>9</sup>

Taking the above into consideration, for political empowerment of women and further promoting gender equality, the study analyzed mandatory gender quotas in Georgia, using the example of the 2020 Parliamentary and 2021 Local Self-Government Elections. Consequently, recommendations were developed aiming at improving the existing legal framework, strengthening the national mechanisms of gender equality, and establishing institutionally strong political parties.

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9 EU Commission, Opinion on the EU membership application by Georgia, 2022. Available at the following address: [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_22\\_3800](https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3800)

## STUDY METHODOLOGY

The relevant legal framework, international best practices, and local experience of the 2020 and 2021 elections were analyzed during the study. To collect data and analyze the existing practical challenges, a total of 40 in-depth interviews and six focus group meetings were conducted, in which the leaders of 11 political parties, campaign managers, as well as elected female members of Sakrebulo, female candidates of 2021 Local Government Elections, elected female mayors and mayoral candidates, female members of Parliament elected in 2020 Parliamentary Elections participated.

The political parties selected for the study are the following: "Georgian Dream," "United National Movement," "European Georgia," "Lelo for Georgia," "Strategy Aghmashenebeli," "Citizens," "Girchi," "For Georgia," "Labour Party of Georgia," "Droa," and "Ana Dolidze - For People."

In-depth interviews were also conducted with representatives of state agencies and the non-governmental sector, in particular, with the Central Election Commission (CEC), members of the Gender Equality Council of the Parliament of Georgia and the representative of the International Society for Fair Elections and Democracy (ISFED). The need to request public information emerged during the research process.<sup>10</sup>

The desk research included the analysis of the relevant legislative framework of Georgia (Constitution of Georgia, Election Code, etc.), Decisions delivered by the Constitutional Court in 2020-2021<sup>11</sup> and other related acts, as well as an *amicus curiae* submitted by the Fair Elections and Georgian Young Lawyers Association.

Based on the goals and objectives of the study, the international best practices and standards were analyzed, among them, the models of mandatory and intra-party gender quota mechanisms existing in Belgium, Great Britain, Poland, and Sweden. Relevant recommendations were developed based on studying the local and international practices.

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10 In order to receive public information, the researchers applied to the election administration. Correspondence of 25.03.2022 #G-01/05-22.

11 The methodology envisaged in-depth interviews with the judges of the Constitutional Court. However, according to the court's explanation, interviewing the judges about the decisions will violate the requirement of the law on the Constitutional Court, according to which no one has the right to request a report or explanation from a member of the Constitutional Court on a specific case.

## I. KEY FINDINGS AND RECOMMENDATIONS OF THE STUDY

Based on the analysis of the legal framework and practice, key findings and recommendations of the study were developed, which concerns further improvement of the legislative framework, as well as establishment of national gender equality mechanisms and institutionally strong political parties in the country.

### KEY FINDINGS

#### *KEY FINDINGS: GENDER EQUALITY POLICY*

1. The national mechanisms supporting gender balance in Georgia are insufficiently strong, both institutionally and in terms of resources.
2. Sustainable political parties with strong internal democracy, which acknowledge the importance of women's participation in politics, human rights, gender equality and their own role in solving these issues, remain a challenge.
3. According to the studies conducted in Georgia, gender equality, including strengthening the role of women in politics, is a demand of society. The present study evidences the same.
4. The developed countries are already discussing the achievement of a new goal, which envisages an increase in the representation of women in the legislative bodies to 50% by 2030. Developing and implementing appropriate mechanisms is necessary to achieve the goal.

#### *KEY FINDINGS: THE MANDATORY GENDER QUOTAS AND THE FINANCIAL INCENTIVES*

1. By introducing the mandatory gender quotas (for Parliamentary Elections until 2032 and for Self-Government Elections until 2028), Georgia began to fulfil its obligations to increase the participation of women in politics. Despite the legislative changes, in order to achieve the legitimate goal of mandatory gender quotas, its duration (insufficient time) and proportion (percentage distribution) remain a challenge.
2. The study of international best practices showed that in the countries where mandatory gender quotas are introduced, they are considered temporary measures. However, the legislation does not limit its effect to a specific period of time.
3. The Georgian legislator has introduced the rule of identifying a deficiency when the principle of mandatory gender quotas is not followed during electoral registration. In particular, the electoral list is returned to the political party and three days are given to eliminate the deficiency. The party list will only be registered if the deficiency is eliminated. Also, according to the principle of replacement and cancellation of the mandate, if the term of office of a Member of the Parliament or a Member of Sakrebulo (Local Assembly) elected by the proportional election system is terminated, a representative of the same gender will take place. If there is no candidate of the same gender in the party list submitted, the mandate is cancelled.
4. The decision of the Constitutional Court abolished the normative content of mandatory gender quotas with respect to men, which established that at least one person in every four candidates in party lists should be a man until the Parliamentary Elections of October 26, 2024, and until the Elections of the Local Self-Government of 2028 - one man in every three persons; besides, in the case of early termination of the mandate of a male member of the Sakrebulo (Local Assembly) elected by the proportional election system, the next male candidate on the party list will take his place.

5. For the Parliamentary Elections of 2020, only three political parties and one election block benefited from the financial incentives provided for by the law.<sup>12</sup> The State Audit Office of Georgia has not changed its methodology to effectively monitor the purposeful spending of these funds. Within the scope of its competence, it is the Audit Office, that should establish the standard of transparency and accountability of political party funding, and study how it is implemented in practice.

### **KEY FINDINGS: INTERNAL PARTY POLICIES**

1. Generally, the attitude towards mandatory gender quotas in political parties is positive. Adopting mandatory gender quotas produced many new, good, and active women who were previously only engaged in party activities. However, the full implementation of mandatory gender quotas by parties remains a challenge, particularly: making electoral lists and recruiting women are technical and formalistic processes in order to meet the rules established by law.
2. Political parties do not have and/or have poorly defined internal party gender-related policies, including sexual harassment policies.
3. Political parties do not have clearly defined rules for attracting, recruiting, engaging and promoting female candidates, which hinders the inclusion of more women in political life.
4. None of the political parties has developed and implemented a professional development system for party members, which creates an unequal environment, especially for women.
5. Though political parties have more or less well-established general criteria for nominating candidates, their promotion mechanism is not clear, precise, and transparent, which is especially problematic for women.
6. In political parties, (standard) electoral resources are equally distributed between male and female candidates, although this does not exclude less access to resources and fewer opportunities for women.

### **KEY FINDINGS: FEMALE CANDIDATES/POLITICIANS**

1. Publicity is especially difficult for female candidates/politicians. Women face different types of criticism (age, appearance, personal life), which is less expressed towards male candidates/politicians.
2. The hostile electoral environment creates an obstacle for female candidates. Cases of publishing personal information and violent facts make women more vulnerable than men.
3. Inadequate and/or ineffective mechanisms for responding to such cases are problematic for female candidates, both at the internal party and state levels.

### **KEY FINDINGS: POST-ELECTION PERIOD**

1. Political parties do not have and/or have poorly defined criteria for distributing positions in legislative and representative bodies (Parliament and Sakrebulo), which is a challenge for women.
2. Political parties do not have specific criteria defined for membership in Gender Equality Councils (Parliament and Sakrebulo). Membership is often a result of personal interest and initiative.
3. Political parties should pay attention to the non-election periods. Daily activities of the parties during the non-election period remain a challenge for them.

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<sup>12</sup> The following political parties benefited from the financial incentives provided in the law: "European Georgia - Movement for Freedom," "Alliance of Georgian Patriots," "Aleko Elisashvili - Citizens," and Electoral Bloc "Giorgi Vashadze - Strategy Aghmashenebeli."

## KEY RECOMMENDATIONS

### KEY RECOMMENDATIONS: INTERNAL PARTY GENDER-RELATED POLICY

1. **Internal party policy and rules:** It is essential political parties must create, develop and implement internal party gender-related policies, including sexual harassment policies. Also, they should consider introducing internal party quotas.
2. **Recruitment and professional development of candidates:** It is essential that political parties set clear rules for attracting, recruiting, engaging and promoting female candidates. Moreover, they should develop and implement a professional development system for party members, which will help women and other groups to be active in politics; it will promote the effective use of competencies towards human rights, gender equality and other important issues.
3. **Equal and equitable distribution of resources:** political parties need to develop clear and transparent rules for allocating resources, both during the election and non-election periods, which will increase the access of female members to those resources.

### KEY RECOMMENDATIONS: MANDATORY GENDER QUOTAS

1. **Increasing the duration and proportion of mandatory gender quotas in the Election Code:** for the mandatory gender quota mechanism to achieve its legitimate goal, its duration and proportion should be increased. The participation of women in politics in Georgia is growing at a slow pace and has not yet reached the critical mass, which, according to international standards and best practices, corresponds to the new goal (50/50). Therefore, it is necessary to review the legislative framework and extend the duration of mandatory gender quotas, both in the case of the Georgian Parliament and Sakrebulo (Local Assemblies). At the same time, the duration of mandatory gender quotas for the Parliament and Sakrebulo (Local Assemblies) of Georgia should be unlimited. Based on the evidence available, it is recommended to increase the proportion for both Parliamentary and Local Self-Government Elections according to the following principle:
  - ✓ For 2024 and subsequent Parliamentary Elections of Georgia - in the proportional list, there should be one different gender in every three persons on the list, and from 2032 - transition to the principle of parity (one representative of another gender in every two candidates) should be introduced. In the case of Local Self-Government, for 2025 and subsequent elections - one representative should be of different gender in every two candidates on the proportional list.

Based on the decision of the Constitutional Court, in the case of early termination of the mandate, the principle of replacement (gender or the position in the list) should be clarified both for the Elections of the Parliament of Georgia and Local Self-Government Bodies.

2. **Law on Political Associations of Citizens and other acts (Order of the state auditor on monitoring methodology):** review the duration of the incentive measure introduced and the method of monitoring its purposeful spending, as well as the regulatory norms of political party activities. The work on amendments to the Election Code and the Law on Political Associations of Citizens should be carried out in the context of reviewing the electoral system in a comprehensive manner.<sup>13</sup>
3. **Law on Gender Equality:** to promote the effective implementation of mandatory gender quotas and appropriate policies, the Law on Gender Equality should reflect a gender quota mechanism. It is essential that

<sup>13</sup> According to the Constitution of Georgia (Article 37, Parliamentary Elections), the mandates of the members of the Parliament will be distributed to those political parties that received at least 5% of the valid votes of the voters participating in the elections. To determine the number of mandates received by a political party, the number of votes it received is multiplied by 150 and divided by the sum of votes received by all political parties that received at least 5% of the valid votes of the voters participating in the elections. The whole number obtained is the number of seats acquired by the political party. If the sum of the number of mandates received by the political parties is less than 150, the undistributed mandates will be received in order by the political parties with better results.

the state acknowledges the instrumental character of the gender quotas as a temporary special measure, which is not a goal itself, but a tool to achieve the goal and, therefore, promote its effective implementation in politics.<sup>14</sup>

## **KEY RECOMMENDATIONS: INSTITUTIONAL MECHANISMS AND LEGISLATIVE ACTIVITIES**

1. **The institutional mechanisms of national gender equality:** gender equality, including women's participation in politics, should become a priority for the state, and the work on it should be conducted systematically. The national mechanisms supporting gender balance should be strengthened, among them the Gender Equality Council of Parliament, the Inter-Agency Commission on Gender Equality, Violence Against Women and Domestic Violence, etc.

Gender Equality Council of the Parliament of Georgia: Based on a consistent and continued policy, the Gender Equality Council must have an active role in refining the mandatory gender quota legislation as well as in defining and implementing the gender equality policy .

2. **Legislative activities:** The political parties must develop clear criteria for redistributing legislative positions (in Parliament and Sakrebulo) to elect more women to such positions (which is especially problematic in the regions).
3. **Patriarchal stereotypes and violent environment:** A hostile electoral environment, cases of publication of personal information, facts of violence and inadequate and ineffective mechanisms remain a challenge for female candidates. Therefore, it is essential to develop, implement and enforce appropriate measures, both at the internal party and the national levels.

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14 Despite the changes made in the Election Code, since 2018, the Law on Gender Equality (adopted in 2010) has not undergone changes to ensure the equality of electoral rights. Article 11 of the law, which creates guarantees of equal electoral rights, is still of a declaratory nature - according to the law, everyone's right to participate in elections on equal terms, without discrimination, is guaranteed. The law also specifies that in the exercise of the right to be elected to a representative body, equal participation of both sexes must be ensured and that women and men can be elected on equal terms without discrimination (Article 11).

## II. ANALYSIS OF LEGISLATIVE FRAMEWORK

Gender equality includes empowering women and eliminating visible and invisible barriers in all areas created for them historically, be it opportunities for equal participation in economic, social, cultural, or political life. The country can achieve this goal through implementing systemic and consistent measures. Without the participation of women in politics, no state will be able to achieve gender equality in the socio-economic, cultural and political spheres.<sup>15</sup> Only with an inclusive policy it is possible to protect equality in public and political life.

To achieve women's empowerment and constitutional principle - substantial equality, it is necessary to take consistent and thoughtful steps by the state. According to the Gender Equality Assessment Study of 2021 in Georgia, "only the existence of formal equality mechanisms is insufficient for the state to fulfil its international commitments and respond to direct and indirect discrimination and achieve substantive equality."<sup>16</sup>

In accordance with the international commitments, Georgia has taken significant steps to improve the national legislative framework and harmonize it with international standards, although the challenges in the legislation and in practice still remain.

### 2.1. INTERNATIONAL STANDARDS

Several framework documents have been developed for the equal participation of women in politics. These are the main supporting instruments which set international standards in this regard.

#### **UN International Covenant on Civil and Political Rights**

International Covenant<sup>17</sup> on Civil and Political Rights<sup>18</sup> has been in force in Georgia since August 3, 1994.<sup>19</sup>

The signatory states of the Covenant, including Georgia, undertake the commit to the principles of the United Nations to ensure the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Namely, based on equality, to enjoy economic, social, and cultural, political and economic rights. According to Article 3 of the Covenant, its participating states undertake the commitment to ensure that men and women enjoy equally all the civil and political rights provided for in this Covenant.

#### **United Nations Convention on the Elimination of All Forms of Discrimination against Women**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) serves to the achievement of gender equality, including in politics,<sup>20</sup> as well as the elimination of violence against women and girls.<sup>21</sup> Georgia joined the Convention in 1994, thereby recognizing the obligations defined.<sup>22</sup> In particular, the state parties to the Convention condemn all forms of discrimination against women and agree to implement a policy of eliminating discrimination against women by all necessary means. To this end, they undertake to include the principle of equality between men and women in their national constitutions or other relevant legislation. In

15 Georgian Young Lawyers' Association (GAYLA), Women in Georgian Politics, 2017. Available at the following address: <https://bit.ly/3pcZMbF>

16 Gender Equality Council of the Parliament of Georgia, Gender Equality in Georgia: Barriers and Recommendations, 2021. Available at the following address: <https://bit.ly/3ppmlUI>

17 United Nations, International Covenant on Civil and Political Rights, 1966. The original version is available at the following address: <http://www.cirp.org/library/ethics/UN-covenant/>

18 The International Covenant on Civil and Political Rights was adopted and is open for signature, ratification and accession by General Assembly resolution 2200A(XXI) of December 16, 1966. In force since March 23, 1976.

19 International Covenant on Civil and Political Rights, 1966. Available at the following address: <https://matsne.gov.ge/ka/document/view/1398335?publication=0>

20 United Nations, a General recommendation of CEDAW2, 1997. Available at the following address: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>; CEDAW General Recommendation 25, 1997. Available at the following address: [http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf)

21 United Nations, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979. The original version is available at the following address: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

22 The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified in 1994. Available at the following address: <https://www.supremecourt.ge/files/upload-file/pdf/aqtebi9.pdf>



addition, they will fulfil this principle in practice by applying law and other appropriate means.<sup>23</sup> They also undertake to periodically submit a report to the Secretary-General of the United Nations for discussion in the Committee on the measures taken to implement the provisions of the Convention and the results achieved.<sup>24</sup>

As part of its 2014 evaluation of the recommendations/commitments undertaken by Georgia, the Committee urges Georgia to take extraordinary measures to accelerate substantive equality, including legislative gender quotas, as well to study and process the results and data of the impact of these measures, including gender statistics.<sup>25</sup>

## BEIJING PLATFORM FOR ACTION (BPFA)

The Beijing Declaration and Platform for Action is the primary document adopted at the Fourth World Conference on Women held in 1995, which applies to all member states of the United Nations. The document establishes the obligation of governments to promote the realization and protection of the rights of women and girls.<sup>26</sup> The Beijing Declaration and its Platform for Action for Achieving Gender Equality define the changes to achieve gender equality and is an essential instrument for planning and implementing policies that promote gender equality.

In 2000, during the global five-year review of progress, member states, including Georgia, committed to accelerating the implementation of the measures defined by the platform through the five-year review process.

According to the Beijing Declaration and Action Platform, member states, including Georgia, are required to achieve the following objectives within the framework of gender equality in politics: take measures for the equal involvement of women in public and political life and increase women's capacity/skills to participate in decision-making positions.<sup>27</sup>

## UN Security Council Resolution 1325 - Women, Peace and Security

UN Security Council Resolution 1325 affirms the importance of women's participation and gender mainstreaming in peace negotiations, humanitarian response planning, peacekeeping operations, post-conflict peacekeeping and governance.<sup>28</sup> Accordingly, the Resolution calls on member states, including Georgia:

*"To ensure the increase of women's representation in national, regional and international institutions or mechanisms of conflict prevention, management and resolution, at all decision-making levels."*

## THE COUNCIL OF EUROPE

23 Ibid. Article 2 of the Convention.

24 According to Article 18 of the Convention, the participating states undertake to submit a report to the UN Secretary-General for consideration by the Committee on the legislative, judicial, administrative and other measures taken to implement the provisions of the Convention, as well as on the progress achieved: 1. from the date of entry into force of this Convention for the state concerned. During a year; 2. after that, at least every four years and thereafter, upon the request of the committee.

25 Committee on the Elimination of Discrimination against Women, Concluding Observations on Georgia's 4th and 5th Periodic Reports, CE-DAW/GEO/CO/4-5, July 24 2014, para 17. In particular: "to accelerate the substantive equality of women and men, take temporary special measures, including legislative quotas." In accordance with Article 4, paragraph 1, of the Convention and the Committee's General Recommendation 25, the Committee calls upon the state to develop temporary special measures for marginalised and socially disadvantaged groups of women, study the impact of such measures and publish the findings of this study, including relevant gender statistics." See also Committee on the Elimination of Discrimination against Women, Concluding Observations on Georgia's 4th and 5th Periodic Reports, CE-DAW/GEO/CO/4-5, July 24 2014, Paragraph 25 calls on the state to "ensure full and effective participation of women in political and public life, especially at high and decision-making levels, among them, in the legislative bodies. The Committee calls on the state to introduce mandatory quotas for political parties, which would significantly increase the representation of women in state and local bodies." In its Concluding Observations (Human Rights Committee, CCPR/GEO/CO 4, August 19 2014, para. 7 (a)), the Human Rights Committee calls on Georgia to "enable women in decision-making positions in the legislative and executive bodies, including the Parliament and the Government To achieve equal participation, intensify efforts during a specific period. The Committee calls on the state (Human Rights Committee, CCPR/GEO/CO 4, August 19 2014, para. 19) to "strengthen language teaching programmes for minorities, promote their representation at all levels of political and public administration, and consider the use of minority languages by local authorities in their bodies and administration."

26 United Nations, Fourth World Conference, 1995. Available at the following address: <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm>

27 Ibid.

28 United Nations, Resolution 1325, 2000. Available at the following address: <https://www2.unwomen.org/-/media/field%20office%20georgia/attachments/publications/2017/1325.pdf?la=ka&vs=5752>



The Committee of Ministers of the Council of Europe, in its 2003 Recommendation, directs member states, including Georgia, to use the necessary mechanisms for equal access to political, economic, social and cultural resources between women and men to eliminate gender inequality that still exists in member states.

According to the recommendation of the Council of Europe, 40% is the recommended minimum, below which neither gender should be in decision-making bodies.<sup>29</sup>

## UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS (SDGS)

The 2030 Agenda<sup>30</sup> is a global instrument in the implementation of which all countries are equally involved. Achieving gender equality is one of the seventeen UN 2030 Sustainable Development Goals, according to which the states should create equal opportunities for women and men.<sup>31</sup> In particular, the fifth goal envisages the achievement of gender equality and the empowerment of women and girls. This goal, in turn, consists of global objectives.<sup>32</sup> Target 5.5 obliges the states to create equal opportunities for women for full and effective participation in political, economic and public life, as well as for leadership at all levels of decision-making.

The nationalized target by Georgia<sup>33</sup> repeats the point mentioned above. The following data are considered performance indicators:

- ✓ A proportional number of seats occupied by women in the Parliament and Local Governments (5.5.1);
- ✓ A proportional number of women in management positions (5.5.2).

Georgia submitted Voluntary National Review (VNR)<sup>34</sup> on SDGs in 2016 and 2020 on SDGs.<sup>35</sup>

## UNITED NATIONS UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) established by the Human Rights Council of the United Nations is a unique mechanism within the framework of which every 4-5 years, the situation regarding the protection of human rights is reviewed in all the member states of the United Nations.

Georgia submitted the report of the third cycle of the Universal Periodic Review. In response to this report, on January 26, 2021, UN member states shared recommendations to Georgia to improve the state of human rights protection.<sup>36</sup> However, before that, Georgia submitted two more reports (2010 and 2015). As a result of the review of the reports, the working group developed several recommendations, among which the recommenda-

29 Committee of Ministers of the Council of Europe, Recommendation (2003)3, 2003. Available at the following address: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805e0848](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e0848)

30 In September 2015, the UN General Assembly adopted the 2030 Agenda for Sustainable Development in Resolution A/RES/70/1, which entered into force in October of the same year. Seventeen goals and 169 objectives of sustainable development were written down in the resolution.

31 General Assembly, United Nations Sustainable Development Goals 2030, 2015. Available at the following address: [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_70\\_1\\_E.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf)

32 5th goal of sustainable development is gender equality. Available at the address: <https://sdg.gov.ge/goals-details-inner/5>

33 The process of nationalisation and coordination of sustainable development goals, according to the national document of sustainable development goals, started in 2015. The leadership/coordination of this process at a high political level was entrusted to the administration of the Government of Georgia. As a result of the consultations, considering the country's challenges and the national context, all seventeen UN Sustainable Development Goals and 93 objectives were determined as national priorities. The nationalisation process was inclusive and involved all relevant Government agencies, United Nations agencies in Georgia and civil society. The administration of the Government of Georgia prepared a national document on sustainable development goals, which is fully based on the United Nations General Assembly Resolutions A/RES/70/1 of September 25, 2015, and A/RES/71/313 of July 7, 2017. The performance of each sectoral objective was scheduled, and the baseline and final targets (by 2030) of 201 indicators were established.

34 "Georgia was among the first twenty-two countries to present a Voluntary National Review (VNR) on achieving the Sustainable Development Goals in July 2016 at the High-Level Political Forum on Sustainable Development. Georgia has taken active measures to change the sustainable development goals and indicators according to the conditions, challenges and opportunities in the country. In 2017, Georgia announced all seventeen goals of sustainable development as national priorities. At the end of 2019, the process of nationalisation of the Sustainable Development Goals was completed" - the work of the United Nations on the Sustainable Development Goals in Georgia. Available at the following address: <https://georgia.un.org/ka/sdgs>; Voluntary National Review (VNR) Report, 2016. Available at the following address: <https://sdg.gov.ge/text-page/46>

35 Voluntary National Review (VNR) Report, 2020. Available at the following address: <https://sdg.gov.ge/text-page/46>

36 Open Society Foundation, What recommendations did the UN member states make within the framework of the third cycle of the Universal Periodic Review of Georgia? 2021. Available at the following address: <https://osgf.ge/ra-rekomendaciebit-mimartes-gaeros-wevma-sakhelmwifoebma-saqartvelos-universaluri-perioduli-mimokhilvis-mesame-ciklis-farglebshi/>

tions related to gender equality and strengthening women's participation in politics are noteworthy.<sup>37</sup> Georgia undertook the commitment to fulfill them. The member states welcome the steps taken but call on Georgia to strengthen its efforts in terms of gender equality and to improve the legal status of women, including their political rights.<sup>38</sup>

In this regard, it is worth to mention the review of the Inter-Parliamentary Union (IPU)<sup>39</sup> on gender equality in politics "Women in Parliament: 1995-2020." In the document, Georgia is included in the list of European countries where the representation of women in the national parliaments is 20% or less.<sup>40</sup>

## 2.2. NATIONAL LEGISLATION

The guarantees for gender equality and women's participation in politics (active and passive right to vote) are established by the Constitution of Georgia, the Law on Gender Equality, and the Election Code of Georgia.

With the active involvement of organizations working on women's rights and the Working Group on Women's Political Participation<sup>41</sup> through the Constitutional Reform of 2017, the idea of substantial equality was declared in the Constitution of Georgia. According to the constitutional principle, the state provides equal rights and opportunities for men and women. The state is also obliged to take special measures to ensure the substantial equality of men and women and to eliminate inequality.<sup>42</sup>

In addition to the Constitution, guarantees of equal electoral rights are protected in the Law on Gender Equality,<sup>43</sup> the purpose of which is not to allow discrimination in any area of public life, to create appropriate conditions for the realization of equal rights, freedoms and opportunities for women and men, and to promote the prevention and elimination of discrimination (Article 2). In particular, Article 11, which guarantees equal electoral rights, says:

*"1. Everyone has the right to participate in elections on equal terms, without discrimination.*

*2. When exercising the right to be elected to a representative body, the possibility of equal participation of both sexes shall be ensured.*

*3. Men and women may be elected on equal terms, without discrimination."<sup>44</sup>*

Despite the guarantees provided for in the Constitution of Georgia and the Law on Gender Equality, the introduction of an effective mechanism - mandatory gender quotas, which would eliminate inequality in politics and effectively enforce the constitutional principle of substantial equality - became indispensable. Thus, to achieve the goal, within the framework of the Electoral Reform of 2020, the electoral system was changed, and a mandatory gender quota mechanism was established - at least one in every four persons in the proportional list must be of a different gender for the 2020 Parliamentary Elections of Georgia. The Parliament consists of 120 members are elected by proportional electoral system and 30 members by the majoritarian electoral system.<sup>45</sup> Accordingly, the gender quotas were determined as a 25% proportion of the list. In addition to the mandatory gender quotas, the

37 UN, Universal periodic review - Georgia, 2011, 2015, 2021. Available at the following address: <https://www.ohchr.org/en/hr-bodies/upr/ge-index>

38 UN, Universal Human Rights Index - Georgia. Available at the following address: <https://uhri.ohchr.org/en/countries>

39 The Inter-Parliamentary Union (IPU) is a global organisation of national parliaments working to promote peace and democratic change through political dialogue. Information about the organisation is available at the following address: <https://www.ipu.org/>

40 The Inter-Parliamentary Union (IPU), Women in Parliament 1995-2020 - 25 years in review, 2020. Available at the following address: <https://www.ipu.org/resources/publications/reports/2020-03/women-in-parliament-1995-2020-25-years-in-review>

41 The Working Group on Women's Political Participation was established in March 2014. Its goal is to promote increased participation of women in politics, including by advocating for mandatory gender quotas. The group unites more than 20 local and international organisations.

42 Constitution of Georgia, Article 11, 1995. Available at the following address: <https://matsne.gov.ge/ka/document/view/30346?publication=36>

43 Law of Georgia on Gender Equality, 2010. Available at the following address: <https://matsne.gov.ge/ka/document/view/91624?publication=9>

44 Ibid. Article 11.

45 According to the Constitution of Georgia (Article 37. Elections of the Parliament), the election system for the 2024 parliamentary elections of Georgia will be fully proportional: The Parliament will consist of 150 members elected by the proportional system in a single multi-mandate electoral district on the basis of universal, free, equal and direct suffrage, by secret ballot, for a term of 4 years.

Law on Political Associations of Citizens defined an “encouraging measure” for the nomination of one candidate of a different gender in every three persons on the party list in the elections until 2028.

More specifically, according to Article 203 of the Election Code of Georgia, a mandatory gender quota mechanism for the Parliamentary Elections of Georgia was established with an increasing percentage:

The procedure for drawing up the party list for the Parliamentary Elections of 2020, as well as for the elections of October 26, 2024, and for the Parliamentary Elections following these elections to be held until 2028, is determined by an electoral subject in such a way that at least one in four persons on the party list submitted to the Chairman of the CEC must be a representative of a different gender.<sup>46</sup>

The rules for drawing up the party list for the Parliamentary Elections of October 28, 2028, and for the next Parliamentary Elections to be held until 2032 are determined by the political party in such a way that at least one in every three persons on the party list presented to the Chairman of the CEC must be a representative of a different gender.

For the Local Self-Government Elections to be held until 2028, the party is to determine the procedure for drawing up the party list so that at least one out of every three candidates on the submitted list must be a representative of a different gender.

The legislature has introduced a rule for establishing a deficiency when the principle of gender quota is not respected during electoral registration. In particular, both in the Parliamentary and Local Self-Government Elections, the political party must submit the electoral list to the CEC/Chairman of the respective District Election Commission no later than the 30th day before the voting day. If it does not meet the gender balance established for elections, the list is returned to the party to eliminate the deficiency within three days. The party list will only be registered if the deficiency is eliminated.

The Election Code also reflected the principle of replacement and cancellation of mandate. In particular, if a term of office of a Member of the Parliament elected by the proportional election system or a Member of Sakrebulo (Local Assembly) is terminated earlier, his/her place is filled in by a representative of the same gender. If there is no candidate of the same gender in the submitted party list, the mandate is cancelled.

The mandate cancellation mechanism was reflected in the Election Code only after the Parliamentary Elections of 2020 when a precedent of violating the gender quota principle was revealed. In 2021, according to the recommendation developed by the Working Group on Women’s Political Participation, an amendment was made to the Election Code, according to which, if there is no longer a representative of the same gender on the list that received the mandate, the latter is cancelled and does not go to the representative of a different gender, which is next on the list.<sup>47</sup>

The legislature also determined that an electoral subject is entitled to submit a party list to the Chairman of the CEC for the Parliamentary Elections to be held in 2024 and until 2028, in which at least one in every three persons is a representative of a different gender. In such a case, the electoral subject will receive additional funding under the Law on Political Associations of Citizens.<sup>48</sup> Indeed, Article 39<sup>1</sup> of the Law on Political Associations of Citizens defines an incentive mechanism, which envisaged 30 percent supplement to the budget funding if a party takes the initiative and places one candidate of the opposite sex in every three persons on the list. The political party should use the mentioned supplement for the activities of a structural unit, which is the women’s organization.<sup>49</sup>

46 The normative content of the first sentence of paragraph 2 of Article 203, which stipulates that at least one in every four persons on the electoral list for the elections of the Parliament of Georgia to be held before October 26, 2024, was declared invalid – the Decision No. 3/3/1526 of the Constitutional Court of Georgia of September 25, 2020 - webpage, 29.09.2020.

47 Netgazeti, two parties bypassed quotas; where is the black hole? 2021. Available at the following address: <https://netgazeti.ge/news/537787/>

48 Organic Law on Political Associations of Citizens, 1997. Available at the following address: <https://matsne.gov.ge/ka/document/view/28324?publication=35>

49 Ibid. Article 391.

### 2.3. JUDICIAL DECISIONS

A few months after the mandatory gender quotas were included in the Election Code, the political union of citizens, “New Political Centre”<sup>50</sup> and “European Georgia - Movement for Freedom,”<sup>51</sup> challenged the legislative changes in the Constitutional Court of Georgia.

According to the representatives of the political parties, by imposing mandatory gender quotas, the state harshly interferes in drawing up party lists of political parties and excludes the possibility of its formation in a free and competitive environment. However, the Constitutional Court did not consider the arguments of the parties that the establishment of a mandatory gender quota mechanism limits the equality of political parties, electoral and equality rights established by the Constitution of Georgia. Despite the above, in its decision, the court recognized as invalid the normative content of Article 203 of the Election Code,<sup>52</sup> according to which at least one in every four persons must be male in the election list for the Parliamentary Elections of Georgia to be held before October 26, 2024. In particular:

When considering the case, the court relied on the principles of proportionality, legitimacy, usefulness, and necessity and recognized the following provisions of Article 203 as invalid within the framework of both disputes:

1. The normative content of the first sentence of Paragraph 2, that establishes that at least one in every four persons on the electoral list must be male for the Parliamentary Elections of Georgia to be held before October 26, 2024.
2. The normative content of Paragraph 8, that stipulates that for the general Elections of Municipal Bodies to be held until 2028, at least one in every three persons must be male on the electoral list.
3. The normative content of Paragraph 10, that states that in the case of earlier termination of the mandate of a male member of the city council elected by the proportional election system, s/he will be replaced by the representative of the same gender who is next on the party list.

Therefore, based on the analysis of the decisions of the Constitutional Court, a mandatory gender quota mechanism is for the empowerment of women and the achievement of gender equality in politics, and it does not apply to men. Also, even in the case of earlier termination of the mandate, the principle of replacement is not transferred according to gender: it is considered that the principle of the next in the proportional list applies, and the mandate is transferred to the next representative of any gender on the list.

The members of the Working Group on Women’s Political Participation - the International Society for Fair Elections and Democracy (ISFED): Elene Nizharadze, Tatia Kinkladze and Irma Pavliashvili,<sup>53</sup> and Sul Khan Saladze of the Georgian Young Lawyers’ Association (GYLA) submitted written opinion *amicus curiae* on the constitutional lawsuit.<sup>54</sup>

According to them, substantive equality means real opportunities for the representational empowerment of women as a group. The quota system is the mechanism that will properly respond to this problem. Protection of gender equality in representative bodies - an international obligation, undertaken by Georgia - is a legitimate goal that corresponds to the principle of democracy and the rule of law, and which might limit the passive right

50 Constitutional Lawsuit (N1526), 2020. Available at the following address: <https://www.constcourt.ge/ka/judicial-acts?legal=9849>

51 Constitutional Lawsuit (N1647), 2021. Available at the following address: <https://www.constcourt.ge/ka/judicial-acts?legal=12412>

52 The court did not accept the constitutional lawsuit of “Citizens’ political union “European Georgia - Movement for Freedom”, Nino Todria, Martha Kardava, Nino Ordenidze and others against the Parliament of Georgia” for review, although it declared as invalid a) the normative content of Article 203, Paragraph 8 of the Organic Law of Georgia “Election Code of Georgia,” which stipulates that for the general elections of the municipal bodies to be held until 2028, at least one in every three persons of the electoral list must be a man; also, b) the normative content of Article 203, Paragraph 10 of the Organic Law of Georgia “Election Code of Georgia,” which states that the next male member on the party list is to replace him in the event of the premature termination of the mandate of a male member of the City Council elected by the proportional election system.

53 Fair Election (ISFED) Amicus Curiae (ac1526), 2020. Available at the following address: <https://www.constcourt.ge/ka/judicial-acts?legal=10121>

54 Georgian Young Lawyers’ Association (GYLA) Amicus Curiae (ac1526), 2020. Available at the following address: <https://www.constcourt.ge/ka/judicial-acts?legal=10120>

to vote. Also, it is worth noting that women have experiences and views on a number of issues that are different from those of men. Accordingly, the state policy will become more reasoned, balanced, justified and legitimate if those women, who have directly faced specific challenges, are involved in its development. Gender diversity creates opportunities for quality discussions where members of both gender groups have the opportunity to share their unique experiences. A mandatory gender quota is a guarantor of this.<sup>55</sup>

#### **2.4. INTERNATIONAL MONITORING MISSIONS' EVALUATIONS AND RECOMMENDATIONS REGARDING WOMEN'S POLITICAL PARTICIPATION**

In terms of assessing gender equality in politics, the recommendations and conclusions of international monitoring organizations are essential.

In this regard, the evaluations and recommendations of the mission of the OSCE Office for Democratic Institutions and Human Rights to Georgia, which combine recommendations based on specific election years and elections in terms of increasing the representation of women in politics and nominations to decision-making positions, are interesting.<sup>56</sup>

In the reports and recommendations produced after the evaluation of the 2017 Local Government Elections by the OSCE Office for Democratic Institutions and Human Rights we read that the state should take into consideration the recommendation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and establish a mandatory gender quota mechanism:

*"...the government should establish mandatory gender quotas for parties to significantly increase the representation of women in both national and local legislative bodies."<sup>57</sup>*

The subsequent evaluation of the amendments to the Election Code of Georgia in the context of the 2020 Parliamentary and 2021 Local Self-Government Elections is also interesting. According to the latter:

*"To promote balanced gender representation, parties should consider improving their internal policies to encourage women's participation, including by increasing the number of women among majoritarian candidates."<sup>58</sup>*

*"To promote balanced gender representation at all levels, it is desirable that parties strengthen internal policies to encourage women's participation and increase the number of female candidates among majoritarian and mayoral candidates."<sup>59</sup>*

The reports emphasize that Georgia is a signatory to the key international and regional instruments, which concern conducting democratic elections. Among them is the International Covenant on Civil and Political Rights, adopted in 1966, establishing the guarantees of gender equality in politics and the Convention on the Elimination of All Forms of Discrimination Against Women, adopted in 1979.

The reports also note that the recommendations given to Georgia serve to improve the election process and to ascertain full compliance with the OSCE commitments and other international obligations and standards related to democratic elections. However, they are still considered unimplemented recommendations.<sup>60</sup> Therefore, they are mandatory to fulfil.

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55 Ibid.

56 Electronic database of election recommendations issued by the OSCE Office for Democratic Institutions and Human Rights to Georgia. Available at the following address: <https://paragraph25.odhr.pl/home-page-countries/georgia/>

57 International Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights, Final Report, Assessment of the 2017 Local Government Elections, 2018. Available at the following address: <https://www.osce.org/files/f/documents/f/a/375682.pdf>

58 International Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights, Final Report, Assessment of the 2020 Parliamentary Elections, 2021. Available at the following address: <https://www.osce.org/files/f/documents/3/8/482640.pdf>

59 International Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights, Final Report, Assessment of the 2021 Local Government Elections, 2022. Available at the following address: <https://www.osce.org/files/f/documents/e/7/516627.pdf>

60 According to paragraph 25 of the 1999 Istanbul document of the OSCE, the member states of the OSCE undertook to "timely implement the assessment of the elections and the recommendations of the Office of Democratic Institutions and Human Rights."



In terms of evaluations and recommendations, the reports of the National Democratic Institute (NDI) and the International Republican Institute (IRI) are interesting.

In its report, the International Republican Institute (IRI) gives a positive evaluation of the Constitutional and Electoral Reforms of 2020, which improved the electoral system and created the possibility for real changes. The main goal is to increase political competition and gender diversity in Parliament after decades of the one-party ruling. However, the recommendations note that:

*“According to the analysis of the historical significance and tradition of women’s political participation in Georgia, and the gender quota, political parties and the state must take measures that ensure fair distribution of political party resources for female members, full protection of the right to personal and family life, and appropriate response, including to sexual harassment, promoting the protection mechanism. Continued support for women is essential to improve the quality of governance for all citizens.”<sup>61</sup>*

According to the evaluation by the National Democratic Institute (NDI), the parties should reconsider the sunset clause of the mandatory gender quotas. Establishing a balance between women and men is a long-term process, the expiration date of which should not be so early from the introduction of quotas.<sup>62</sup>

## 2.5. STATE INSTITUTIONAL MECHANISMS

The Law of Georgia on Gender Equality<sup>63</sup> sets guarantees and protection mechanisms to exclude discrimination in all areas of public life and to create appropriate conditions for realizing equal rights, freedoms and opportunities for women and men. These mechanisms, in coordination, create gender policy, legislative oversight/gender equality protection monitoring and fact-finding, ensuring gender equality in the country.<sup>64</sup>

The state promotes women’s and men’s equal rights in political, economic, social, and cultural life. It also establishes the national mechanisms for the protection of gender equality (at central, regional, and municipal levels), which include the following institutions:

At the national level:

- ✓ Gender Equality Standing Council of the Parliament of Georgia;
- ✓ Interagency Commission for Gender Equality, Violence against Women and Domestic Violence;
- ✓ Public Defender’s Office (PDO).

At the regional level:

- ✓ Gender Equality Council of the Supreme Council of the Autonomous Republic of Adjara.

At the municipal level:

- ✓ Municipal Councils for Gender Equality;
- ✓ Civil Servants Responsible for Gender Equality Issues in the City Halls.

61 International Republican Institute (IRI), Technical Election Assessment Mission: Georgia 2020 National Parliamentary Elections, 2020. Available at the following address: <https://drive.google.com/file/d/15y8U9TWmOK-IOIcgaGp3u03vWuuuP9c5/view>

62 National Democratic Institute (NDI), Report on 2020 Parliamentary Elections, 2020. Available at the following address: [https://www.ndi.org/sites/default/files/NDI%20Georgia%20-%20VEAT%20Statement%20Nov%202020%20-%20GEO%20-%20FINAL\\_0.pdf](https://www.ndi.org/sites/default/files/NDI%20Georgia%20-%20VEAT%20Statement%20Nov%202020%20-%20GEO%20-%20FINAL_0.pdf)

63 Law of Georgia on Gender Equality, 2010. Available at the following address: <https://matsne.gov.ge/ka/document/view/91624?publication=9>

64 Ibid.

## **GENDER EQUALITY COUNCIL OF THE PARLIAMENT OF GEORGIA**

The Gender Equality Council supports the Parliament of Georgia to set the key directions of the state policy in the field of gender equality, to create and develop the legislative framework for gender equality, and to discuss and approve a relevant strategy as well as ensures the supervision of gender equality-related activities of the bodies accountable to the Parliament of Georgia, to raise awareness of gender equality and implement measures supporting women's empowerment.<sup>65</sup>

## **INTERAGENCY COMMISSION ON GENDER EQUALITY, VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

For systematic and coordinated work on gender and other issues provided for by Georgian legislation, the Government of Georgia created an Inter-Agency Commission on Gender Equality, and Violence Against Women and Domestic Violence.

The Commission's objectives are to work on gender equality, as well as on violence against women and domestic violence, to develop relevant strategies and action plans, including implementing UN Security Council resolutions on "Women, Peace and Security." The function of the Commission is to coordinate with state agencies and develop policy documents by guiding an inclusive process.<sup>66</sup>

## **THE PUBLIC DEFENDER'S OFFICE**

The Public Defender's Office of Georgia, within the scope of his/her authority, monitors the protection of gender equality and reacts to relevant violations to ensure the state guarantees of protection of human rights and freedoms. The Public Defender's Office supervises the state and municipal authorities, public institutions and officials so that the rights and freedoms recognized by the state are protected for all persons within the territory of Georgia and under its jurisdiction, regardless of race, skin color, sex, language, religion, political or other opinions, national, ethnic and social affiliation, origin, property and rank, place of residence or other circumstances.

To eliminate all forms of discrimination and ensure equality, the Public Defender's Office supervises the activities of administrative, state, and municipal bodies, public institutions and officials and observes natural or legal persons to detect the facts of direct and indirect discrimination and take measures to eliminate the consequences.<sup>67</sup>

## **GENDER EQUALITY COUNCIL OF THE SUPREME COUNCIL OF THE AUTONOMOUS REPUBLIC OF ADJARA**

The Gender Equality Council of the Supreme Council of the Autonomous Republic of Adjara was created to carry out systematic work on gender issues and coordinate activities with the Gender Equality Standing Council of the Parliament.

The Gender Equality Council supports the Supreme Council to set the key directions in the field of gender equality, to create and develop the relevant legal framework, to review and approve the action plan in this direction, raise awareness about gender equality and the empowerment of women by carrying out supporting measures.<sup>68</sup>

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65 The Statute of the Gender Equality Council of the Parliament of Georgia was approved by the 2017 order of the Speaker of the Parliament of Georgia. Available at the following address: <https://web-api.parliament.ge/storage/files/shares/Gender/genderuli-debuleba.pdf>

66 Decree No. 286 of the Government of Georgia, 2017, on the creation and approval of the statute of the Inter-Agency Commission on Gender Equality, Violence Against Women and Domestic Violence, 2017. Available at the following address: <https://matsne.gov.ge/ka/document/view/3698004?publication=4>

67 Organic Law of Georgia on Public Defender, 1996. Available at the following address: <https://matsne.gov.ge/ka/document/view/33034?publication=27>

68 Statute of the Gender Equality Council of the Supreme Council of the Autonomous Republic of Adjara, 2021. Available at the following address: <https://www.matsne.gov.ge/ka/document/view/5113997?publication=0>

## **MUNICIPAL COUNCILS FOR GENDER EQUALITY AND THE CIVIL SERVANT RESPONSIBLE FOR GENDER EQUALITY ISSUES IN THE CITY HALL**

Sakrebulo of the self-governments set up Municipal Gender Equality Councils for systemic work on gender issues. Besides, their role is to coordinate work with the Gender Equality Standing Council of the Parliament. In addition, the mayor at a municipality designates a Civil Servant responsible for gender equality issues, whose function is to study the issues in this area in the municipality and plan and coordinate relevant activities.<sup>69</sup>

With the inclusion of municipal gender equality mechanisms, self-government budgets, socio-economic development priorities, municipal programmes, and plans should be developed in such a way as to exclude any form of discrimination.

The analysis of the mandate and functions of national gender equality mechanisms shows that they are of critical importance in achieving gender equality and realizing women's rights (in all spheres of public and private life). These institutional mechanisms, in accordance with the legislation, coordinate gender policies at the national, regional, and municipal levels and, at the same time, develop a gender equality perspective in the public and political life. Effective implementation of these functions is feasible with the proper structure in place, mobilization of adequate resources and efficient work.

A study conducted in 2021 to evaluate gender equality in Georgia shows that the Law on Gender Equality does not say anything about gender mainstreaming and the mandate of the mentioned institutional mechanisms in this direction. It is also unclear what their duties are in formulating appropriate institutional vision, goals and objectives for gender mainstreaming and then implementing, evaluating, and monitoring them. Thus, the law introduces institutional mechanisms but does not specify what tools should be used to support gender policies at the governmental, regional and municipal levels.<sup>70</sup>

The mandate and the operation of the institutional mechanisms of gender equality (Interagency Commission on Gender Equality, Violence against Women and Domestic Violence and Gender Equality Standing Council of the Parliament) are evaluated according to international indicators in the study "Assessment of the Effectiveness of Gender Equality Institutional Mechanisms in Georgia." conducted under the auspices of the Public Defender's Office.<sup>71</sup>

The study shows that national gender equality mechanisms still need institutional strengthening and a solid structure to ensure their proper and systemic operation. The Questions also arise as to how the executive and legislative branches see the role of the Interagency Commission and Gender Equality Standing Council in policy development and coordination; and what capabilities and status they have in order to influence the formation of state policy. The study shows that at this stage, the role of the mechanisms is mainly manifested in administrative support and advisory functions, and their influence on policy development and coordination is relatively weak. Scarcity of appropriate human and financial resources and the absence of a state vision on gender mainstreaming is a challenge for effective operation of institutional mechanisms.<sup>72</sup>

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69 The Law of Georgia on Gender Equality, 2010. Available at the following address: <https://matsne.gov.ge/ka/document/view/91624?publication=9>

70 Ibid.

71 Public Defender of Georgia, Special Report on Assessment of the effectiveness of gender equality institutional mechanisms in Georgia, 2021. Available at the following address: <https://www.ombudsman.ge/res/docs/2022022817262614843.pdf>

72 Ibid. p. 35.



### III. INTERNATIONAL STANDARDS AND BEST PRACTICES

The analysis of the legal framework and practice showed progress. However, the continuity of the process and the effective enforcement of mandatory gender quotas require a revision of the relevant legislation and the development of the practice of internal democracy and institutional regulations within political parties. In this regard, it is interesting to consider the local community's demand, the world's new goal (50/50).

#### 3.1. INTERNATIONAL STANDARDS: A NEW GOAL (50/50)

The share of the international organizations to improving women's participation in politics is essential.<sup>73</sup> Equal political participation of women is very difficult to achieve naturally, and it takes tens of years, which countries today, including Georgia, cannot afford.<sup>74</sup>

To speed up the process and eliminate the male-dominant environment or inequality created over the centuries, the human rights, and women's rights actors out the objective to convince the decision-makers of the necessity of intervention at the legislative level, which was manifested in the development of special mechanisms, placed on their agenda.

The essence of mandatory gender quotas is the following - when the existing gender inequality is caused by various factors - a patriarchal society, women's socio-economic problems, low degree of internal democracy in the political parties, due to which equal participation of women in public and political life is impossible, introducing special temporary measures is a solution to eliminate inequality. In this way, it becomes possible to achieve substantial equality and a critical mass of representatives of different sexes is created in representative bodies (according to the international standard, it is 40%).

As of 2020, the average rate of women's parliamentary representation in the world, compared to 1995 (11.3%), has doubled (25%). Thus, the goal that the world set 25 years ago, has been achieved. The representation of women in parliaments has reached a critical minimum of 30%, according to the annual report of the Inter-Parliamentary Union (IPU),<sup>75</sup> which has been monitoring women's participation in the world's parliaments for decades. Although progress has been steady in recent years, it has been extremely slow, and at the current rate, it will take many more years to achieve gender parity in the world's parliaments. As a result, the countries are now deliberating on setting a new goal to develop such mechanisms that will increase the representation of women in the legislative bodies to 50% by 2030.

The studies conducted in Georgia in the recent years confirm that increasing gender equality in politics, including mandatory gender quotas, is a public demand and that most voters favor women's participation in politics. For example, according to the National Democratic Institute's (NDI) public opinion poll of 2019, 65% support gender quotas.<sup>76</sup> Moreover, according to the International Republican Institute's (IRI) pre-election public opinion survey of 2021, 48% support increased participation of women in politics. According to the interviewees, the following qualities of politicians are very characteristic for women: the ability to negotiate and listen, the ability to compromise and communicate, and ethical behavior. This is especially important given that 61% of the population believes that political polarization is increasing in the country, while 97% believe that polarization is detrimental to the country. At the same time, a large part of the population supports constructive political dialogue and consensus-based solutions.<sup>77</sup> According to a survey conducted by the same organization (IRI) in March 2022, 44% support increasing the participation of women in politics, while 22% believe that the number should remain the same.<sup>78</sup>

73 Gender Equality Council of the Parliament of Georgia, Gender Equality in Georgia: Barriers and Recommendations, 2021. Available at the following address: <https://bit.ly/3ppmlUI>

74 Georgian Young Lawyers Association (GYLA), Women in Georgian Politics, 2017. Available at the following address: <https://bit.ly/3PveTXN>

75 Inter-Parliamentary Union (IPU), Women in Parliaments: 1995-2020 - 25-years in review, 2020. Available at the following address: <https://www.ipu.org/resources/publications/reports/2020-03/women-in-parliament-1995-2020-25-years-in-review>

76 National Democratic Institute (NDI), July 2019 Public Opinion Survey. Available at the following address: [https://www.ndi.org/sites/default/files/NDI%20July%202019%20poll-Issues\\_GEO\\_For%20distribution\\_VF.pdf](https://www.ndi.org/sites/default/files/NDI%20July%202019%20poll-Issues_GEO_For%20distribution_VF.pdf)

77 International Republican Institute (IRI), 2021 Pre-Election Public Opinion Survey. Available at the following address: [https://www.iri.org/wp-content/uploads/2021/08/iri\\_poll\\_presentation\\_georgia\\_june\\_2021\\_public\\_release.pdf](https://www.iri.org/wp-content/uploads/2021/08/iri_poll_presentation_georgia_june_2021_public_release.pdf)

78 International Republican Institute (IRI), March 2022 Public Opinion Survey. Available at the following address: [https://www.iri.org/wp-content/uploads/2022/04/IRI-Poll-Presentation-Georgia-March2022\\_Final.pdf?fbclid=IwAR0L5AfC5PJGbmPA-fU4Axy9uLZ4hH0aGZp0lojSiVKexmiDBDN5JCwGrohl](https://www.iri.org/wp-content/uploads/2022/04/IRI-Poll-Presentation-Georgia-March2022_Final.pdf?fbclid=IwAR0L5AfC5PJGbmPA-fU4Axy9uLZ4hH0aGZp0lojSiVKexmiDBDN5JCwGrohl)

According to the National Democratic Institute's (NDI) public attitude survey of 2021, citizens in Georgia expect parties to work on the issues of inclusiveness. About half of the population supports an equal representation of women and men in Parliament.<sup>79</sup>

Therefore, to maintain the growing trend of gender equality in representative bodies, which is both a demand of society and an international obligation undertaken by Georgia, it is desirable to amend the Election Code in such a way that the temporary rule of submission of party lists in the elections is extended until substantial equality is achieved. At the same time, political parties should develop internal democracy and establish human rights and gender equality-based approaches.

Political parties are an integral part of political life in democratic countries. Moreover, a political party is a voluntary, independent, registered association<sup>80</sup> of citizens created on a common ideological and organizational basis. It usually aims to come to power through elections and pursue its programme of action based on the country's Constitution and legal framework.

A political party, as a necessary constitutional and legal part of a free and democratic society, participates in the formation and expression of the political will of citizens through elections and other means allowed by law. The activities of political parties are based on the principles of freedom, equality, transparency, and intra-party democracy.<sup>81</sup>

Stable and institutionally sound political parties with strong internal democracy play a positive role in achieving gender equality. They are more aware of gender equality and their activities are based on the human rights-based approach.

Gender quotas are a temporary mechanism to eliminate gender inequality. According to international standards/legislation, there are three types of quotas:

- ✓ Voluntary quotas (the same as party quotas) - political parties consider the gender quotas in the lists voluntarily;
- ✓ Mandatory quotas (same as legislative quotas) - the Constitution or law obliges political parties to maintain gender balance when drawing up electoral lists;
- ✓ Quotas of reserved seats - in some countries, a certain number of parliamentary seats are reserved for women, and men cannot contest them. This method is often used in Africa and Southeast Asia.<sup>82</sup>

### 3.2. BEST INTERNATIONAL PRACTICES

For the purposes of the study, we will review the countries where mandatory gender quotas are regulated at the legislative level, and intra-party voluntary quotas are applied by the political parties. Poland and Belgium were selected for the general overview of mandatory gender quotas<sup>83</sup> with proportional electoral systems. Great Britain and Sweden have interesting political systems and internal party quotas.<sup>84</sup>

79 National Democratic Institute (NDI), February 2021 Public Opinion Survey. Available at the following address: [https://www.ndi.org/sites/default/files/NDI%20Georgia\\_Public%20Opinion%20Poll\\_February%202021\\_GEO\\_Final.pdf](https://www.ndi.org/sites/default/files/NDI%20Georgia_Public%20Opinion%20Poll_February%202021_GEO_Final.pdf)

80 Organic Law of Georgia on Political Associations of Citizens, Article 1, 1997. Available at the following address: <https://matsne.gov.ge/ka/document/view/28324?publication=35#>

81 Constitution of Georgia, Article 3, Democracy, 1995. Available at the following address: <https://matsne.gov.ge/ka/document/view/30346?publication=36>

82 Georgian Young Lawyers' Association (GYLA), Mandatory Gender Quotas in Parliamentary Elections in the EU Member States, 2019. Available at the following address: <https://www.gyla.ge/files/kvota.pdf>

83 Party quotas (voluntary) are obligations/rules set by individual political parties through party charters, party programmes and additional rules to achieve gender equality. Consequently, the party quotas are to be examined by each individual party.

84 European Parliament, Electoral Gender Quota Systems and Their Implementation in Europe, 2013. Available at the following address: [https://www.europarl.europa.eu/RegData/etudes/note/join/2013/493011/IPOL-FEMM\\_NT\(2013\)493011\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/note/join/2013/493011/IPOL-FEMM_NT(2013)493011_EN.pdf)

## MANDATORY GENDER QUOTAS: POLAND AND BELGIUM

**In Poland the** Head of state is the President. The legislative function is held by the Seimas and the Senate (Parliament consisting of two chambers), and the executive branch is divided between the President and the Council of Ministers (the Government).

According to the Democracy Index, Poland is a fully democratic country. Political parties do not face disproportionate restrictions on registration or operation.<sup>85</sup>

**Electoral system:** unified proportional electoral system (List PR).<sup>86</sup> **Rule of listing:** at least one of every three candidates must be a woman. **Sanction:** determination of deficiencies, refusal of registration. **Term of validity** of the quota in the Election Code: unlimited.

In Poland, a **mandatory gender quota of 35%** has been in force since 2011. The rule applies to the lower house (Seimas) and local elections. The number of women in the lower house should be at least 35% of the candidates on the list. The number of male candidates should be at least 35% of the candidates on the list. Out of 459 members in the Seimas, 130 seats (28%) belong to women.<sup>87</sup>

**Belgium** is a constitutional monarchy. The Head of state is the King. The legislative power rests with the King, together with the bicameral Parliament. The executive power rests with the Government.

According to the Democracy Index, Belgium is a fully democratic country. A stable democracy reigns there, with a long history of peaceful transfers of power, where political rights and freedoms are recognized and guaranteed by law.<sup>88</sup>

**Electoral system:** unified proportional electoral system (List PR).<sup>89</sup> **Rule of listing:** the first two candidates on the list must be of different genders. **Sanction:** refusal to register. **Term of validity** of the quotas in the Election Code: unlimited.

**A mandatory gender quota of 50%** has been in force in Belgium since 2002.<sup>90</sup> Mandatory gender quota requirements apply to both houses of the Parliament, as well as to local elections. In the last 15 years, Belgium carried out ambitious reforms in this direction. In 1999, with the Tobback-Smet Act, the proportion of female members in the House of Representatives increased from 16% to 25% for the first time. According to this document, political parties must fill at least 1/3 of their electoral lists with female members. In 2007, after the implementation of stricter gender quota legislation, female participation in the lower house reached 38%. The new rule stipulates that the representation of women and men in the single list in the House of Representatives (Lower House) shall be determined as 50-50%. Accordingly, one of the two candidates must belong to a different gender.<sup>91</sup>

## INTRA-PARTY GENDER QUOTAS: GREAT BRITAIN AND SWEDEN

**The United Kingdom (Great Britain)** is a constitutional monarchy in which the monarch is the Head of state, and the Prime Minister is the Head of Government. The United Kingdom includes the countries of England, Scotland and Wales, along with the territory of Northern Ireland.

According to the Democracy Index, the United Kingdom is a fully democratic country. It is a stable democracy that regularly holds free elections. Political parties do not face disproportionate restrictions on registration or

85 Freedom House, Poland 2022. Available at the following address: <https://freedomhouse.org/country/poland/freedom-world/2022>

86 Council of Europe, Poland. Available at the following address: <https://www.coe.int/en/web/electoral-assistance/elecdata-poland>

87 International IDEA, Gender Quota Database, Poland. Available at the following address: <https://www.idea.int/data-tools/data/gender-quotas/country-view/242/35>

88 Freedom House, Belgium 2021. Available at the following address: <https://freedomhouse.org/country/belgium/freedom-world/2021>

89 Council of Europe, Belgium. Available at the following address: <https://www.coe.int/en/web/electoral-assistance/elecdata-belgium>

90 International IDEA, Gender Quota Database, Belgium. Available at the following address: <https://www.idea.int/data-tools/data/gender-quotas/country-view/60/35>

91 Ibid.

operation. Politics has been dominated by the Conservative and Labour parties for decades, although other parties regularly win seats. Opposition parties operate freely and have a real opportunity to increase voter support.<sup>92</sup>

**Electoral system:** First-past-the post [simple majority electoral system] (FTPT).<sup>93</sup>

**Political parties:** Liberal Democratic Party - 40% internal party gender quota (2018); Labour Party - 50% internal party gender quota of parliamentary seats.<sup>94</sup>

The United Kingdom has a bicameral parliament using voluntary intra-party quotas. In the House of Commons, 223 of the 649 seats are held by women (34%); in the House of Lords, 222 of the 776 members are women (29%).<sup>95</sup>

**Sweden** is a constitutional monarchy. The Head of state is the King. The country is governed by the Government, headed by the Prime Minister, who is elected by the Parliament (the Riksdag). Parliament is unicameral.

According to the Democracy Index, Sweden is a fully democratic country. It is a parliamentary monarchy with free and fair elections and a strong multi-party system. Political rights and freedom in the country are protected both at the level of the law and in practice. Association and activities in political parties are not limited. Sweden has a robust multi-party system with strong opposition.<sup>96</sup>

**Electoral system:** proportional representation (List PR).<sup>97</sup>

**Political parties:** Social Democratic Party - the so-called zipper principle (principle of alternation), internal party gender quota has been in effect since 1993; Left Party - at least 50% internal party gender quota for women (1993); Green Party - 50% internal party gender quota, plus/minus one person (1997); Moderaterna - two women and two men in the first four positions of the party list for the European Parliament Elections (2009).<sup>98</sup>

In Sweden, there is a voluntary intra-party quota in place. Out of 349 seats in the Parliament, 161 mandates (46%) belong to women.<sup>99</sup>

The study of international practice has shown that the participation of women in politics in these countries has been increasing<sup>100</sup> over the years.<sup>101</sup> In several countries, the internal democracy of political parties is strengthened by the mechanism of voluntary quotas. An institutionally strong party system is characteristic of these countries. Political rights and freedom are protected in law and practice. Joining political parties and their activities are not limited. In the legislation of those countries where a mandatory gender quota is defined as a temporary mechanism, the law does not limit its operation to a specific period.

92 Freedom House, United Kingdom, 2022. Available at the following address: <https://freedomhouse.org/country/united-kingdom/freedom-world/2022>

93 Council of Europe, United Kingdom. Available at the following address: <https://www.coe.int/en/web/electoral-assistance/elecdata-united-kingdom>

94 Ibid.

95 International IDEA, Gender Quota Database, United Kingdom. Available at the following address: <https://www.idea.int/data-tools/data/gender-quotas/country-view/137/35>

96 Freedom House, Sweden 2021. Available at the following address: <https://freedomhouse.org/country/sweden/freedom-world/2021>

97 Council of Europe, Sweden. Available at the following address: <https://www.coe.int/en/web/electoral-assistance/elecdata-sweden>

98 Ibid.

99 International IDEA, Gender quota database, Sweden. Available at the following address: <https://www.idea.int/data-tools/data/gender-quotas/country-view/261/35>

100 European Parliament, Electoral Gender Quota Systems and Their Implementation in Europe, 2013. Available at the following address: [https://www.europarl.europa.eu/RegData/etudes/note/join/2013/493011/IPOL-FEMM\\_NT\(2013\)493011\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/note/join/2013/493011/IPOL-FEMM_NT(2013)493011_EN.pdf)

101 International IDEA, Gender quota database. Available at the following address: <https://www.idea.int/data-tools/data/gender-quotas/country>

## IV. THE IMPACT AND CONSEQUENCES OF MANDATORY GENDER QUOTAS IN GEORGIA

### 4.1. INTRODUCTION OF MANDATORY GENDER QUOTAS IN GEORGIA

More than half of Georgia's population are women,<sup>102</sup> but their representation in decision-making positions is relatively low. Women make up only 19.1% of the Parliament.<sup>103</sup> In the executive power, out of 13 ministers (including the Prime Minister), two are women,<sup>104</sup> none of the 9 state governors is a woman, and only 3 out of the 64 directly elected mayors are women.<sup>105</sup>

As part of the Electoral Reform of 2020, the Parliament of Georgia took an important step to increase women's political participation and established mandatory gender quotas.<sup>106</sup> Since 2002, there have been several attempts to pass a mandatory quota initiative. Among them the legislative proposal introducing a 50% mandatory gender quota in the party list developed by the Women's Political Participation Working Group in 2015, is to be highlighted.<sup>107</sup> In the same year, the legislative initiative prepared by two Members of the Parliament, which aimed at including the different sex in every three persons on the proportional list, was also unsuccessful.<sup>108</sup> In 2017, the Parliament of Georgia did not support the initiative submitted by 37,455 voters, which aimed at a 50% gender balance in the proportional lists.<sup>109</sup>

After the legislative amendments of 2020, the number of women in politics has increased at the national and local levels. Namely, the number of women in the 2020 Parliament amounted to 19.1% (increased by 3%).<sup>110</sup> As a result of the Parliamentary Elections of 2016, 24 women received a parliamentary mandate, which is only 16% of the total composition of the Parliament.<sup>111</sup> However, it should be noted that after the Parliamentary Elections, the mentioned number decreased, even more, caused by the transition of the elected female MPs to the Government. Accordingly, only 22 women remained in Parliament (14.8%).<sup>112</sup> From 1992 to the present, the representation of women in the Parliament of Georgia is shown in the figure below.<sup>113</sup>

102 General population census, 2014. Available at the following address: <https://www.geostat.ge/ka>

103 Inter-Parliamentary Union (IPU), Women in National Parliament. Available at the following address: <https://data.ipu.org/women-ranking?month=7&year=2022>

104 Government of Georgia, members of the Government. Available at the following address: <https://www.gov.ge/gov-members>

105 Gender Equality Council of the Parliament of Georgia, Gender Equality in Georgia: Barriers and Recommendations, 2021. Available at the following address: <https://bit.ly/3ppmlUI>

106 Organic Law on Political Associations of Citizens, 1997. Available at the following address: <https://matsne.gov.ge/ka/document/view/28324?publication=37>

107 Gender Equality Council of the Parliament of Georgia, Gender Equality in Georgia: Barriers and Recommendations, 2018. Available at the following address: <https://www.undp.org/ka/georgia/publications>

108 Ibid. p. 94.

109 Fair Elections (ISFED), Women's Political Representation and Existing Legislative Barriers, 2018. Available at the following address: <https://www.isfed.ge/geo/angarishebi/kalta-politikuri-tsarmomadgenloba-da-arsebuli-sakanonmdeblo-barierebi>

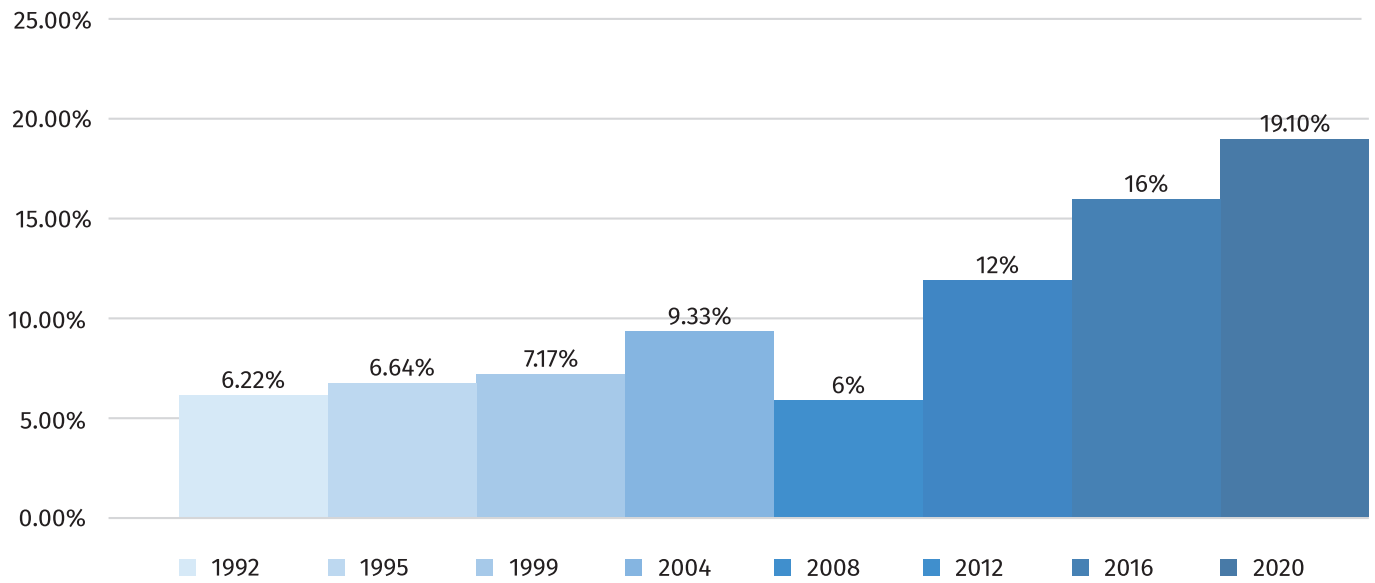
110 Gender Equality Council of the Parliament of Georgia, Gender Equality in Georgia: Barriers and Recommendations, 2021. Available at the following address: <https://bit.ly/3ppmlUI>

111 Fair Elections (ISFED), Women's Political Representation and Existing Legislative Barriers, 2018. Available at the following address: <https://www.isfed.ge/geo/angarishebi/kalta-politikuri-tsarmomadgenloba-da-arsebuli-sakanonmdeblo-barierebi>

112 Fair Elections (ISFED), Why Gender Quotas Are Necessary, 2020. Available at the following address: <https://www.isfed.ge/geo/politikis-dokumentebi/ratom-aris-sachiro-genderuli-kvotebi>

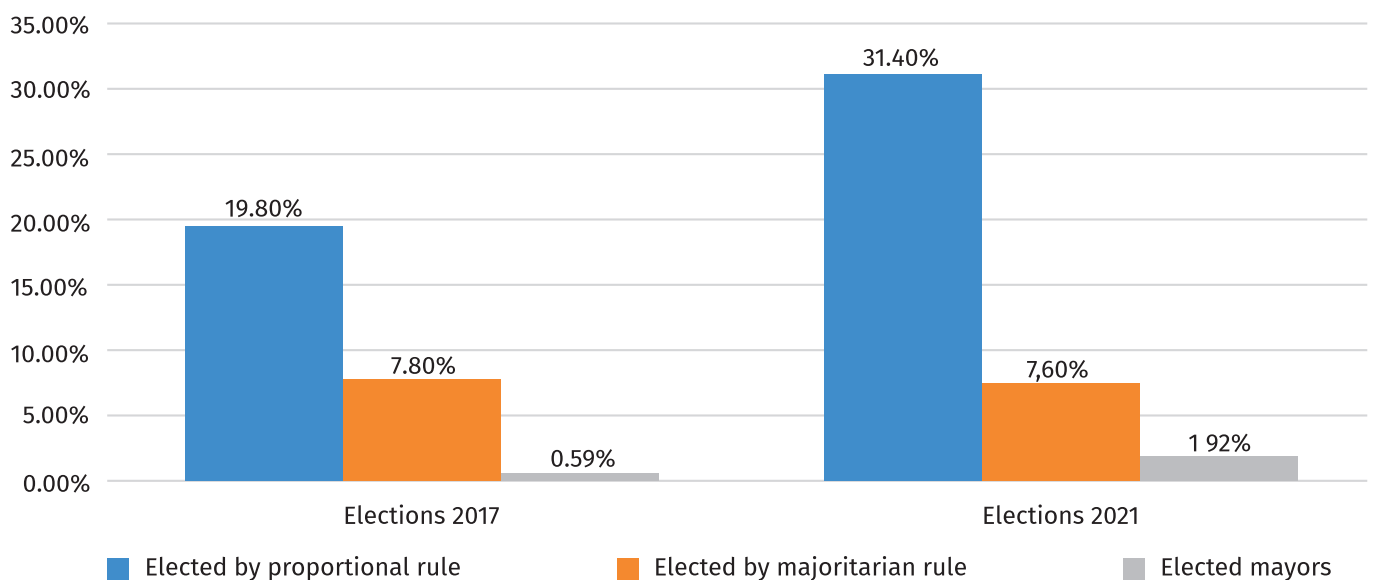
113 Georgian Young Lawyers Association (GYLA), Women in Georgian Politics, 2017. Available at the following address: <https://bit.ly/3pcZMbF>

Figure 1: The Percentage of Women in the Parliament of Georgia



In the Local Self-Government Elections of 2021, the mandatory gender quotas significantly impacted the increase of women’s political representation. In particular, in the Self-Government Elections of 2021, 31.4% (441) women were elected by the proportional list, and 7.6% (50) women were elected by the majoritarian system,<sup>114</sup> while in 2017, women received only 19.8% of the mandates under the proportional system and 7.8% under the majoritarian system.<sup>115</sup> The positive result of mandatory gender quotas is even more apparent if we analyze the results of the Local Self-Government Elections of 2010 and 2014. As a result of the 2010 Local Elections, the representation of women at the municipal level amounted to 11.1%, and after the 2014 Elections, the mentioned data almost did not change and became 11.6%.<sup>116</sup>

Figure 2: The Percentage of Women in the Local Self-Government Bodies



114 Gender Equality Council of the Parliament of Georgia, Gender Equality in Georgia: Barriers and Recommendations, 2021. Available at the following address: <https://bit.ly/3ppmlUI>

115 Fair Elections (ISFED), Women’s Political Representation and Existing Legislative Barriers, 2018. Available at the following address: <https://www.isfed.ge/geo/angarishebi/kalta-politikuri-tsarmomadgenloba-da-arsebuli-sakanonmdeblo-barierebi>

116 Fair Elections (ISFED), Why Gender Quotas Are Necessary, 2020. Available at the following address: <https://www.isfed.ge/geo/politikis-dokumentebi/ratom-aris-sachiro-genderuli-kvotebi>



Despite the progress, the number of women in the Parliament of Georgia is below the critical mass (30%-40%), which is necessary to influence the decision-making process.<sup>117</sup> Having few women in decision-making positions also affects the country's rankings in international reports. In particular, according to the indicator of women's political participation - the representation of women in the Parliament, Georgia ranks 121st among 193 countries.<sup>118</sup> According to the 2021 "Global Gender Gap Report" of the World Economic Forum, Georgia ranks 60th among 155 countries regarding women's political empowerment.<sup>119</sup>

Along with the legislative framework and electoral system, increasing women's political participation largely depends on political parties. Moreover, the parties' role is crucial because it is their function to find, recruit and promote candidates.<sup>120</sup> Therefore, political parties can be both a hindering and a facilitating factor in increasing women's political representation. Institutional weakness of the political parties of Georgia, low degree of internal party democracy, and less sensitivity to gender equality directly impact women's involvement in politics.

#### 4.2. INTERNAL PARTY GENDER-RELATED POLICIES

It has already been noted that attitude towards gender equality and women's political participation has progressed. This is confirmed by the results of numerous studies and reports conducted in recent years. For example, according to a report prepared as part of the research of the United Nations Joint Programme For Gender Equality, 60% of respondents think that more women's involvement in politics will bring positive results to the country.<sup>121</sup> Moreover, according to the National Democratic Institute's (NDI) Public Attitudes Survey of 2021, about half of the population (49%) supports an equal representation of women and men in Parliament.<sup>122</sup>

Despite the positive changes, visible and invisible barriers for women still exist within political parties and legislative bodies. During the in-depth interviews, most respondents (both male leaders and female members of the parties) mentioned that the attitude towards women's political participation in their parties is generally positive, and they welcome the inclusion of more women in politics. However, they do not rule out that there is a different situation in regional organizations.

Women are less represented in decision-making positions in Georgian political parties. Among the parties participating in the survey, the exception is the party "Droa," where women prevail in percentage, both in decision-making positions and at other levels. The leader of "Droa" said that *"it happened naturally, which may be due to the factor of a female leader, but that cannot be generalized because all members joined the political party on a professional basis."*

When discussing internal party gender-related policies and relevant documents, the respondent parties discussed the party charter, election programme and documents developed to strengthen gender equality. Except for "Strategy Aghmashenebeli," none of the parties has an internal party sexual harassment policy document ("Lelo for Georgia" has a note on this issue in the strategy of the women's organization). Most respondents noted that adopting sexual harassment policy is *"welcomed, and they see a space in the parties for starting such a discussion."* While speaking about the internal party gender policy, the parties also emphasized the importance of women's organizations and their role in recruiting and training women. The newly formed parties also noted that they will pay due attention to this issue and will soon determine in what form they will create women's organizations.

117 Gender Equality Council of the Parliament of Georgia, Gender Equality in Georgia: Barriers and Recommendations, 2021. Available at the following address: <https://bit.ly/3ppmlUI>

118 Inter-Parliamentary Union (IPU), Women in National Parliaments, 2022. Available at the following address: <https://data.ipu.org/women-ranking?month=7&year=2022>

119 World Economic Forum, Global Gender Gap Report, 2021. Available at the following address: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](http://www3.weforum.org/docs/WEF_GGGR_2021.pdf)

120 Georgian Young Lawyers Association (GYLA), Women in Georgian Politics, 2017. Available at the following address: <https://bit.ly/3pcZMbF>

121 UNDP/UNFPA, Men, Women and Gender Relations in Georgia, 2020. Available at the following address: [https://promundoglobal.org/wp-content/uploads/2020/06/Men-Women-and-Gender-Relations-in-Georgia.GEO\\_.pdf](https://promundoglobal.org/wp-content/uploads/2020/06/Men-Women-and-Gender-Relations-in-Georgia.GEO_.pdf)

122 NDI, Public attitudes in Georgia, 2021. Available at the following address: [https://www.ndi.org/sites/default/files/NDI%20Georgia\\_Public%20Opinion%20Poll\\_February%202021\\_GEO\\_Final.pdf](https://www.ndi.org/sites/default/files/NDI%20Georgia_Public%20Opinion%20Poll_February%202021_GEO_Final.pdf)

The participant parties do not have an internal party system for the professional development of members, although they emphasized the need for it. According to them, professional development in political parties is related to the nomination of a party member as a candidate in the elections and their training in this direction. None of the respondents talked about different approaches between male and female members. The opportunities (trainings, workshops, study visits or conferences) in which party members participate are often organized by donor/partner organizations. According to them, *"candidates are either selected depending on the training topic, or organizers themselves nominate them."*

While covering the mechanism of financial incentives stipulated by the legislation, some respondents said that in the past, only a part of this resource was used to increase gender equality within the party, which resulted in the establishment of women's organizations and their operations. It should be noted that only the representatives of the old parties spoke about the additional funding provided through the financial incentive mechanism. In contrast, the newly founded parties did not share a position on this issue. Most female respondents mentioned that appropriate financial resources are necessary for achieving gender equality in parties and are crucial for the full functioning of women's organizations.

### 4.3. MANDATORY GENDER QUOTAS

When talking about mandatory gender quotas, most respondents stated that their parties support a gender quota mechanism. Moreover, several respondents pointed out that the *"last-minute amendment of the draft law and the reduction of the gender quota percentage"* for the Self-Government Elections of 2021 caused great dissatisfaction among them. The non-parliamentary and newly created parties do not have an official position on gender quotas, and they state that, like other parties, this topic has both supporters and opponents. When discussing the opponents' arguments, respondents mentioned the well-known narrative that *"gender quotas are positive discrimination, and women should not need quotas if they have relevant skills."* Despite the difference of opinions, most respondents say that the attitude towards gender quotas among their fellow party members has generally changed to a positive one.

Moreover, several respondents admitted that they were either not in favor of mandatory gender quotas or did not have a clear position but later *"saw the necessity and positive results of the mentioned mechanism."* According to them, after adopting mandatory gender quotas, *"many new, good and active women emerged, who were previously only engaged in internal party activities."* Furthermore, according to one of the party leaders, *"mandatory gender quotas have given hope and encouragement to women."* Moreover, several respondents admitted that they were not supporting the mandatory gender quotas, or did not have an established position, but they *"they saw the necessity of this mechanism and its positive outcome"*. According to them introducing the gender quotas *"produced many new, good and active women, who were engaged only in the internal party activity."* As one of the party leaders said, *"the mandatory gender quotas gave hope and incentivized the women."*

Several party representatives said that they found it challenging to comply with the mandatory gender quota mechanism set by the law. Respondent party leaders noted that they had to spend more time and energy on recruiting women candidates. Comparing the 2020 and 2021 Elections, one of the leaders of the newly formed party said that it was difficult to find and convince female candidates for the 2020 Parliamentary Elections. For the 2021 Local Self-Government Elections, the process was much more manageable. In his opinion, *"the fact that we already had female leaders in the party, who were involved in recruiting new women and who set an example for them, also played a big role in this."*

Most respondents find it difficult to comprehensively analyze the results of mandatory gender quotas because the mentioned change is new, and they did not have enough time to observe it fully. Nevertheless, most female respondents believe that *"the mentioned change has a positive effect on the increase of the number of women in politics and their political activation, which is especially important for the regions."*

For the sustainability of the result, several respondents also spoke about the need to extend the mandatory gender quotas in the legislation for a longer period.



#### 4.4. PRE-ELECTION PERIOD, NOMINATION OF CANDIDATES AND FORMATION OF LISTS

Women play an active role in the pre-election campaign or the mobilization of party supporters but are under-represented in decision-making positions within parties.<sup>123</sup> Often the cause of this is the institutional weakness of political parties, vague criteria for the formation of lists and untransparent promotion mechanisms.

Most respondents said that one person/leader does not draw up the electoral list in their parties. Before its final approval, it is discussed at the political council or relevant decision-making bodies. However, they also noted that *“the list formation process lacks clarity, transparency and clear criteria.”* The representatives of the newly formed parties said that, in their case the procedure for developing the electoral lists has yet to be formalized, which must be improved in the future.

As for the rule of determining the order between male and female candidates, after the introduction of the law on gender quotas, the parties followed the requirements of the law when forming the lists. Several female representatives participating in the study noted that *“in practice, the reassignment of women was formalistic and technical to comply with the legal requirement.”* For the Local Self-Government Elections of 2021, women occupied the third, sixth, and ninth positions in most cases. There were exceptions when this principle was not followed, and the first number on the party list was a woman, and/or there were more women on the electoral list than required by the law.

Most respondents discussed the general criteria for selecting candidates: experience/competence, awareness, voter connection and party activism. Several respondents also mentioned general skills, electoral acceptance, and financial resources. Newly created parties emphasized that shared values, motivation (why the candidate was joining the party), integrity, and awareness were fundamental when selecting a candidate.

According to the respondent party leaders and female candidates, the party was equally involved (financial, human resources, legal) in supporting female and male candidates in the 2021 and 2020 Elections. According to them, *“as a rule, political parties have such a resource allocated to all candidates and gender is not paid attention to.”* One of the female respondents noted that *“the party helps everyone equally in this regard. It’s just that men are more visible with their resources and also easily attract additional resources.”*

To the question, *“If it were up to you, given equal skills, abilities, education and finances, who would you nominate as a candidate, a woman or a man?” Why?”* The majority of party leaders named a woman. The existing gender inequality, the need for more women to be involved in politics, qualities, characteristic to women and female solidarity (female respondents) were given as reasons for their answers. However, several respondents said, *“it is difficult to choose a candidate based on gender and would make the final decision based on additional circumstances.”*

#### 4.5. FEMALE CANDIDATES/POLITICIANS

Cultural stereotypes, societal attitudes and preconceptions about gender roles remain significant obstacles for women.<sup>124</sup> The cultural attitude towards women’s participation in politics has adverse effects if it is based on unequal gender values, which maintain men’s dominant role.<sup>125</sup> Unfortunately, such factors prevent women from active involvement in politics, and they often find themselves subjects of violent behavior towards them.<sup>126</sup>

Most female candidates who participated in the study mentioned that publicity significantly impacts them and potential candidates. Respondents talked about the different types of criticism (age, personal life, and appearance) expressed towards female candidates. Several respondents said that *“election campaigning is very emotional for women, including the violent environment; therefore, women may need more support.”* Moreover, most respon-

123 Fair Elections (ISFED), Why Gender Quotas Are Necessary, 2020. Available at the following address: <https://www.isfed.ge/geo/politikis-dokumentebi/ratom-aris-sachiro-genderuli-kvotebi>

124 Council of Europe, Regional Study on Women’s Political Representation in the Eastern Partnership Countries, 2017. Available at the following address: <https://rm.coe.int/regional-study-on-women-s-political-representation-in-the-eastern-part/16807433e9>

125 Fair Elections (ISFED), Why Gender Quotas Are Necessary, 2020. Available at the following address: <https://www.isfed.ge/geo/politikis-dokumentebi/ratom-aris-sachiro-genderuli-kvotebi>

126 Sapari, Women in Parties, 2017. Available at the following address: <https://sapari.ge/wp-content/uploads/2017/06/safari.pdf>

dents noted that *“engaging in active politics involves much change and is often underappreciated/noticed (both in the party and in society) and is not financially compensated.”* Almost all female respondents mentioned that they are more observant, and, to some extent, their self-censorship has also changed.

Most female respondents mentioned that voters had a different attitude towards female and male candidates. According to them, male voters hardly share their needs with female candidates and attend pre-election meetings less often. At the same time, they behave more respectfully, humbly, and politely in front of male candidates. One of the respondents discussed a possible reason for this: *“voters perceive male candidates as doers and problem solvers.”* It should be noted that most female candidates themselves did not have a different approach when communicating with voters, and the content of their pre-election meetings was about the needs of the local population and/or the specifics of the region. However, according to one of the respondents, it was easier for her to relate to women voters because she associated herself with their problems and needs.

Most female candidates recall the cases of violence (physical, psychological, economic, sexual) and note that often men of opposing political parties are involved in these cases. Respondents said that women have very few mechanisms to deal with such accidents. According to them, the party’s support is essential. Several respondents also talked about the importance of family support, which is sometimes crucial in the regions. Female candidates identified several mechanisms that could help solve this problem in the future. These are effective implementation of internal party mechanisms, female politicians sharing their experience and knowledge of the existing legal framework and rights, and activating the role of Gender Equality Councils (Parliament and Sakrebulo).

#### **4.6. POST-ELECTION PERIOD**

Most party leaders said that after the elections, positions in legislative and representative bodies (Parliament and Sakrebulo) are distributed based on experience, competence, and relevant skills. According to them, gender does not matter. However, they also noted that the situation is different in the regions where this problem is acute. According to the female party members, who participated in the study, *“women hardly get responsible positions at local levels, and for the most part, such positions are held by men.”* They did not give specific reasons for this.

Speaking of the post-election period, political party leaders noted that parties continue their day-to-day activities, but for some party members, their function and role became unclear. According to them, *“the end of the elections is naturally accompanied by the drain of members,”* although it is challenging to analyze the issue from a gender point of view. One of the female respondents said that *“women were less likely to leave the parties because of their loyal nature. The fact that more women than men are involved in party life allows making such a conclusion.”* During the in-depth interviews, it was also said that after the Local Self-Government Elections of 2021, more members departed the party than after the Parliamentary Elections of 2020: *“this may be due to the existing political environment and the non-appointment of snap elections.”* In terms of outflow of members, the situation is different in newly formed parties because they are at the growing stage, and the trend of members leaving the party has not been observed yet.

Most respondents believe that political parties should better plan the period between the elections so that the party members can better see their roles. This will also reduce the outflow rate of members.

## SUMMARY

The study “Mandatory Gender Quotas in Georgia: Lessons Learned from the Elections of 2020 and 2021” examined the mandatory gender quota mechanism adopted in Georgia and its application in practice based on the examples of the 2020 Parliamentary and 2021 Local Self-Government Elections.

Despite the existing challenges, the most important and effective mechanism among the measures undertaken by the state to strengthen women’s political participation is adoption of mandatory gender quotas. Civil society, including non-governmental and community organizations, was actively involved in the process of adopting the gender quotas.

Based on the positive experience of cooperation practice, it is essential to continue joint work to strengthen gender equality in Georgia. In this process, women’s political empowerment is crucial to enable them to participate equally in the country’s economic, social and political life. In turn, this is the foundation for implementing substantive gender equality policies in all areas.