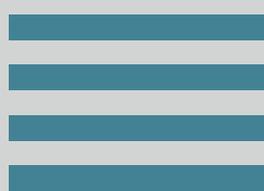
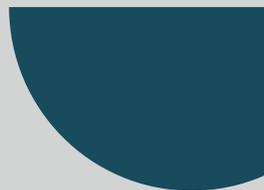
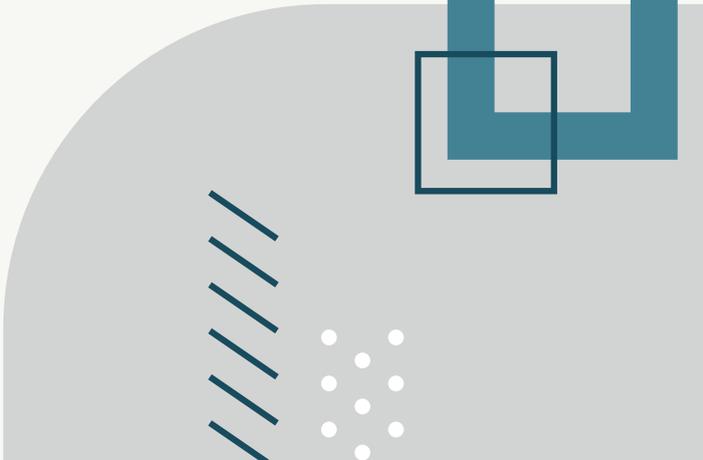
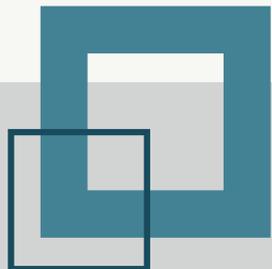
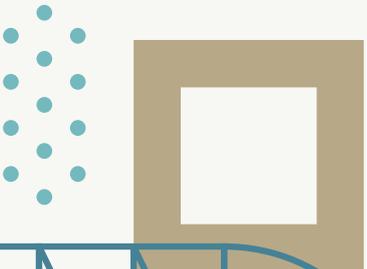




Gender Equality in Georgia:

BARRIERS AND RECOMMENDATIONS

UPDATED EDITION
PART II




PARLIAMENT OF GEORGIA



This publication was prepared by the Gender Equality Council of the Parliament of Georgia with assistance from United Nations Development Programme (UNDP) and United Nations Population Fund (UNFPA) within the framework of UN Joint Programme for Gender Equality in Georgia supported by the Government of Sweden; National Democratic Institute (NDI) supported by the Foreign, Commonwealth and Development Office of the United Kingdom.

The views expressed in this publication are of the authors and do not necessarily reflect those of the organizations and institutions listed above.

AUTHORS:

NINO JANASHIA – *Gender Expert*

Part 7: Gender Equality in Education;

Part 8: Gender Equality in Sports;

Part 9: Gender Equality in Culture;

Part 10: Women, Peace and Security;

ANA ILURIDZE – *Gender Expert*

Part 5: Gender Equality in Health Care;

Part 6: Harmful Practice;

LIKA JALAGHANIA – *Affiliate Professor at Caucasus University*

Part 4: Economic Empowerment of Women.

TABLE OF CONTENTS

ABBREVIATIONS	6
PREAMBLE	7
I. CONCLUDING REMARKS	8
II. LIST OF RECOMMENDATIONS	13
III. INTRODUCTION	28
IV. ECONOMIC EMPOWERMENT OF WOMEN	30
A. WOMEN AND ECONOMICS	30
B. WOMEN'S LABOR RIGHTS	33
b.1. Equal Pay	34
b.2. Rights of the workers while pregnancy, childbirth and lactation	36
b.3. Minimum Wage	38
b.4. Labor Inspection Mandate	39
C. GENDER EQUALITY IN AGRICULTURE.....	39
D. THE IMPACT OF THE COVID-19 PANDEMIC ON WOMEN'S ECONOMIC EMPOWERMENT.....	41
V. GENDER EQUALITY IN HEALTH CARE	43
A. ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS.....	44
B. MATERNAL HEALTH	45
C. ACCESS TO INFORMATION AND SERVICES ON MODERN CONTRACEPTION	46
D. ACCESS TO SAFE ABORTION SERVICES	47
E. ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH SERVICES AND EDUCATION FOR ADOLESCENTS.....	47
F. ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH SERVICES FOR VULNERABLE GROUPS.....	48
G. SURROGACY AND THE LEGAL STATUS OF SURROGATE MOTHERS	50
H. IMPACT OF THE COVID-19 PANDEMIC ON GENDER EQUALITY IN HEALTHCARE.....	51

VI. HARMFUL PRACTICES	53
A. FORCED, EARLY AND CHILD MARRIAGE AND FEMALE GENITAL MUTILATION	53
B. HARMFUL PRACTICE OF GENDER-BIASED SEX SELECTION / SON PREFERENCE	55
C. IMPACT OF THE COVID-19 PANDEMIC ON HARMFUL PRACTICES	56
VII. GENDER EQUALITY IN EDUCATION	57
A. GENERAL LEGISLATIVE GUARANTEES FOR GENDER EQUALITY IN EDUCATION.....	59
B. SEXUAL AND OTHER FORMS OF HARASSMENT IN EDUCATION	60
C. GENDER IMBALANCE AMONG ACADEMIC STAFF	61
D. GENDER EQUALITY IN NATIONAL EDUCATION PROGRAMS AND TEXTBOOKS	62
E. AGE-APPROPRIATE EDUCATION ON REPRODUCTIVE HEALTH AND RIGHTS	64
F. GIRLS' ATTENDANCE AT SCHOOL AND DROPPING OUT DUE TO EARLY MARRIAGE...	66
G. IMPACT OF THE COVID-19 PANDEMIC IN EDUCATION.....	67
VIII. GENDER EQUALITY IN SPORTS	69
A. LACK OF NORMATIVE FRAMEWORK AND POLICY ON GENDER EQUALITY IN SPORTS.....	70
B. GATHERING AND PROCESSING GENDER-SEGREGATED DATA IN SPORTS	72
C. ADDITIONAL CHALLENGES CAUSED BY THE COVID-19 PANDEMIC AND WAYS TO OVERCOME THEM IN SPORTS	73
IX. GENDER EQUALITY IN CULTURE	75
A. GENDER EQUALITY IN CULTURAL LAW AND POLICY.....	76
B. GATHERING AND PROCESSING GENDER-SEGREGATED DATA IN CULTURE	79
C. ADDITIONAL CHALLENGES CAUSED BY THE COVID-19 PANDEMIC AND WAYS TO OVERCOME THEM IN CULTURE	79
X. WOMEN, PEACE AND SECURITY	81
A. WOMEN'S PARTICIPATION IN CONFLICT PREVENTION AND MANAGEMENT PROCESSES	83
a.1. Obstacles of inclusion of women in conflict prevention and management processes caused by COVID-19 pandemic	85
B. SECURITY PROTECTION, SOCIO-ECONOMIC EMPOWERMENT, AND INSURING OF PHYSICAL AND MENTAL HEALTH OF THE GIRLS AND WOMEN AFFECTED BY CONFLICTS	86
b.1. Safety and Protection from Violence	86
b.2. Ensuring Physical and Mental Health	88
b.3. Socio-economic Empowerment of the Girls And Women Affected by Conflicts	89
C. STRENGTHENING THE ROLE OF THE PARLIAMENT OF GEORGIA IN THE IMPLEMENTATION OF THE WOMEN, PEACE AND SECURITY AGENDA	91
D. ADDITIONAL CHALLENGES CAUSED BY COVID-19 PANDEMIC AND WAYS TO OVERCOME THEM IN TERMS OF ENSURING SECURITY, SOCIO-ECONOMIC EMPOWERMENT, AND PHYSICAL AND MENTAL HEALTH.....	92

ABBREVIATIONS

BPFA	The Beijing Platform for Action
CEDAW	UN Convention on the Elimination of All Forms of Discrimination against Women
CRC	UN Convention on the Rights of the Child
CRPD	UN Convention on the Rights of Persons with Disabilities
ECHR	European Convention on Human Rights
FWCW	Fourth World Conference on Women, Beijing
GBR	Georgian Birth Register
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPD	International Conference on Population and Development of Cairo
SDG	Sustainable Development Goals
SRHR	Sexual and Reproductive Health and Rights
UNFPA	United Nations Population Fund
WHO	World Health Organization
PHP	Primary Healthcare Provider
STIS	Sexually Transmitted Infections
CC	Criminal Code
PWD	Person With Disabilities
ILO	International Labor Organization

PREAMBLE

The publication “Gender Equality in Georgia: Barriers and Recommendations” is a valuable document for the work of the Parliament and all organizations and persons working on gender issues. It represents the key findings and opinions of relevant organizations or experts to ensure the involvement of gender perspectives in enforcing the legislative framework. The report is initiated by the Permanent Parliamentary Council for Gender Equality, based on a comprehensive qualitative survey conducted for the first time in 2017 with the support of our partner donors.

Given the role of the Permanent Parliamentary Council for Gender Equality, the updating of this publication is particularly important, as the Council must address the challenges identified here and set appropriate priorities for future work. Accordingly, the report presents data processed by experts on the latest trends in the country in terms of gender equality and legislative barriers, suggests possible solutions to these challenges, and both short-term and long-term perspectives for implementing specific recommendations.

Like the previous version, the study consists of two parts – the first part covers vital issues such as state mechanisms for gender equality, discrimination, violence against women, women’s participation in politics, and women, peace and security. As well as gender budgeting, gender impact assessment, and gender audit; The second part focuses on issues like women’s economic empowerment, labor rights, sexual and reproductive health, gender equality in education, culture, and sports. This year, the report adds three important areas that Parliament and the Gender Council are actively working on – Gender Impact Analysis, Gender Budgeting, and Gender Audit.

Representatives of government agencies and partner organizations working on the issue have been actively engaged in updating the research. Based on the consultation meetings, updated recommendations were written, requiring both immediate response in the short term and a long-term approach.

We would like to thank our donor organizations and all parties involved in the process, and we hope that this report will continue to make a significant contribution to ensuring gender equality in the country and integrating gender mainstreaming into organic decision-making processes.

Nino Tsilosani,

*Chairperson of the Permanent Parliamentary
Gender Equality Council*

I. CONCLUDING REMARKS

“Gender Equality in Georgia: Barriers and Recommendations - Updated Edition” (Part II) serves to review the findings, identified gaps and recommendations in the field of gender equality as a result of a similar survey conducted in 2017. Since 2017, Georgia has taken significant steps to promote gender equality and eliminate violence against women through changes in legislation or policy, including measures to implement the country’s international obligations. However, there are still significant gaps in legislation, policy, and practice that require in-depth, complex, and continuous work of the State. The need for immediate action is of particular importance in the face of the additional challenges posed by the COVID-19 pandemic, which has led to the immediate need to ensure security, socio-economic empowerment, and physical and mental health for the general population, especially women and other vulnerable groups.

The following study identifies specific areas that still need to be changed regarding gender equality policies and priorities. These areas are Women’s Economic Empowerment, Gender Equality in Healthcare, Harmful Practices, Gender Equality in Education, Gender Equality in Sports and Culture, and Women, Peace, and Security.

Economic Empowerment of Women. According to research conducted in Georgia, women’s economic participation rate is still low. Housework and the lack of relevant jobs prevent women from working full time. Consequently, they have to be employed part-time to balance household chores such as taking care of the house and the child and other family duties. In order to bring Georgian legislation in line with EU directives, the State made significant changes to the Georgian Labor Code in 2020, which is essentially welcome. However, a number of challenges remain, including issues related to maternity leave, which require further amendments by relevant agencies. There is also a high gap in gender pay in Georgia. According to the 2017 Labor Force Survey, the adjusted hourly gender pay gap was 24.8 percent, which means that women in paid labor have better characteristics for the labor market and receive lower wages than employed men.

Measures taken by the State are also unsatisfactory to meet the needs and interests of rural women and girls. These measures do not support the economic empowerment of women and

girls living in villages, as they are not supported by appropriate effective mechanisms, including the commitment to implement gender budgeting in local municipalities. However, it is still difficult for women to obtain agro-loans, as it involves owning land and/or other property, which is rare for women.

The COVID-19 pandemic has substantially worsened the economic situation of women, especially for single mothers and large families and rural and socially vulnerable households. Due to the pandemic, the rate of women's domestic labor has increased enormously, as 42% of women said that they do at least one more household chore compared to the situation before the pandemic, while only 35% of men say so. The burden of domestic labor has significantly increased in families with children, also caused by the closure of schools and kindergartens.

Gender Equality in Healthcare. Despite a number of progressive steps taken by the State to make sexual and reproductive healthcare accessible, some systemic problems remain unsolved, and without solving them, it will be impossible to say that everyone in the country has equal access to essential sexual and reproductive health services such as maternal health, family planning, contraception, safe abortion, and post-abortion surveillance.

We should also mention the improvement of the legislative framework, the development of policy documents on sexual and reproductive health and rights issues, and the progress in improving maternal health, including reducing the high maternal mortality rate and the overall abortion rate. Although increased rate of maternal mortality has been observed throughout the period of COVID-19 pandemic¹.

Unfortunately, the development, enforcement, and monitoring of laws and policy documents to comply with internationally recognized standards in this area remains a challenge, as well as ensuring regular collection of sorted data; ensuring access to family planning services and modern contraceptives into primary care within universal health care; implementing the age-appropriate, mandatory, comprehensive education on reproductive health and rights in all schools across the country; strengthening the protection of personal information and privacy in the field of healthcare; removing political, social or cultural obstacles to abortion services; increased access to assisted reproductive technology, and regulating the field of surrogacy.

Neither current legislative framework nor state policy documents and programs recognize special needs of women and girls with disabilities. Several important problems being on the agenda of women and girls with disabilities have been revealed in the process of elaborating the document, namely, state does not recognize special needs and vulnerability of women and girls with disabilities, one of the main problems is unfulfillment of the obligation to ensure access and reasonable adaptation of healthcare service, women and girls with disabilities do not have full opportunity to benefit equally to others all services and tools of sexual and reproduc-

¹ Health protection: Statistics reference-book 2020. National Center for Disease Control and Public Health. <https://www.ncdc.ge/#/pages/file/3d9d1b31-4198-4127-90bb-41db1b80aa63>

tive health. In order to ensure full accessibility, it is important to outline all of the components recognized by CRPD in legislative norms and programs.

Harmful Practices. Despite significant progress in reducing and eliminating harmful practices, early marriage/child marriage remains a problem in Georgia. This is a gender and socially defined phenomenon that affects vulnerable groups, even more, particularly women from villages and non-dominant ethnic groups and women with no education.

Despite the scale of the problem, there is no effective system for preventing harmful practices that is unthinkable in the absence of full implementation of complex education on reproductive health and rights. Identifying, reporting, referring, and managing early marriage and engagement cases is also a problem.

The harmful practice of gender-biased sex selection and the fact that in the country there is no evidence-based data on other harmful practices being less identified in Georgia remain the challenge.

Gender Equality in Education. Despite the successful reforms implemented in the education system of Georgia, the level of education is still relatively low. According to several assessments, the Georgian education system fails to develop skills relevant to market demands properly.

The lack of general legislative guarantees to ensure gender equality in education remains a challenge. In particular, it should be noted that the Law of Georgia on General Education does not include the obligations to ensure gender equality within the general education system, and such obligations are not defined in the Law of Georgia on Higher Education. In addition, sexual harassment in the education sector is not even mentioned in the Law.

The challenge in the general education system is to integrate comprehensive education on reproductive health and rights into the formal education system. The practice of early and child marriage age remains a significant challenge in terms of problem prevention and management. In addition, coordination between the Ministry of Internal Affairs, educational institutions, and the social service and the proper functioning of the referral mechanisms remain problematic. The issue of early /child marriage is extremely challenging in the case of ethnic minority girls and the appropriate response to this problem.

The COVID-19 pandemic particularly affected the education sector. It exacerbated problems, such as access to education, infrastructural malfunctions of educational institutions, and inclusion of people living in challenging economic conditions and the children with disabilities and special educational needs in the educational process. Children who do not have access to the Internet and computer could not fully engage in the online learning process. Prolonged

switching to distance learning without providing adequate technical support to families has jeopardized some children's education, especially in regions and families in challenging economic conditions. In addition, the dangers of cyberbullying have been exacerbated by the transition to fully online classes.

Gender Equality in Sports. There are many challenges in Georgia in terms of gender equality in sports and physical education. Physical activity rates are low in the population, which directly impacts public health. The involvement of students, especially girls, is also very low. There are a number of gender challenges in high-achieving sports as well. There is a gender imbalance between professional athletes as well as coaches and referees. Gender imbalance is common in sports organizations, both at the decision-making level and among employees. The largest share of budget allocations in this field goes to funding male-dominated sports. Women and men are not equally involved in developing state sports policy. In addition, gender-stereotypical media coverage is not uncommon in sports, and gender imbalances between sports journalists are also evident.

The challenge is the lack of a normative framework and policy on gender equality in sport. The country's normative framework does not include provisions aimed at strengthening gender equality in sports, and it does consider gender aspects in the formation of state sports policy and decision-making.

Gender Equality in Culture. The proper integration of gender equality issues into cultural legislation and policy is a significant challenge in Georgia. The legislative framework does not provide guarantees of equal access to culture and equal involvement in the creative industry. None of the Law on Culture provisions deals with the guarantees and mechanisms for ensuring gender equality in culture. Also, the country's cultural strategy is entirely devoid of understanding gender equality in the field of culture and recognizing its importance.

In addition, it is vital to collect and process gender-segregated data to identify gender barriers in the field of culture. The role of culture is increasingly recognized in terms of sustainable economic development and women's economic empowerment. So, the presence of gender-segregated data in terms of involvement in the creative industry is of particular importance for proper policy planning and implementation. Despite international obligations and standards, gender statistics in culture are not processed in Georgia.

Women, Peace, and Security. Effective implementation of the women's peace and security agenda is crucial in the context of the ongoing conflicts in Georgia over the last 30 years. Despite the positive steps taken, women's participation in conflict prevention and management remains a challenge - both in formal and informal negotiation processes and

the security and defense sectors. The National Action Plan on Women, Peace and Security (2018-2020) included the goal of increasing women's participation in decision-making in the security sector and peace talks, but it still failed to ensure equal and substantial involvement of women in these areas.

Protecting the safety of girls and women affected by conflict, empowering women socially and economically, ensuring physical and mental health, and protecting against violence remain challenges. No service in the country provides psychological support to IDPs and conflict-affected women and girls and, if necessary, supplies them with medicines. The socio-economic empowerment of girls and women affected by the conflict remains a significant challenge. One of the most acute issues in terms of economic empowerment is the problem of long-term accommodation of IDPs and living in buildings with increased risk to life and health.

Restrictions related to the COVID-19 pandemic have exacerbated the problem of violence against women and domestic violence. Increased risks of domestic violence have also manifested themselves in specific forms of pandemic-related psychological violence (e.g., restricting visits to the doctor and access to testing services et al.). Women affected by the conflict had even more difficulties accessing health services and essential medicines during the pandemic. In occupied Abkhazia, access to abortion services was also a problem, which was possible before the pandemic in the territory controlled by the Georgian government.

The Covid-19 has severely affected the economic situation of women affected by the conflict. The source of income was cut off from women living in occupied Abkhazia who engaged in informal economic activities in the Georgian-controlled territory. The same happened to the women who were dependent on pensions and IDP benefits issued by Georgia. The economic situation of women living in villages near the dividing line has also deteriorated, as they have been mainly involved in areas (small business, service sector) that have been particularly affected by pandemic-induced restrictions.

Critical issues such as the Law of Georgia on Gender Equality, the Law of Georgia on the Elimination of All Forms of Discrimination, Violence against Women, Women's Participation in Politics, and Gender Equality in Civil Registration are exhaustively reviewed in the first part of this study - Gender Equality in Georgia: Barriers and Recommendations - Updated Edition (Part I). "

II. LIST OF RECOMMENDATIONS

LIST OF RECOMMENDATIONS	RESPONSIBLE AGENCY
WOMEN'S ECONOMIC DEVELOPMENT	
<p>The Parliament of Georgia should ensure the monitoring of the fulfillment of the obligations undertaken by the Government under the Sustainable Development Goals, with the active involvement of the Permanent Parliamentary Council for Gender Equality. It is also important to nationalize all tasks under the Sustainable Development Goals in order to achieve the goal of women's economic empowerment.</p>	The Parliament of Georgia
<p>The Parliament of Georgia should ensure the formation of a unified vision for the economic empowerment of women at the systemic level.</p>	The Parliament of Georgia
<p>The Labour Code of Georgia and the Law of Georgia on Civil Service shall define the obligation to pay equal remuneration for labor of equal value.</p>	The Parliament of Georgia
<p>In the Labour Code of Georgia and the Law of Georgia on Civil Service, the "equal value" shall be explicitly defined in accordance with the standards established by the International Labour Organization and the European Union.</p>	The Parliament of Georgia
<p>The Parliament of Georgia should ensure the ratification of ILO Conventions 183 and 156.</p>	The Parliament of Georgia
<p>It is important that the Parliament of Georgia continues to work for the full harmonization of the Labour Code of Georgia with the standards set by the International Labour Organization and the European Union. This also implies relevant amendments to the Law of Georgia on Civil Service. Since the Law of Georgia on Civil Service does not apply to all persons employed in the civil service, the legal status of persons in different institutions is inferior to the labor rights of persons employed in public institutions regulated by the Civil Service Law. So, the legislator should consider the problematic nature of this difference and equalize these groups.</p>	<p>The Parliament of Georgia</p> <p>The Government of Georgia</p>

<p>The State must also protect the rights of people whose labor relations are regulated by the Labour Code of Georgia. Accordingly, the law must guarantee an employee to get an adequate amount of monthly compensation for pregnancy, childbirth and maternity leave, as defined in ILO Convention 183.</p>	<p>The Parliament of Georgia Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia</p>
<p>The Parliament of Georgia must ratify ILO Convention No. 131.</p>	<p>The Parliament of Georgia</p>
<p>It is important that the Labour Code adequately regulates the minimum wage. This process should be based on extensive consultations and close cooperation with the social partners, labor unions, civil society, international organizations (including the ILO) and relevant specialists, so that the minimum wage defining mechanism fully meets the needs of workers and is based on the socio-economic situation of the country.</p>	<p>The Parliament of Georgia Government of Georgia</p>
<p>It is important to revise the legislation to outline paid and non-transferable paternity leave that will promote women’s economic empowerment and their increased participation in labor market. Hereby it is important to update the by-laws regulating maternity or parental leave, newborn adoption leave and issuance of hospital certificate that will ensure practical usage of child care leave by men and prevent misinterpretation of current legal norm.</p>	<p>The Parliament of Georgia Government of Georgia</p>
<p>In order for the minimum wage to meet the standards of the International Labour Organization, it is necessary to set it by sectors and jobs/ professions. It is important to ensure that the minimum wage setting methodology/mechanism complies with the International Labour Organization standard.</p>	<p>Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia</p>
<p>In order to clearly separate the mandates of the Public Defender of Georgia and the Labour Inspection on discrimination issues, it is necessary for the Parliament of Georgia, with the involvement of the Gender Equality Council, to hold consultations with interested parties in order to better differentiate mandates on discrimination cases, and to develop effective response mechanisms for them.</p>	<p>The Parliament of Georgia Permanent Parliamentary Council for Gender Equality Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia</p>
<p>The Parliament of Georgia, with the involvement of the Permanent Parliamentary Council for Gender Equality, should conduct an analysis and revision of gender equality legislation to fully meet the needs of women and girls living in villages, and to impose relevant obligations on agencies to ensure the fulfillment of gender mainstreaming in agriculture.</p>	<p>The Parliament of Georgia Permanent Parliamentary Council for Gender Equality</p>

<p>In response to the pandemic challenges to the economy and women's labor rights, it is essential to set up an inter-parliamentary working group with the involvement of the Permanent Parliamentary Council for Gender Equality, the Regional Policy and Self-Government Committee, Sectoral Economics and Economic Policy, the Human Rights and Civil Integration Committee, and other relevant agencies (Ministry of Finance, Ministry of Economy, Ministry of Environment and Agriculture, Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs), in order to assess the damage caused by the Covid-19 pandemic, analyze and take appropriate, long-term measures, including temporary special measures to ensure women's rights and economic well-being.</p>	<p>The Parliament of Georgia Permanent Parliamentary Council for Gender Equality Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia Ministry of Agriculture Ministry of Economy</p>
<p>GENDER EQUALITY IN HEALTHCARE</p>	
<p>Establish a working group, chaired by the Parliamentary Committee on Health, to hear the report on the government's fulfillment of its commitments on sexual and reproductive health and rights under international and regional agreements ratified by Georgia, as well as basic national policy documents on sexual and reproductive health and human rights (Human Rights Action Plan, Maternal and Newborn Health Strategy).</p>	<p>The Parliament of Georgia and relevant committees</p>
<p>The Maternal and Child Health Coordination Council should: a) Develop a systematic approach to perinatal care through state programs that will provide accessible services needed during the perinatal period; b) Integrate mental health services into a basic package of the post-delivery, as well as the maternity and perinatal services.</p>	<p>Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia</p>
<p>Ensure the implementation of these recommendations in cooperation with the Gender Equality Council and the Healthcare Committee of the Parliament.</p>	<p>The Parliament of Georgia Permanent Parliamentary Council for Gender Equality</p>
<p>The abolition of the five-day period for mandatory pre-abortion counseling/pre-interview during the first 12 weeks of pregnancy should be reviewed in accordance with the existing international evidence and guidelines, which indicate that restrictions on access to abortion services do not affect a woman's decision to have an abortion, and at the same time increases the risk of having an abortion in dangerous/risky conditions.</p>	<p>The Parliament of Georgia Permanent Parliamentary Council for Gender Equality Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia</p>
<p>It is important to envisage the need of integration of family planning services and provision of contraceptives into the basic package of universal health care programme.</p>	<p>The Parliament of Georgia Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia</p>

The government should inform the Human Rights Committee of the Parliament of Georgia on the status of implementation of the recommendations described in the report – “Sexual and Reproductive Health and Rights. A National Assessment” (2019) – outlined by the Public Defender of Georgia.	The Parliament of Georgia
The Law of Georgia on the Rights of Persons with Disabilities should be amended to accurately reflect the obligations under Article 25 of the UN Convention on the Rights of Persons with Disabilities (CRPD) with regard to the provision of healthcare to PWDs.	The Parliament of Georgia
Revise the Law of Georgia on Patient Rights and change all the records that contain discriminatory language for persons with disabilities and do not comply with and/or contradict international standards.	The Parliament of Georgia
Revise the Law of Georgia on Public Health and make changes so that the law covers “sexual health” and defines the necessary measures for its implementation in practice.	The Parliament of Georgia
Revise the Law of Georgia on Health Care and change all the records that contain discriminatory language for persons with disabilities and do not comply with and/or contradict international standards.	The Parliament of Georgia
Revise the laws of Georgia “On Psychiatric Care” and “On Medical Practice”, and bring them in line with international standards. ²	The Parliament of Georgia
Study the sexual and reproductive health needs of lesbian, bisexual, transgender, drug-addicted women and sex workers, as well as the ones from ethnically nondominant groups, conflict-affected women, and the ones with no higher education; and review services and guidelines related to sexual and reproductive health and rights to increase their awareness and access to services based on the results of the study.	Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia
Establish a working group led by The Parliament of Georgia’s Health Committee to develop a framework law on surrogacy in line with international principles and recommendations to protect the rights and best interests of women involved in surrogacy and children born through surrogacy.	The Parliament of Georgia
Amend the Law of Georgia on Civil Service, which will provide the use of vacation due to pregnancy, childbirth and maternity leave by the surrogate mother and the child born through surrogacy. ³	The Parliament of Georgia

² Based on UNFPA report „Assessment of Legal Framework and Policies on Sexual and Reproductive Health and Rights of Women and Girls with Disabilities in Georgia and Specific Recommendations” (2020)

³ Recommendation taken from the Parliamentary Report of the Public Defender of Georgia on Protection of Human Rights and Freedoms (2020)
<https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

<p>Establish a working group at the initiative of the Parliamentary Committee on Health and in cooperation with the Interagency Coordination Council, in order to develop a systematic vision for improving the rights of women employed in health and social services, especially during the pandemic period, as it is vital for the proper functioning of the healthcare sector itself in times of crisis.</p>	<p>The Parliament of Georgia Interagency Coordination Council</p>
<p>The state should ensure the continuous provision of sexual and reproductive health services during the pandemic, especially for women of special needs and vulnerable groups, and monitor the quality of services provided. This includes: providing maternity and neonatal care services; safe abortion and follow-up care; contraception; supply of HIV/AIDS antiretroviral drugs and antibiotics for the treatment of sexually transmitted diseases. In addition, secure and confidential access to medical services must be ensured.</p>	<p>Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia</p>
<p>Early childhood/child marriage task force should critically analyze existing prevention and response system (including reviewing shortcomings in the implementation of child protection referral procedures⁴ and the rules for collecting statistical information on harmful practices in law enforcement agencies) on harmful practices, including forced, early childhood/child marriage prevention and issues; develop a National Action Plan specifically aimed at the prevention and harm reduction of harmful practices, which envisages data collection, analysis, monitoring and impact assessment⁵.</p>	<p>Government of Georgia Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia</p>
<p>The Parliament of Georgia should adopt a resolution condemning the harmful practice of gender-based biased sex selection / giving preference to having a son preference, and establishing a platform in Parliament to share best practices and international experience in combating this harmful practice, in which members of parliament will express support for combating this harmful practice.</p>	<p>The Parliament of Georgia</p>
<p>Incorporate the agenda concerning the elimination of harmful practices into the national action plans and strategies about human rights and freedoms, as well as handling the consequences caused by the coronavirus, so that the agenda is formed as a result of assessing the impact of such practices (Child / Early Marriage, Forced Marriage, and Genital Mutilation), their detection and response, considering the impact of the COVID-19 pandemic.</p>	<p>Government of Georgia</p>
<p>GENDER EQUALITY IN EDUCATION</p>	
<p>It is recommended that the Law of Georgia on Gender Equality go beyond the declarations of gender equality in education and define specific mechanisms for ensuring gender equality in this field, in full compliance with international legal norms and best practices.</p>	<p>The Parliament of Georgia</p>

⁴ Government Resolution №437 on approval of child protection referral procedures (2016) <https://matsne.gov.ge/ka/document/view/3394478?publication=0>

⁵ Based on a recommendation issued by the UN Human Rights Committee to Georgia: CRC/C/OPSC/GEO/CO/1 (2019)

<p>It is recommended that gender equality guarantees and specific mechanisms be added to the Georgian laws on general education as well as higher education, which will fully integrate all three dimensions of the right to education defined by international legal instruments, namely equal access to education for all girls and women (right of access to education), commitment to ensure substantial gender equality in this field (right within education), and strengthening gender equality in society through the education system (right through education).</p>	<p>The Parliament of Georgia</p>
<p>It is recommended that the laws of Georgia on general education, as well as higher education, define the obligation to produce and process gender-segregated data in all areas and at all levels of education.</p>	<p>The Parliament of Georgia</p>
<p>It is recommended that the Law on Gender Equality, as well as the Laws on general education and higher education, include detailed definitions of sexual harassment as well as other forms of school violence, and measures to prevent and respond to them, in accordance with international legal standards.</p>	<p>The Parliament of Georgia</p>
<p>It is recommended that the Ministry of Education and Science of Georgia develop mechanisms for internal complaints of educational institutions regarding the issues of sexual harassment and other forms of school violence.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science of Georgia - in accordance with the international standards and requirements of the 36th General Recommendation of the Committee on the Elimination of All Forms of Discrimination against Women - develops special guidelines for educational institutions to prevent and respond to sexual harassment.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science of Georgia develop a special training course for teachers and professors on sexual harassment adapted to the challenges of the education system, and conduct mandatory training for teachers and professors in this area.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science of Georgia study the causes of horizontal and vertical segregation in the education sector and develop a specific strategy to overcome them, which will be aimed at establishing a gender balance of employees in the education sector. The strategy should be based on best practices and experiences, and should include events and various incentive measures to improve the status and remuneration of teachers, as well as to popularize their profession.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that research on the causes of horizontal and vertical segregation in the education sector be conducted in coordination with the Gender Equality Council of the Parliament of Georgia and the Education and Science Committee of The Parliament of Georgia. In addition, it is recommended that the Gender Equality Council of the Parliament of Georgia supervises the development and implementation of appropriate strategies as part of its oversight of the executive agencies' activities on gender equality issues.</p>	<p>Permanent Parliamentary Council for Gender Equality Education and Science Committee of The Parliament of Georgia</p>

<p>It is recommended that the Law of Georgia on General Education define the gender mainstreaming of the national curriculum as an obligation of the State, in accordance with international legal standards and guideline principles.</p>	<p>The Parliament of Georgia</p>
<p>It is recommended that the Ministry of Education and Science develop a unified strategy and action plan of human rights education, based on international guidelines and best practices.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science implement gender mainstreaming of the Unified Strategy and Action Plan of the Ministry of Education and Science of Georgia, and reflect the response goals, objectives and specific measures of the challenges related to the integration of gender equality in national educational programs and textbooks in it.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science, with the involvement of relevant specialists and experts in the field, carry out gender mainstreaming of national education programs in line with international standards and best practices.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science develop appropriate measures for the systematic and mandatory review of textbooks subject to certification in the context of gender equality.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science develop a specialized training course on gender equality and girls' and women's rights for textbook authors and reviewers, with the participation of qualified experts. This course is recommended to be considered a necessary criterion for participation in the process of compiling and reviewing the textbooks.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science add teacher training on gender equality issues as a mandatory field of the teachers' professional requirements. The Ministry should also ensure that an appropriate module is developed for this training, based on international standards and best practices.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science - in line with international standards - expand, integrate, and make age-appropriate education on sexual and reproductive health and rights a mandatory part of the curriculum, including responsible sexual behavior, prevention of early pregnancy and sexually transmitted infections. At this stage, this issue is integrated only into the subject standard of ninth grade. It is also recommended to integrate this program into the programs of state youth camps.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science ensure that the issues of sexual and reproductive health and rights are properly integrated into the teachers' professional development scheme and the competency exams for teachers' certification.</p>	<p>Ministry of Education and Science of Georgia</p>

<p>It is recommended that the Ministry of Education and Science develop approaches and strategies to change the social norm on sexual and reproductive health and rights issues within the general education system, with the involvement of school principals, teachers, students, parents, as well as school doctors and social workers.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science conduct an active information campaign on early marriage issues for persons employed in the education system, including the Office of Resource Officer (which is a direct participant in referral procedures by law). In addition, it is recommended to create an evaluation document for persons employed in the education system to assess their awareness of Georgian legislation on early marriage and their obligations towards the issue.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science conduct an awareness campaign on early marriage, especially in regions where the number of early marriages is higher.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Government of Georgia change the Resolution #437 concerning the affirmation of the procedures (namely in Articles 5 and 10) of the child protection referral (Referral), so that the authority of educational institutions is changed with the obligation of educational institutions to inform the relevant agencies about the fact of child abuse, including the fact of early marriage.</p>	<p>Government of Georgia</p>
<p>It is recommended that the Ministry of Education and Science strengthen coordination with other entities involved in referral procedures. Also, develop guidelines for early marriage response and coordination for those involved in referral procedures of education system to ensure effective and efficient response and coordination.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science develop and regularly implement measures aimed at reintegrating married minors into the educational process and returning them to school; And to monitor these processes.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Gender Equality Council of the Parliament of Georgia supervise the implementation of all the above-mentioned recommendations of the Ministry of Education and Science, within the framework of controlling the activities of the executive bodies on gender equality issues.</p>	<p>Permanent Parliamentary Council for Gender Equality</p>
<p>It is recommended that the Ministry of Education and Science develop an action plan in response to the identified challenges to improve the learning process in a pandemic, ensuring with adequate financial resources. The measures developed within the framework of the plan should be aimed at improving the infrastructural and material-technical issues, both for the students and the teachers (in particular, access to the Internet, having a computer, strengthening the relevant skills).</p>	<p>Ministry of Education and Science of Georgia</p>

<p>It is recommended that the Ministry of Education and Science define specific goals, objectives and measures for the prevention and response to cyber-bullying and online harassment in the Unified Strategy and Action Plan, and ensure the awareness of professors on this issue.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>It is recommended that the Ministry of Education and Science develop an action plan for the safe opening of educational institutions.</p>	<p>Ministry of Education and Science of Georgia</p>
<p>GENDER EQUALITY IN SPORTS</p>	
<p>Article 7 of the Law of Georgia on Gender Equality shall include a record on state guarantees of gender equality in the field of sports, including in the context of education, professional and recreational sports.</p>	<p>The Parliament of Georgia</p>
<p>It is recommended to make changes in the Law of Georgia on Physical Education and Sports in response to gender challenges. It is recommended that Article 2 of this law, which deals with the basic principles of state policy in the field of sports, be supplemented with the principle of protection of gender equality. In addition, it is recommended that the law provides an obligation to integrate gender aspects into state sports policy documents and action plans.</p>	<p>The Parliament of Georgia</p>
<p>Article 23 of the Law of Georgia on Sports refers to the financing of sports, although the law does not say anything about the gender aspects of sports financing. Accordingly, it is recommended to add a regulation on gender budgeting to the article on sports financing.</p>	<p>The Parliament of Georgia</p>
<p>In addition to legislative changes, it is important to define the gender vision of sports policy. Accordingly, it is recommended that the Parliament of Georgia develop a concept of gender equality in the field of sports, in accordance with international legal requirements, commitments made by the country, and established standards in the field. In particular, the strategy should at least include the measures aimed at: (i) increasing the participation of girls and women in sports activities (preschool, school, university, professional, and recreational sports); (ii) achieving gender equality in sports teachers and coaches; (iii) eliminating gender-based violence in sport and through sport; (iv) achieving gender balance between decision-makers and strengthening their capacity for gender equality; (v) eliminating gender stereotypes in sports (preschool, school, university, professional, and recreational sports) and sports media; (vi) considering gender perspectives in sports funding mechanisms.</p>	<p>The Parliament of Georgia</p>

<p>It is important to regularly integrate a gender perspective into state sports policy documents, monitor their implementation, and measure gender impact. The gender perspective was not integrated into the Sports and Youth Action Plans in the State Sport Policy Document of 2014-2020. Accordingly, it is recommended that the Ministry of Culture, Sports and Youth Affairs of Georgia should define gender equality goals and objectives in the next action plan of the State Policy on Sport, which should cover the period from 2021, and define the goals and objectives of gender equality in the next action plan, with relevant activities, evaluation indicators, responsible persons and appropriate budgeting, in response to the identified gender challenges. It is recommended that the Gender Equality Council of the Parliament of Georgia supervises the development and implementation of this policy document and action plan as part of its oversight of the activities of the gender equality executives.</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia</p>
<p>It is recommended that Article 3 of the Law of Georgia on Sports on State Guarantees of the Rights of Georgian Citizens be supplemented with a guarantee on combating and preventing gender-based violence in sports, on the basis of which the relevant state policy, as well as internal mechanisms of sports organizations, should be developed.</p>	<p>The Parliament of Georgia</p>
<p>In order to develop evidence-based policy, it is recommended that the Georgian Law on Sports provide the obligation to produce and process gender-segregated data in the field of sports within the relevant competencies - both for central government bodies and local municipalities.</p>	<p>EMPTY</p>
<p>It is recommended that the Gender Equality Council of the Parliament of Georgia develop a methodology and gender indicators for the production of gender statistics in line with international standards in the field of sports, and in coordination with the Parliamentary Committee on Sports and Youth Affairs.</p>	<p>Permanent Parliamentary Council for Gender Equality</p>
<p>It is recommended that the next state policy document and the relevant action plan outline the specific goals and objectives for the production and processing of gender statistics in sport with appropriate indicators. It is also recommended that the Gender Equality Council of the Parliament of Georgia evaluate the mentioned policy document and action plan, as well as monitor the production of gender statistics in sports, within the framework of controlling the activities of the executive bodies on gender equality issues.</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia</p>
<p>It is recommended that the Ministry of Culture, Sports and Youth Affairs of Georgia study the gender impact of the Covid-19 pandemic on the field of sport, and develop evidence-based measures to eliminate the challenges posed by the pandemic. In addition, the Government of Georgia and the Ministry of Culture, Sports and Youth Affairs should ensure that economic incentives for the field of sport are equally distributed among women and men. The Gender Equality Council of the Parliament of Georgia should supervise the development and implementation of the mentioned gender impact research and response measures, within the framework of control over the activities of the executive bodies on gender equality issues.</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia</p>

GENDER EQUALITY IN CULTURE

<p>It is recommended that in the Law of Georgia on Gender Equality, Gender Equality Guarantees (Article 4) should be supplemented by a provision on gender equality guarantees in the field of culture, to ensure access to culture and equal participation in the creative industries.</p>	<p>The Parliament of Georgia</p>
<p>It is recommended that the provision on state responsibility on ensuring gender equality in the sphere of culture and creative industry is added to the Law of Georgia on Culture. Furthermore, the obligation on issuance of state funding for culture and cultural activities based on gender equality principles is added to the article 29 of the Law.</p>	<p>The Parliament of Georgia</p>
<p>It is recommended that the Law of Georgia on Culture defines the role of culture in relation to enhancing gender equality and eliminating discriminatory stereotypes. This role shall also be reflected in the national priorities on state financing of culture (article 29).</p>	<p>The Parliament of Georgia</p>
<p>It is recommended that the Statute of the Ministry of Culture, Sports and Youth Affairs of Georgia, in particular Article 2 (2) on the Ministry's tasks in the field of culture, be supplemented with the tasks of ensuring gender equality in the field of culture and creative industry and, on the other hand, eliminating gender stereotypes and strengthening gender equality in society through culture. It is also recommended that the Gender Equality Council of the Parliament of Georgia supervises the implementation of relevant amendments to the Ministry's statute as part of its oversight of the activities of the executive bodies on gender equality issues.</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia Permanent Parliamentary Council for Gender Equality</p>
<p>In order to develop evidence-based policy, it is recommended that the Ministry of Culture, Sports and Youth Affairs conduct in-depth analysis to identify gender challenges and barriers in the culture and creative industries in Georgia. It is recommended that the Ministry and the Gender Equality Council of the Parliament of Georgia work in coordination with this research.</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia</p>
<p>It is recommended that the next Human Rights Action Plan include the goal of ensuring gender equality in the field of culture, with relevant objectives and performance indicators, as well as the definition of specific responsible agencies.</p>	<p>Government of Georgia Human Rights Secretariat of the Government of Georgia</p>
<p>It is recommended that the Ministry of Culture, Sports and Youth Affairs update the Culture Strategy 2050 and fully integrate a gender perspective based on the identified gender challenges, as well as Georgia's international commitments and best international experience. Also, the next action plan for the implementation of the strategy should specify the measures to be taken to strengthen gender equality, by identifying the relevant responsible persons and the appropriate budget. It is also recommended that the Gender Equality Council of the Parliament of Georgia supervise the implementation of this recommendation within the framework of controlling the activities of the executive bodies on gender equality issues.</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia</p>

<p>It is recommended for the Ministry of Culture, Sports and Youth Affairs to elaborate the methodology on obtaining and processing gender statistics in the sphere of culture and creative industry based on international standards and guiding principles of the sphere. It is recommended for the Gender Equality Council of the Parliament of Georgia, in the framework of control of the activities of the executive organs on the issues of gender equality, to oversee the implementation of the given recommendation.</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia Permanent Parliamentary Council for Gender Equality</p>
<p>It is recommended for the Ministry of Culture, Sports and Youth Affairs to collect and process gender segregated data regularly in the sphere of culture and creative industry. It is recommended for the Gender Equality Council of the Parliament of Georgia, in the framework of control of the activities of the executive organs on the issues of gender equality, to oversee the implementation of the given recommendation.</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia Permanent Parliamentary Council for Gender Equality</p>
<p>It is recommended for the Ministry of Culture, Sports and Youth Affairs to study the gender impact of COVID-19 on culture and creative industry and in response to the identified challenges to elaborate evidence-based policy to alleviate the harm caused by the pandemic. It is recommended to include following direction in the policy: (i) the measures directed to creation of decent working conditions in culture and creative industry; (ii) promotion of digitalization through legal as well as technical and capacity building measures; (iii) support the innovations in creative industry.⁶</p>	<p>Ministry of Culture, Sport and Youth Affairs of Georgia</p>
<p>It is recommended for the Government of Georgia and the Ministry of Culture, Sports and Youth Affairs to ensure the equal distribution on women and men of economic stimulus dedicated to the sphere of culture. The Gender Equality Council of the Parliament of Georgia shall oversee the implementation of the given recommendation in the framework of control of the activities of the executive organs on the issues of gender equality.</p>	<p>Government of Georgia Ministry of Culture, Sport and Youth Affairs of Georgia Permanent Parliamentary Council for Gender Equality</p>
<p>WOMEN, PEACE AND SECURITY</p>	
<p>The Law on Gender Equality shall be amended to incorporate international legislative instruments and standards on ensuring equal and meaningful participation of women in conflict prevention and management process. This shall mean participation of women in formal and non-formal negotiation processes as well as in the security and defence sectors and diplomatic representations. Legislative guarantees shall consider quantitative as well as qualitative participation and the components of influencing over processes.</p>	<p>The Parliament of Georgia</p>

⁶ The recommendations are based on the document “Cultural and creative sectors in post-COVID-19 Europe” developed by the European Parliament in 2021. [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/652242/IPOL_STU\(2021\)652242_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/652242/IPOL_STU(2021)652242_EN.pdf) It is recommended that the Ministry of Culture, Sports and Youth Affairs use this document as a guide both in the gender impact analysis of the Covid-19 pandemic and in the policy development stages.

<p>To ensure equal and meaningful participation of women in conflict prevention and management processes next Action Plan on Women, Peace and Security shall reflect efficient and result oriented targets, with performance indicators (on the level of impact, final and interim results), indication of responsible agencies and proper budgeting. Among the mentioned measures, it is recommended to introduce quantitative quota as the temporary binding mechanism. The requirements of quantitative quota shall envisage the definition of the so called “critical mass.”</p>	<p>Government of Georgia</p>
<p>At the stage of elaboration of the next National Action Plan on Women, Peace and Security the responsible agencies shall put the agency specific operational plan for execution of the Action Plan, that will specify the concrete activities, with respective budgeting, for achieving objectives and targets of National Action Plan.</p>	<p>Government of Georgia</p>
<p>It is recommended to identify special measures in the National Action Plan on Women, Peace and Security that will ensure involvement of conflict affected women in the peace processes considering the obstacles caused by COVID-19 pandemic. Namely, the measures shall be related to the increase of access of affected and displaced women to internet and computer, their skills development as well as strengthening and supporting community organizations involved in peace processes.</p>	<p>Government of Georgia</p>
<p>With the purpose of planning and elaboration of the evidence-based policy, it is recommended to study the needs of conflict affected women and girls and those living beyond the dividing line from the angle of prevention and eradication of violence against them and integration of specific response objectives and measures on women, peace and security. In addition, integration of mentioned measures, budgeting, and indication of relevant responsible agency in national action plans on fighting against violence against women and domestic violence, and operational plans of respective responsible agencies. It is also recommended that in the framework of control of the activities of the executive organs on the issues of gender equality the Gender Equality Council of the Parliament of Georgia to oversee the activities the responsible agencies in this direction, to hear and assess the needs assessment report as well as the policy documents elaborated on the basis of the report and their further implementation.</p>	<p>Government of Georgia</p>
<p>The next National Action Plan on Women, Peace and Security should include a commitment to develop a concept for the rehabilitation of conflict-affected victims of sexual violence in accordance with international standards in this area, for which appropriate human resources and budgeting should be allocated.</p>	<p>Government of Georgia</p>
<p>It is recommended to strengthen the capacity of security sector representatives, including decision-makers, to address and combat the issues connected to the violence against women. Measures to strengthen these capacities are recommended to be implemented for the representatives of local municipalities as well, especially in the municipalities beyond the demarcation line.</p>	<p>Government of Georgia</p>

<p>It is recommended to study the needs of girls and women affected by the conflict, as well as girls and women living beyond the demarcation line, for physical and psychological health services, including reproductive and sexual health services; and in terms of access to relevant information. It is also recommended to integrate specific tasks and measures to respond to identified needs in the next National Action Plan on Women, Peace and Security; Also, to integrate these measures in the operational plan of the responsible agencies, and to define the budget and the specific responsible persons. In addition, it is recommended that the Gender Equality Council of the Parliament of Georgia supervises the activities of the responsible agencies in this area, hears and evaluates the needs assessment report, policy documents and implementation of that policy, within the framework of controlling the activities of the gender equality executive bodies.</p>	<p>Government of Georgia Permanent Parliamentary Council for Gender Equality</p>
<p>It is recommended that the next National Action Plan on Women, Peace and Security provides economic and social empowerment programs tailored to the needs of the IDPs and conflict-affected women, focusing on specific outcomes and enabling target groups to develop sustainable, income-generating activities. Given the challenges and needs of IDPs, these programs are recommended to be reflected in the internal operational plans of the relevant agencies, with adequate budgeting. In addition, it is recommended that the Gender Equality Council of the Parliament of Georgia supervises the activities of the responsible agencies in this direction, within the framework of controlling the activities of the executive bodies on gender equality issues.</p>	<p>Government of Georgia</p>
<p>It is recommended for all the responsible agencies on elaboration and implementation of the agenda on women, peace and security to strengthen the coordination with the international organizations working in the occupied territories with the aim of socio-economic empowerment of women and girls living in occupied territories.</p>	<p>Government of Georgia</p>
<p>It is recommended that the next Action Plan on Women, Peace and Security incorporate specific measures for provision of long-term housing safe for life and health for displaced people. It is recommended that the mentioned programs be reflected in the internal operational plans of relevant agencies with proper budget. Furthermore, it is recommended that in the framework of control of the activities of the executive organs on the issues of gender equality the Gender Equality Council of the Parliament of Georgia to oversee the activities of the responsible agencies in this direction.</p>	<p>Government of Georgia</p>
<p>It is recommended that the National Action Plan for Women, Peace and Security provide training relevant to market demands for women affected and displaced by the conflict. It is also recommended that this training includes the specific needs of these groups regarding the burden of housework and caring for children and the elderly in the absence of adequate public services, as well as the difficulties and costs of relocation. The Gender Equality Council of the Parliament of Georgia should supervise the activities of the agencies responsible for fulfilling this task, as well as facilitate research to identify labor market requirements.</p>	<p>Government of Georgia</p>

<p>The Gender Equality Council of the Parliament is recommended to:</p> <ul style="list-style-type: none"> (i) Develop special guidelines on the role of Parliament regarding Women, Peace and Security; (ii) Carry out an in-depth analysis of the situation in coordination with the Government of Georgia (in particular, with the agency responsible for developing the National Action Plan, and the Interagency Commission working on Gender Equality, Violence against Women and Domestic Violence) with the involvement of all interested parties (Public Defender's Office, Civil Society Organizations, women's community organizations, and international organizations) to identify the needs of women and men for evidence-based interventions in relevant areas, including overcoming the additional challenges posed by the Covid-19 pandemic; (iii) Include a special chapter on Women, Peace and Security in its Action Plan, detailing the activities to be carried out within the competence of the Council, including the creation and development of a legal framework, as well as the supervision of the executive agencies working on the issues connected to gender equality. 	<p>Permanent Parliamentary Council for Gender Equality</p>
<p>It is recommended to study the impact of the pandemic on the domestic violence and the violence against women in conflict-affected populations (villages beyond the demarcation line, occupied territories, compact IDP settlements) and plan responsive measures within the framework of the National Action Plans on Women, Peace and Security, as well as the domestic violence and the violence against women.</p>	<p>Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs</p>
<p>It is recommended that pandemic-adapted approaches are developed for women and girls living in villages and compact IDP settlements adjacent to the demarcation line to have an access to health services and information, including physical and financial access to the Internet and transportation.</p>	<p>Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs</p>
<p>It is recommended that the development of programs to address the economic crisis caused by the Covid-19 pandemic considers the specific needs of conflict-affected girls and women, displaced girls and women, as well as those living in the occupied territories, and that appropriate response measures are integrated into these programs.</p>	<p>Ministry of Economy and Sustainable Development of Georgia Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs</p>

III. INTRODUCTION

The broad goal of gender equality can be achieved through the State's interaction of well-thought-out, systematic and complex measures. This goal includes empowering women and overcoming historically formed barriers by creating opportunities for equal participation in economic, social, cultural, and political life. This means that the principle of sharing of power and responsibilities should be the main principle in all spheres of life, as a human right and a prerequisite of social justice. Gender equality is also an essential element of development, peace, and equality.⁷ For achieving gender equality, it is not only important to ensure the absence of a discriminatory legal framework but also to have the relevant legislation or policies that should not be discriminatory in their impact and consequences. Accordingly, international organizations call for the simultaneous use of substantive and formal equality, non-discrimination, and women's empowerment. The mere existence of formal equality mechanisms is insufficient for a state to fulfill its international obligations, respond directly and indirectly to discrimination, and achieve substantial equality.⁸

The UN General Recommendation N28 on the UN Convention on the Elimination of All Forms of Discrimination against Women sets out the obligation of States to respect, protect, and exercise the right to protect against discrimination, promote the development of women, and improve their position and to achieve substantive equality. The Committee notes that the lack of consideration for women's perspectives in legislation, policy, programs, and practices, and therefore its neutral content [indirect], discriminates on the grounds that neutral measures ignore the unequal situation towards women. Moreover, indirect discrimination exacerbates pre-existing inequality due to structural and historical inequality and the non-recognition of power imbalances between women and men.⁹

The 1995 Beijing Declaration and Platform for Action, which sets out the commitment to ensure equality for women in 12 critical areas for states, identified the need for gender equality and its mainstreaming in all areas and rights of women. The Declaration and Platform for Action

⁷ BPfA, 1995, Paragraph 1

⁸ ECOSOC, Contributions to the 2030 Agenda for Sustainable Development, cf.: https://www.ohchr.org/Documents/Issues/MDGs/Post2015/CEDAW_Contribution_16May2016.pdf

⁹ CEDAW, General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 2010, Paragraph 16

emphasized the need to ensure gender equality in all social and economic development areas. At the same time, the Beijing Declaration Action Platform notes that in addressing the inequality between women and men in power and decision-making at all levels, governments and other actors should encourage active and visible gender mainstreaming in decision-making in all relevant policies and programs so that any decision-making is based on the impact assessment on men and women and gender analysis.¹⁰

In line with its international obligations, Georgia has taken significant steps to harmonize its national legislation with international standards, and a number of policy and program changes have been made, which should be welcomed. However, despite this, there are a number of significant shortcomings in the legislative environment and practice, which require the State to take appropriate measures. Despite some progress achieved in fighting the violence against women and domestic violence, the measures taken by the State are reflected just in the confrontation with individual cases of crime and fail to address the structural causes of violence. At the same time, the State has neglected its obligation to protect social and economic rights; therefore, insufficient attention is paid to the effective realization of the rights to have access to healthcare, education, and adequate social protection in practice.

Coordinated work of national gender equality mechanisms in Georgia remains a significant challenge. Due to the scarcity of resources and the less priority given to this field, the existing national mechanisms are characterized by significant weakness at the governmental, parliamentary, and local self-government levels, as they are represented with an ambiguous mandate, imperfect legislative regulation of their activities, and lack of adequate human and budgetary resources. This, naturally, plays an important negative role in the effective development of gender equality mechanisms in the country and the inclusion of related issues in the internal policies of agencies.

This document is an updated edition of the UNDP's "Gender Equality in Georgia: Barriers and Recommendations (Part II)" published in 2018. The purpose of this report was to assess the implementation of the recommendations issued four years ago, identify the progress made in the Georgian legislation in recent years, and highlight the critical shortcomings in the legislation or practice, which require legislative changes and other appropriate measures. It should also be noted that in a number of areas, this document repeats and leaves some of the recommendations issued in 2018, as most of them have not been implemented or have been incompletely implemented by the relevant state agencies.

¹⁰ BPfA, paragraph 189

IV. ECONOMIC EMPOWERMENT OF WOMEN

A. WOMEN AND ECONOMICS

Studies conducted in Georgia show that the rate of women's economic participation is still low. According to Geostat, the labor force participation rate has averaged 64.23% for men and 43.86% for women over the last 10 years, indicating a significant gender gap in the labor market.¹¹ By 2019, only 36.2% of women are employed, while the rate is 50.1% for men. Accordingly, the percentage of women outside the labor force is 56.9% (while it is 38.2% for men).¹²

The reasons for the low economic participation of women are complex and they require in-depth analysis. The UN High Level Panel on Women's Economic Empowerment identifies four main barriers to women's economic activity:

- ▶ Disruptive social norms;
- ▶ Discriminatory legislation and scarcity of legal protection mechanisms;
- ▶ Non-recognition of unpaid housework and family care, and inadequate attention to its mitigation and redistribution;
- ▶ Insufficient access to financial and digital resources and property.¹³

Systemic employment-related gender inequality increases poverty, economic insecurity, and reduces opportunities for girls and women.¹⁴

Studies in Georgia show that housework and lack of relevant jobs prevent women from working full time. Consequently, women are forced to work part-time to balance household chores such as house and child care and other family responsibilities¹⁵. In addition, the adjusted hourly gender pay gap in Georgia based on the 2017 Labor Force Survey data was 24.8 percent¹⁶, which was higher than the raw gender pay gap (17.7%). This means that women in paid employment

¹¹ Geostat, Women and Men in Georgia, 2020, cf.:<https://bit.ly/3J6gcKU>

¹² Geostat, Women and Men in Georgia, 2020, cf.:<https://bit.ly/3sn8LJ9>

¹³ UN Women, Women's Economic Inactivity and Engagement in the Informal Sector in Georgia, 2018, cf.: <https://bit.ly/3qhbmsB>

¹⁴ UN Women, Women's Economic Inactivity and Engagement in the Informal Sector in Georgia, 2018, cf.: <https://bit.ly/3qeEf1G>

¹⁵ UN Women, Country Gender Equality Profile of Georgia, 2020

¹⁶ UN Women, Analysis of the Gender Pay Gap and Gender Inequality in the Labour Market in Georgia, 2020

have better characteristics for the labor market and receive lower wages than employed men¹⁷. The gender pay gap is driven by a number of intersecting factors, including discriminatory attitudes towards women in the workplace (e.g. women are rarely appointed to high-paying and decision-making positions), as well as differences in the hours worked by men and women¹⁸.

According to Geostat, the average monthly nominal salary of employees in 2019 was 869.1 GEL for women and 1 361.8 GEL for men. In almost all sectors in Georgia, men work more hours than women. Women, compared to men, work less than 7 hours a week on average at the formal employment site. In particular, men work 43 hours a week on average, while women work 36 hours¹⁹. This means that family circumstances, especially having children at home, primarily affect maternal behavior in the labor market.²⁰ The low participation of women in the economy is also facilitated by the lack of childcare facilities, as well as the lack of flexible work schedules in the workplace.²¹

In addition to individual participation of women, marital status in households has a direct impact on women's economic participation. In particular, according to studies, unmarried men and women are equally active in the labor market, but as the "intensity" of domestic responsibilities increases, the gap between them also widens. Single mothers are less likely to participate in the labor market than single fathers, although the largest gap occurs in the case of couples with children, and it increases with the number of children. "So, for example, a mother of two is six times less active in the labor market than a father of three."²² Thus, in the case of single mothers, the economic participation rate is the lowest, which has a negative impact on the household and increases the risk of poverty by 26%.²³

Georgia has taken a number of positive steps in recent years to ensure women's economic participation. It has also made significant international commitments, under which the State has taken concrete and measurable steps to empower women economically, including the effective implementation of the commitments set out in the Beijing Declaration and Platform for Action. In particular, the BPFA-critical area "Women and the Economy" identifies the following responsibilities to implement:

- ▶ **Task Strategy F.1:** Strengthen women's economic rights and independence, including through control over employment, the appropriate work environment and economic resources;
- ▶ **Task Strategy F.2:** Facilitate equal access for women to resources, employment, markets and trade;

¹⁷ UN Women, Analysis of the Gender Pay Gap and Gender Inequality in the Labour Market in Georgia, 2020

¹⁸ UN Women, Analysis of the Gender Pay Gap and Gender Inequality in the Labour Market in Georgia, 2020

¹⁹ The World Bank, Country Gender Assessment Georgia, March 2021, p. 45, cf.: <https://documents1.worldbank.org/curated/en/407151616738297662/pdf/Georgia-Country-Gender-Assessment.pdf>

²⁰ UN Women, Analysis of the Gender Pay Gap and Gender Inequality in the Labour Market in Georgia, 2020, p. 45, cf.: <https://bit.ly/32lDhls>

²¹ IMF, Georgia: Selected Issues, p. 23.

²² UN Women, Analysis of the Gender Pay Gap and Gender Inequality in the Labour Market in Georgia, March 2020, p. 45, cf.: <https://bit.ly/32lDhls>

²³ UN Women, Women's Economic Inactivity and Engagement in the Informal Sector in Georgia, 2018, cf.: <https://bit.ly/3FrrR4w>

- ▶ **Task Strategy F.3:** Provide low-income women with access to business services, information and technology, and the market;
- ▶ **Task Strategy F.4:** Strengthen women’s economic opportunities and commercial networks;
- ▶ **Task Strategy F.5:** Eliminate professional segregation and all forms of discrimination in the workplace;
- ▶ **Task Strategy F.6:** Support the harmonization of work and family responsibilities for women and men.

At the same time, under UN Sustainable Development Goal 5, countries have an obligation to recognize unpaid work and domestic work through the promotion of the principle of shared services, public infrastructure, social security policies and household responsibilities (Objective 5.4.); Ensure full and effective participation of women and equal opportunities in leadership positions at all levels of decision-making in political, economic or public life (Objective 5.5.); Implement reforms to give women equal access to economic resources, as well as the right to own and control land and other properties, financial resources, inheritance and natural resources (Objective 5.a.), although it should be noted that not all tasks of Georgia are nationalized under the 5th Sustainable Development Goal. The National Sustainable Development Goals document contains both global and Georgia-specific objectives, including, for example, Objective 5.4, which, as noted above, recognizes women’s unpaid labor and social security policy commitments.²⁴

The Government Action Plan on Human Rights for 2018-2020 sets out certain commitments that the State should do to empower women’s economic participation. In particular, the State should: ensure equal access for women to economic resources (12.9.); Recognize the unpaid labor of women and take appropriate measures to reduce and redistribute it (12.7.); Increase women’s participation in the labor market and promote gender equality in labor relations (12.6.); Also, take appropriate measures to support women entrepreneurs (12.9.2). However, given the situation described above, the measures taken to meet the commitments can not fully ensure that the challenges facing women are solved. It should also be noted that the action plans do not include gender budgeting, as well as gender impact assessments, which would ensure gender mainstreaming in the economy.

Recommendation:

- ▶ The Parliament of Georgia should ensure the monitoring of the fulfillment of the commitments taken under the Sustainable Development Goals by the Government, with the active involvement of the Permanent Parliamentary Council for Gender Equality; It is also important to nationalize all objectives under the Sustainable Development Goals in order to achieve the goal of economic empowerment of women;
- ▶ The Parliament of Georgia should ensure the establishment of a unified vision for the economic empowerment of women at the systemic level.

²⁴ National Document on Sustainable Development Goals (SDGs)

B. WOMEN'S LABOR RIGHTS

Gender discrimination against women is one of the major challenges in labor relations. Georgia has received a number of recommendations related to the regulation of workplace equality standards in accordance with international obligations, and within the framework of the recognized commitments.

The CEDAW Committee's 2014 summary observations critically review the regulation of women's labor in Georgia. The Committee notes that low employment rates for women, as well as gender pay gaps, along with horizontal and vertical segregation, remain a problem in the country. The lack of adequate child care spaces remains a problem as well. The Committee also highlights the weak enforcement of legislation prohibiting sexual harassment and protecting maternity in the workplace due to the lack of the National Labor Inspectorate or other similar mechanisms.²⁵ It calls on the State to take effective measures to increase women's participation in the labor market, and to focus on women in low-paying jobs.²⁶

Georgia has also ratified ILO Convention N100 on Equal Remuneration and Convention N111 on the Elimination of Discrimination. At the 107th session of the International Labor Conference in 2018, the Committee for the compliance with ILO standards referred to the Government of Georgia on the basis of national legislation, in particular the Labor Code, the Law on Gender Equality, the Law on the Elimination of All Forms of Discrimination and the Civil Service Law, to ensure the principle of equal pay for equal work for women and men; And to create effective enforcement and identification mechanisms to implement them in practice, in cooperation with the social partners.²⁷

Georgia has also committed itself to the UN Sustainable Development Goals to eliminate gender discrimination and barriers in the labor market. The Sustainable Development Goal 10 on Reducing Inequality calls on states to "ensure equal opportunities and reduce inequality in employment outcomes, including by eliminating discriminatory legislation, policies or practices, and by promoting appropriate legislation, policies or practices".²⁸ Georgia has committed itself to the harmonization of Georgian legislation and practice with the relevant EU directives on employment, social policy and equal opportunities under the EU-The European Atomic Energy Community and the Association Agreement of their member countries.²⁹

For the purposes of this document, the following directives on ensuring gender equality in labor relations are noteworthy:

- ▶ Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principles of equal treatment for men and women in social security (Deadline - 2018);

²⁵ CEDAW/C/GEO/Q/4-5/Add.1. Concluding observations on the combined fourth and fifth periodic reports of Georgia, Paragraph 28

²⁶ CEDAW/C/GEO/Q/4-5/Add.1. Concluding observations on the combined fourth and fifth periodic reports of Georgia, Paragraph 29 (a)

²⁷ Individual Case (CAS) - Discussion: 2018, Publication: 107th ILC session (2018), cf.: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3953286

²⁸ Goal 10.3, cf.: <https://sustainabledevelopment.un.org/content/documents/11803Official-List-of-Proposed-SDG-Indicators.pdf>

²⁹ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, Annex XXX, cf.: <https://matsne.gov.ge/ka/document/view/2496959?publication=0>

- ▶ Council Directive 92/85/EEC of 19 October 1992 on measures for the promotion of safe working conditions and health while pregnancy, childbirth and maternity of the workers (10th Individual Directive, in the context of Article 16 (1) of Directive 89/391/EEC) (Deadline - 2018);
- ▶ Council Directive **2000/78/EC** of 27 November 2000³⁰ on a general framework for equal treatment in terms of employment and work affairs (Deadline - 2017);
- ▶ Directive 2006/54/EC of the European Parliament and of the Council of July 5, 2006, on the implementation of the principle of equal opportunities and equal treatment for men and women in matters of work and employment (2018).

Prior to the amendment to the Labor Code of Georgia, the regulation on the prohibition of discrimination was substantially weak. The Code did not clarify the concept of direct and indirect discrimination, and included it in the definition of harassment, which did not comply with the International Standard for the Regulation of Discrimination. In addition, the Code did not define areas for discrimination, as well as its limits. The amendments made in 2020 ensured full compliance of the norms of the Labor Code of Georgia with the standards set by the EU and the WTO, especially in the area of discrimination³¹. However, it still needs to review laws and regulations, and bring them in line with EU directives. Although most of the Gender Equality Directives were required to be implemented in 2017-2018, Georgia has not yet fully harmonized its labor legislation with the provisions of the Directives.

Also, Georgia has not yet ratified the following important conventions of the International Labor Organization (ILO):

- ▶ C 183 - Maternity Protection Convention;
- ▶ C 156 - Workers with Family Responsibilities Convention;
- ▶ C 189 - Domestic Workers Convention;
- ▶ C 131 - Minimum Wage Fixing Convention.

b.1. Equal Pay

Prior to the 2020 amendments, the Labor Code of Georgia did not include the principle of equal pay. Georgia took the responsibility to include this principle in the framework of the Association Agreement between Georgia and the European Union. Directive 2006/54/EC of the European Parliament and of the Council, which provides for the principle of equal opportunities and equal treatment for men and women in matters of employment and occupation, defines the principle of equal pay for equal work or work of equal value, and prohibits discrimination by different criterias in determining wage.³²

³⁰ cf.: Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>

³¹ Following the reform of Labour legislation, a detailed analysis of the compliance of the Labour Code of Georgia and the Law on Civil Service was conducted in 2020 by the United Nations Women. cf.: UN Women, Gender Analysis of Changes in Labour Law, 2020 (*not yet published, possible date for publishing is November, 2021*)

³² 2006/54/EC, Article 4

In its summary observations on Georgia, CEDAW called on the State to take adequate measures to implement the principle of equal pay for equal work, which should be done by continuous assessment of the pay of women and men across all sectors.³³

In 2018, at its 107th session of the International Labor Conference, the Committee on monitoring compliance with International Labor Standards called on Georgia to adhere to the principles of the Labor Code, the Law on Gender Equality, the Law on the Elimination of All Forms of Discrimination and the Civil Service Law on Equal Remuneration for Women and Men. In collaboration

In its discussion at the 107th session of the International Labor Conference in 2018, the Committee on monitoring compliance with International Labor Standards called on Georgia to adhere to the Labor Code, the Law on Gender Equality, the Law on the Elimination of All Forms of Discrimination and the Equal Value of Women and Men in the Civil Service Law. Regulation of the principle of equal pay, in cooperation with the social partners.³⁴

In response to the fulfillment of these obligations, the amendments to the Labor Code of Georgia included the concept of “remuneration” on one hand,³⁵ and the principle of equal pay for equal work on the other.³⁶ However, the amendments to the Labor Code did not include an obligation to pay equal pay for equal work, which would allow us to combat the root causes of the wage gap and ensure that equal work performed by women and men were paid equally.

It is important that the principle of equal pay for work of equal value is not regulated in the Law on Civil Service of Georgia. According to Paragraph 1 in Article 57 of the Law, the system of remuneration of civil servants is based on the principles of transparency and fairness, which imply equal pay for the performance of equal work. This definition differs substantially from the principle of equal pay for labor of equal value. Therefore, it is important that the Civil Service Law explicitly regulates the principle of equal pay for equal work, in order to ensure a high standard of protection for the rights of civil servants.

Recommendations:

- ▶ The Labor Code of Georgia and the Law on Public Service shall stipulate the obligation to pay equal remuneration for labor of equal value;
- ▶ “Equal value” should be explicitly defined in the Labor Code of Georgia and the Law on Civil Service in accordance with the standards set by the International Labor Organization and the European Union.

³³ CEDAW/C/GEO/Q/4-5/Add.1. Concluding observations on the combined fourth and fifth periodic reports of Georgia, Paragraph 29 (b)

³⁴ Individual Case (CAS) - Discussion: 2018, Publication: 107th ILC session (2018), cf.: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3953286

³⁵ Article 41, Paragraph 1

³⁶ Article 4, Paragraph 4

b.2. Rights of the workers while pregnancy, childbirth and lactation

According to the amendments to the Labor Code of Georgia, due to pregnancy and childbirth, the employee is given 126 calendar days of paid leave (143 calendar days in case of complications of childbirth or birth of twins), and 604 calendar days of maternity leave, of which 57 calendar days are paid. This benefit can be used in whole or in part by the mother or father of the child.³⁷

Prior to the amendment to the Labor Code of Georgia, the regulation was substantially vague and did not allow fathers to take maternity or childcare leave. In particular, the orders issued by the Ministry of Health stated that fathers could use the right to leave only if the mother of the child died.³⁸ It is an essential step forward that the new regulation of the Labor Code refers to the use of leave by the father, but on the one hand, it is important to have a record regarding paid and non-transferable paternity leave that will promote women's economic empowerment and their increased participation in labor market. On the other hand, the by-laws regulating maternity or parental leave, newborn adoption and child care leave and issuance of hospital certificate should be updated in order to prevent misinterpretation of current legal norm.

As for the paid leave for **Pregnancy, Childbirth and Child Care**, the amendments to the Labor Code of Georgia did not affect this provision. As a result, remuneration for employees still depends on the will of the employers, while the State provides compensation of only 1000 GEL. Consequently, it can be said that a private sector employee does not have paid maternity leave at all. Compensation of 1,000 GEL is provided by the Social Service Agency of the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia. However, if an employed woman earns less than 100 GEL per month, the amount of one-time financial assistance allocated to her is reduced to 600 GEL. Consequently, the defined financial assistance does not meet the needs of the mother/parent in order for her to be able to maintain an adequate standard of living. Therefore, the amendments to the Labor Code do not comply with the standard set by the EU Directive and the WTO Convention.

According to ILO Convention N183 (which has not been ratified by Georgia, although its recommendation on ratification was issued by the Committee on the Elimination of All Forms of Discrimination against Women in Georgia in 2014), employees are entitled to cash benefits or allowances for motherhood and paternity leave. Such monetary benefits should be large enough to provide a woman with self-care, child support, and an adequate standard of living. If the remuneration is calculated on the basis of the employee's previous wage, the amount of remuneration should not be less than 2/3 of the previously earned remuneration.

According to the ILO Convention N183 (which has not been ratified by Georgia, but its recommendation for ratification was issued by the Committee on the Elimination of All Forms of Discrimination against Women in Georgia in 2014³⁹), employees are entitled to cash benefits

³⁷ Article 37

³⁸ Order of the Minister of Labour, Health and Social Affairs of Georgia №281/n, September 25, 2007, Article 6 (6) and Order №231/n of August 25, 2006, Article 9 (7).

³⁹ CEDAW/C/GEO/Q/4-5/Add.1. Paragraph 29 (c)

or allowances for maternity leave. Such financial benefits should be large enough to provide a woman with self-care, child care, and an adequate standard of living. If the remuneration is calculated on the basis of the employee's previous wage, the amount of remuneration should not be less than 2/3 of the previously earned remuneration.⁴⁰

Unlike a private sector employee, the Civil Service Law sets a relatively high standard of protection in this area. According to Paragraph 2 of the Article 64 of the Civil Service Law, 183 calendar days are reimbursed for pregnancy, childbirth and maternity leave, and 200 calendar days for complicated childbirth or twin birth. Remuneration will be paid from the budget of the relevant public institution, considering the officer's salary and class allowance. However, since the Civil Service Law does not apply to all civil servants⁴¹, the best conditions or benefits provided for public service employees are only available to a substantially small number of employees.

Recommendations:

- ▶ The Parliament of Georgia should ensure the ratification of ILO Conventions 183 and 156;
- ▶ It is important that the Parliament of Georgia continues to work for full harmonization of the Georgian Labor Code with the standards set by the International Labor Organization and the European Union. This also implies relevant amendments to the Law on Civil Service of Georgia. Since the Law on Civil Service does not apply to all persons employed in the civil service, the legal status of persons employed in institutions of various forms/statuses falls short of the labor rights of persons employed in public institutions regulated by the Civil Service Law. Thus, the legislator should consider the problematic nature of this difference and equalize these groups;
- ▶ It is important to revise legislation to reflect paid and non-transferable paternity leave that will promote women's economic empowerment and their increased participation in labor market. Hereby, the by-laws regulating maternity, parental and childcare leave, newborn adoption leave and issuance of hospital certificate should be updated in order to prevent misinterpretation of current legal norm.
- ▶ The State should also protect the rights of people whose labor relations are regulated by the Labor Code of Georgia, so that the Law ensures adequate payment of monthly salaries to employees during pregnancy, childbirth and childcare, as defined in ILO Convention N183.

⁴⁰ ILO, Convention N183, Article 6, Paragraph 3 and 4

⁴¹ According to Article 3 (c) of the Law on Public Service, public service is, among other activities, activities in a legal entity under public law, "except cultural, educational, scientific, research, sports and religious, membership-based and other activities in the legal entities of public law defined by this Law and the Law of Georgia on Legal Entities of Public Law. As for the compensation, according to Article 1, Paragraph 4 of the Law on Remuneration of labor in a Public Institution, the rule of remuneration in a public institution, among other activities, does not apply to the Notary Chamber of Georgia – a legal entity under the Public Law, except for an employee of its Board. Also, it does not apply to the employees of membership-based (other than budgetary organizations), cultural, educational, scientific, research / legal, sports and religious non-profit (non-commercial) legal entities. Accordingly, Labor relations (including the issue of remuneration) are regulated by the Labour Code, which means that there is a relatively low standard of protection of workers' rights in these and other areas defined by law, given the fact that women are mostly involved in these activities. It significantly worsens the legal status of women in public service.

b.3. Minimum Wage

For the effective implementation of the principle of equal pay, the regulation of the minimum wage is critical in the process of ensuring decent work and eliminating labor discrimination against women. The current Labor Code does not contain a provision on the minimum wage, nor does it set deadlines for its elaboration.

The issue of the minimum wage in Georgia remains beyond the relevant regulation and the current retrograde norm is detrimental to the interests of employees⁴², which violates the principle of decent work. Based on the Presidential Decree N351 of June 4, 1999⁴³, the minimum wage in Georgia is 20 GEL⁴⁴. Although the order contains a norm that serves to revise the minimum wage according to the socio-economic status of the country⁴⁵, it has not undergone fundamental changes to date. Fundamental reform of minimum wage regulations is critical through active cooperation of the State with the social partners and civil society. The minimum wage should reflect the reality in Georgia, and correspond to the socio-economic situation of the country and the needs of workers.⁴⁶

The importance of the minimum wage is reflected in ILO Convention N100 as a basic means of enforcing the principle of equal pay. According to the ILO, because “for the most part, women are represented in low-paid jobs, an adequate minimum wage policy [along with other workers] is a significant benefit to them.”⁴⁷

ILO Convention N131 specifically addresses the issue of minimum wage⁴⁸ and emphasizes its role in protecting workers’ rights and reflecting the basic needs of the countries concerned (this Convention has not been ratified by Georgia).

Recommendations:

- ▶ The Parliament of Georgia must ratify ILO Convention No. 131;
- ▶ It is important that the minimum wage is adequately regulated in the Labor Code. This process should be based on extensive consultations and close cooperation with the social partners, labor unions, civil society, international organizations (including the ILO) and relevant specialists, so that the minimum wage setting mechanism fully meets the needs of workers and the socio-economic situation of the country;

⁴² Friedrich-Ebert-Stiftung, Evaluation of minimum wage policy compliance with socio-economic development and international obligations of Georgia, 2016, cf.: http://www.fes-caucasus.org/fileadmin/Publications/2016/Studie_GEO.pdf

⁴³ This regulation does not apply to teachers employed in public schools.

⁴⁴ Article 1, cf.: <https://matsne.gov.ge/ka/document/view/112786?publication=0>

⁴⁵ Article 5

⁴⁶ GTUC, PDO, Checking the Accordance of the Minimum Wage politics of Georgia in light with the socio-economic development and international obligations, 2016, pg. 5-6, see: http://www.fes-caucasus.org/fileadmin/Publications/2016/Studie_GEO.pdf

⁴⁷ ILO, Equal pay, An introductory guide, 2013, pg. 50-51, cf.: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_216695.pdf

⁴⁸ None of the WTO instruments sets a “minimum wage”. ILO: General Survey of 1992, Paragraph 27; However, there is an explanation from the ILO Committee of Experts, which states that “the minimum wage is the minimum amount owed to an employee for a period of work or service, and calculated on the basis of the time spent or the result obtained by the employee. The minimum wage may not be reduced by an individual or collective agreement, it is determined by law and its amount must meet the minimum requirements of the worker and his family, considering the economic and social situation of a particular country.”Ibid., Paragraph 42

- ▶ In order for the minimum wage to meet the International Labor Organization standard, it is important to ensure that the minimum wage setting methodology/mechanism complies with the International Labor Organization standard.

b.4. Labor Inspection Mandate

Amendments to the Labor Code define the Labor Inspection as a law enforcement mechanism, the activities of which, in addition to the Labor Code, are regulated by the Organic Law of Georgia on Occupational Health and Safety. The Labor Inspectorate, which has the authority to impose administrative sanctions under the same law, has the mandate to enforce regulations to oversee the provision of discrimination, including gender equality, the guarantees of equal opportunities for women and men, and the elimination of harassment.⁴⁹

Promoting the functionality of the Labor Inspection by the Labor Code and its implementation is essential for the fight against discrimination, which will substantially improve the legal status of employees in the workplace in terms of effective and efficient work,

However, despite the development of the Labor Code and the mechanism for enforcing equality in labor relations, it is important that it somewhat duplicates the functions of the Public Defender of Georgia. The Public Defender considers that the mandate of the Labor Inspection Service should be limited to a general policy on equality in the field of employment, and a mechanism for reporting the case to the Public Defender should be introduced in case of individual cases of alleged discrimination.⁵⁰

The simultaneous existence of two mechanisms in practice may be an obstacle to the establishment of a consistent national standard. In some cases, there may be a risk of making different decisions and misusing financial resources.⁵¹

Recommendation:

- ▶ In order to clearly separate the mandates of the Public Defender of Georgia and the Labor Inspectorate on discrimination issues, it is necessary for the Parliament of Georgia, with the involvement of the Gender Equality Council, to involve the interested parties and hold consultations to better differentiate mandates on discrimination cases and establish effective mechanisms.

C. GENDER EQUALITY IN AGRICULTURE

The share of rural population in the total population of the country was 42% for 2017. It was reduced by 1% to 41% by 2020, and it is 40.6% in 2021.⁵² By 2019, agriculture, forestry and fisheries accounted for 7.4% of gross domestic product (GDP).⁵³

⁴⁹ Labour Code Project, Article 76

⁵⁰ cf.: <https://www.ombudsman.ge/geo/akhali-ambebi/sakhalkho-damtsveli-miesalmeba-shromis-kanonmdeblobashi-gankhort-sielebul-tsvlilebebs>

⁵¹ Ibid.

⁵² Geostat, Agriculture of Georgia 2020, cf.: https://www.geostat.ge/media/38833/soflis_meurneoba_2020.pdf

⁵³ Geostat, Agriculture of Georgia 2020, cf.: https://www.geostat.ge/media/38833/soflis_meurneoba_2020.pdf

The problem of land fragmentation is particularly acute in the agricultural sector; The issuance of loans is hindered by various factors in practice; Fragmentation of agricultural lands is high, which makes small enterprises risky; Commercial credit organizations, on the other hand, focus on large farmers as usual⁵⁴. However, when state programs require land beneficiaries to own land, women are in a doubly disadvantaged position because they either do not own land at all or own little land. According to Geostat, there is still a radical imbalance between men and women in the percentage of agricultural land distribution. According to 2017 data, this figure was 17.9% for women and 82.1% for men; In the following years, these figures have changed slightly. Namely, in 2018, the area of land used for agriculture was 19% for women and 81% for men, while in 2019, women owned 19.8% and, consequently, man owned 80.2%. In 2020, this figure was 20.7% for women and 79.3% for men.⁵⁵

Studies show that rural people are significantly more prone to poverty. However, as the World Bank data show, these risks are equally characteristic of men and women. The poverty rate for women and girls was highest in 2018 at 23.3%, although it was 23.0% for men as well. According to the regions, women and girls living in Mtskheta-Mtianeti region are more prone to poverty compared to women and men living in Samtskhe-Javakheti and Tbilisi, who are at the lowest risk of poverty.⁵⁶

The Government Human Rights Action Plan for 2018-2020 sets out certain commitments that the State has made to strengthen the economic participation of women living in villages (12.8); The Action Plan also sets out a commitment to ensure equal access to agricultural land and real estate (12.9.1). It should be noted, however, that the projects implemented by the Ministry of Environmental Protection and Agriculture did not include a gender component. As various reports point out, obtaining agro-credits by women is still a challenge as it involves owning land and other property. Rural women also have less access to information that includes support for agriculture and manufacturing.⁵⁷

It should also be noted that the indicators for the 2020 task of the 2018-2020 Action Plan of the Rural Development Strategy of Georgia take into account the gender perspective, but, actually, in substantially general priority areas, for example, the plan aims to raise awareness of innovation and entrepreneurship and to encourage collaboration by promoting skills development and employment (especially for young people and women)⁵⁸; The plan also emphasizes the importance of increasing the involvement of the population (especially women and youth) in identifying local needs and ways to address them.⁵⁹ However, these measures are not sufficient to meet the needs and interests of women and girls living in

⁵⁴ Shergelashvili T., Toqmazishvili M., Agriculture Transformation in Georgia: 20 Years of Independence, 2012

⁵⁵ Geostat, Agriculture of Georgia 2020, cf.: https://www.geostat.ge/media/38833/soflis_meurneoba_2020.pdf

⁵⁶ The World Bank

⁵⁷ Report of The Coalition for Equality and Other NGOs to The Pre-Sessional Working Group of The United Nations Committee on The Elimination of Discrimination Against Women (Cedaw), 81st Session, 2021, cf.: <https://sapari.ge/wp-content/uploads/2021/06/Coalition-for-Equality-CEDAW-Report-June-16-2021.pdf>

⁵⁸ Indicators of the 2020 task of the Rural Development Strategy of Georgia for the 2017-2020 Strategy for the 2018-2020 Action Plan, Task 2.1. Skills and Employment. cf.: <https://mepa.gov.ge/Ge/PublicInformation/6346>

⁵⁹ Ibid., Task 2.3. Involvement of Local Population.

villages; It also fails to strengthen them economically as these measures are not supported by appropriate effective mechanisms, including the obligation to implement gender budgeting in local municipalities. As noted in other sections of this report, the Law on Gender Equality of Georgia does not oblige relevant agencies to provide gender budgeting, gender impact assessment or gender audit and appropriate reporting. Consequently, without these tools, the needs of women and girls living in villages are difficult to be fully reflected in relevant strategies or local programs.

Recommendation:

- ▶ The Parliament of Georgia, with the active involvement of the Gender Equality Council, should conduct an analysis and revision of gender equality legislation to fully meet the needs of women and girls living in villages, and to impose appropriate commitments on gender mainstreaming agencies in the field of agriculture.

D. THE IMPACT OF THE COVID-19 PANDEMIC ON WOMEN'S ECONOMIC EMPOWERMENT

The Covid-19 pandemic and subsequent crisis have had a significant impact on the socio-economic situation of the population.

According to a quick research conducted by UN agencies, in an October 2020 survey, 17% of women and men said they lost their jobs in March 2020, following the spread of the coronavirus. 32% of the Georgian population said that their working hours have been reduced, but they still manage to keep their jobs.

According to data from the same research, entrepreneurs were particularly affected. 29% of those who used to hire others said they lost their jobs after the pandemic. Respondents employed in companies, businesses or households were the least affected - only 15% of this category reported losing their job. 19% of the self-employed lost their jobs after the spread of pandemic.⁶⁰

A particularly difficult situation has arisen in regions populated by ethnic minorities. Ethnic minorities have been most affected by the coronavirus pandemic. They report losing their jobs almost three times more often than ethnic Georgians.⁶¹

In the conditions of the pandemic, the rate of women's domestic labor has increased significantly. 42% of women say that they do at least one more household chore compared to the situation before the pandemic, while only 35% of men say so. Women spend more time on housework (35%) than men (24%). They also spend more time preparing food (35%) than men

⁶⁰ UNFPA, UNDP, UN Women, Rapid Gender Assessment of the COVID-19 Situation in Georgia, 2021, p. 25, cf.: https://www2.un-women.org/-/media/field%20office%20georgia/attachments/publications/2021/covid_gender_assessment_2021_geo.pdf?la=en&vs=4539

⁶¹ Ibid.

(25%). The burden of domestic labor has especially increased in families with children, which was also caused by the closure of schools and kindergartens.⁶²

According to the World Bank, the risks posed by the Covid-19 pandemic will outweigh the progress made in terms of gender, and this will exacerbate existing failures.⁶³ While potential medical and life-threatening risks are not gender specific as they affect all populations, the economic, social, and health consequences of the pandemic will exacerbate pre-existing gender inequalities in three key areas: well-being (health and education), economic status, and agency. This will have a long-term impact on development opportunities and economic growth. Also, the negative consequences caused by the pandemic will make it harder for women to access economic opportunities. Due to the fact that women are more involved in housework and domestic chores – including child and elderly care and home education – they will be most affected by the lack of access to employment and income. Women’s professional segregation will also contribute to this. A large proportion of women are involved in essential work (meaning clinics, trade, nutrition, etc.) where there is a risk of deteriorating working conditions due to the pandemic.⁶⁴ The families, whose main breadwinner is a woman, are particularly at risk due to low access to financial services, lack of ownership and care obligations.

In addition to the above, the involvement of women in informal labor leaves them virtually vulnerable without social protection and labor rights. The government’s anti-crisis plan, which offered little social assistance to families who lost their jobs, failed to reach a large portion of the self-employed, while they are a socially vulnerable and vulnerable category of society.

Recommendations:

- ▶ In response of the pandemic challenges to the economy and women’s labor rights, it is essential to set up an inter-parliamentary working group with the involvement of the Permanent Parliamentary Council for Gender Equality in Georgia, Committee on Regional Policy and Self-Government, Sectoral Economics and Economic Policy, Human Rights and Civil Integration, and all relevant government agencies (Ministry of Finance, Ministry of Economy, Ministry of Environmental Protection and Agriculture, Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs) to develop, assess, analyze, and take appropriate, long-term measures to address the damage caused by the Covid-19 pandemic, including temporary special measures to ensure women’s rights and economic well-being.

⁶² UN Women, Rapid Gender Assessment of the COVID-19 Situation in Georgia, 2021, p. 25, 2020, cf.: <https://www2.unwomen.org/-/media/field%20office%20georgia/attachments/publications/2020/rga%20unw-geo.pdf?la=en&vs=5941>

⁶³ The World Bank, Country Gender Assessment Georgia, March, 2021, cf.: <https://documents1.worldbank.org/curated/en/407151616738297662/pdf/Georgia-Country-Gender-Assessment.pdf>

⁶⁴ Ibid.

V. GENDER EQUALITY IN HEALTH CARE

Despite several progressive steps the state took to achieve universal access to sexual and reproductive health, some systemic problems remain. This makes it impossible to say that everyone in the country has equal access to basic sexual and reproductive health services such as maternal health, family planning, contraception, safe abortion and post-abortion surveillance services.

The improvement of the legislative framework on sexual and reproductive health and rights issues should be mentioned⁶⁵ as well as the development of policy documents⁶⁶, progress in improving maternal health, including reducing high maternal mortality rates⁶⁷, and reducing overall abortion rates.⁶⁸ Although it is noteworthy that the rate of maternal mortality has been significantly increased throughout the period of COVID-19 pandemic.⁶⁹

Unfortunately, developing, enforcing and monitoring laws and policy documents to ensure compliance with internationally recognized standards in this area remains a challenge, as well as ensuring regular collection of sorted data; Introducing age-appropriate, mandatory, comprehensive education on reproductive health and rights in all schools across the country; Improving the protection of personal information and privacy in the field of healthcare; Removing political, social or cultural barriers to abortion services; existence of waiting period; inequal geographic access; Eliminating barriers related to reproductive technology, and regulating the field of surrogacy.⁷⁰

⁶⁵ In 2020, based on the recommendation of the Public Defender of Georgia, the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia approved the State Standard for Clinical Condition Management (Protocol) and the National Recommendation for Clinical Practice (Guideline) for perinatal period management: http://sms.tsmu.edu/ssms/cme/img/gaid_1.pdf

⁶⁶ This includes the development and adoption of national action plans relevant to the Maternal and Newborn Health Strategy (2017-2030) and the emergence of a legislative record on the prohibition of sex-selective abortion. UPR, National Report 2021, https://www.upr-info.org/sites/default/files/document/a_hrc_wg.6_37_geo_1_e.pdf

⁶⁷ Public Defender of Georgia, Human Rights in the Context of Sexual and Reproductive Health and Welfare: Assessing the Legal Status of the Country (2018) <https://www.ombudsman.ge/res/docs/2019040210585343203.pdf>

⁶⁸ From 2010 to 2018 - over a period of 8 years, the number of abortions per 1,000 women decreased by 20 units. UNFPA, Sexual and Reproductive Health in Georgia: In-depth Analysis of Multi-Indicator Cluster Survey Data for Georgia 2018 (MICS) (2019): https://georgia.unfpa.org/sites/default/files/pub-pdf/MICS%20report_GEO.pdf

⁶⁹ Health protection: Statistics reference-book 2020. National Center for Disease Control and Public Health. <https://www.ncdc.ge/#/pages/file/3d9d1b31-4198-4127-90bb-41db1b80aa63>

⁷⁰ Public Defender of Georgia, National Assessment of Sexual and Reproductive Health and Human Rights: National Assessment, 2019 <https://www.ombudsman.ge/res/docs/2019072913513711692.pdf>

A. ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

The Sustainable Development Agenda of 2030 envisions universal access to sexual and reproductive health services, including family planning, information and education, as well as the integration of reproductive health into national strategies and programs.⁷¹ According to the Public Defender, the challenge for the State is to take progressive steps to achieve the goals related to sexual and reproductive health reflected in the sustainable development agenda.⁷²

The Sustainable Development Goal for Georgia 5.6 implies the universal access to sexual and reproductive health rights through the agreed action program of the International Conference on Population and Development and the Beijing Platform for Action, as well as the concluding documents of conferences to review them.⁷³

The Beijing Declaration and Platform for Action ensure the protection of women's rights, including sexual and reproductive health; Recognize the right of women to make independent decisions on their sexual issues, including sexual and reproductive health, without coercion, discrimination or violence.⁷⁴

An analysis of the data from the 2018 Multidisciplinary Cluster Survey shows that only 79% of women who are married or living with a partner make decisions about their own reproductive health independently or with a partner. 83.8% of women said that they can refuse to have sex with their husband/partner, while a relatively small percentage (71.2%) of women aged 15-19 confirm that they have the right to make decisions in this matter. Research shows that among young women who say they can not abstain from sexual intercourse with their husbands/partners, there is a predominance of women living in villages, women with low levels of education, women with low-income, women with several children and woman who are not ethnic Georgians. The Committee on the Elimination of Discrimination against Women obliges states to take all appropriate measures to ensure access to health services without discrimination in healthcare, including: family planning, pregnancy, childbirth and the postnatal period; Also, providing adequate nutrition and services during pregnancy and lactation.⁷⁵ And, in accordance with Article 12 of the International Covenant on Economic, Social and Cultural Rights, the right to sexual and reproductive health is an integral part of the right to health.⁷⁶

Although Georgia is a party to all major international and regional human rights treaties, fulfillment of its obligations under these agreements remains a problem, including the

⁷¹ Objective 5.6 for Georgia provides universal access to sexual and reproductive health and reproductive rights. <https://sdg.gov.ge/goals-details-inner/5>

⁷² Public Defender of Georgia, National Assessment of Sexual and Reproductive Health and Human Rights: National Assessment (2019)

⁷³ National Document on Sustainable Development Goals (2018) <https://sdg.gov.ge/text-page/34>

⁷⁴ Beijing Declaration and Platform for Action, Paragraph 89-107 https://reliefweb.int/sites/reliefweb.int/files/resources/SG%20Report_Synthesis-EN_WEB.pdf

⁷⁵ Convention on the Elimination of All Forms of Discrimination against Women (2015) <http://www.supremecourt.ge/files/upload-file/pdf/aqtebi9.pdf>

⁷⁶ UN Committee on Economic, Social and Cultural Rights, 22nd Explanatory Charter on the Right to Sexual and Reproductive Health - 2016, p. 5-7.

implementation of the recommendation of the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), which provides access to sexual and reproductive health services for young women and girls⁷⁷, and the implementation of the UN Universal Periodic Review recommendation on sexual and reproductive health including information on abortion and contraceptive services, as well as physical and financial access to these services for all women.⁷⁸

The implementation of the recommendations of Dubravka Simonovi, the UN Special Rapporteur on violence against women, its causes and consequences, still remains a challenge to the Government of Georgia. This includes integrating gender equality, violence against women, and sexual and reproductive health and well-being issues at all levels of education.⁷⁹

Recommendation:

- ▶ Health Committee of the Parliament of Georgia together with Gender Equality Council should hear and issue recommendations on the fulfillment of sexual and reproductive health and rights obligations under international and regional agreements ratified by Georgia, as well as commitments under key national policy documents on sexual and reproductive health and rights (Human Rights Action Plan, Mothers And Newborn Health Strategy).
- ▶ It is important to envisage the need of integration of family planning services and provision of contraceptives into the basic package of universal health care programme.
- ▶ Legislation should be revised to ensure protection of the rights of women with disabilities in compliance with CPRD, on the issues such as sexual and reproductive health and rights, informed and autonomous decision-making regarding health and reproduction etc.

B. MATERNAL HEALTH

The component of maternal health (perinatal care, childbirth and postnatal care) is considered in the healthcare system, which means that the State attaches special importance to the reproductive role of women.⁸⁰

Nevertheless, maintaining the confidentiality and obtaining informed consent in the delivery of maternal health services remains a challenge.⁸¹ The percentage of cesarean deliveries is very high (46.6%), and the lack of a systematic approach to perinatal care by the State is still

⁷⁷ CEDAW/C/GEO/CO/4-5, Paragraph 31

⁷⁸ Recommendation from the United Nations Universal Periodic Review (UPR) Cycle 2, 118.42-118.43

⁷⁹ Report of the UN Special Rapporteur on violence against women, its causes and consequences, on the visit to Georgia, A/HRC/32/42/Add.3, 2016 <https://www.ohchr.org/en/hrbodies/hrc/regularsessions/session32/pages/listreports.aspx>

⁸⁰ In this regard, it should be noted that based on the recommendation of the Public Defender of Georgia, the number of antenatal monitoring visits has increased from 4 to 8 since 2019, in accordance with the new guidelines of the World Health Organization. UPR, National Report (2021) https://www.uprinfo.org/sites/default/files/document//a_hrc_wg.6_37_geo_1_e.pdf

⁸¹ Public Defender of Georgia, National Assessment of Sexual and Reproductive Health and Human Rights: National Assessment, 2019 <https://www.ombudsman.ge/res/docs/2019072913513711692.pdf>

a problem, which means that in some regions of Georgia, one third or even fewer women undergo postpartum medical examination. The problem is the lack of a systematic approach to perinatal care by the State, which means that in some regions of Georgia, one third or even fewer women undergo postpartum medical examination.⁸²

A particular problem is that maternal health services do not include mental health services. This has a negative impact on maternal mortality,⁸³ which is one of the main markers of the country's development.

Recommendations:

- ▶ The Maternal and Child Health Coordination Council should develop: a) a systematic approach to perinatal care, which will provide the services required during the perinatal period through state programs; b) integrate mental health services into the basic package of post-natal, childbirth and perinatal services;
- ▶ Ensure the supervision of implementation of these recommendations in cooperation with the Gender Equality Council of Parliament and the Health Committee.

C. ACCESS TO INFORMATION AND SERVICES ON MODERN CONTRACEPTION

Despite Georgia's international commitment to provide women with access to information about contraception and good quality services,⁸⁴ the full integration of family planning services and provision of contraceptives into primary care and universal health care remains a problem, which complicates financial access and, combined with low awareness of contraceptive methods and social and cultural barriers, gives us a negative outlook.⁸⁵

According to the Multiple Indicator Cluster Survey (MICS) findings, the rate of contraceptive use among women currently married or in a union in Georgia is extremely low (40-45%). In comparison, the rate of dissatisfaction with modern contraception methods is exceptionally high (31%). An alarming trend reflected in the same study shows that the use of contraceptive methods has significantly decreased between 2010 and 2018 (from 53.4% to 45.4%).

As for awareness, although women's awareness of all means of modern contraception has increased from 2010 to 2018, the population still does not have comprehensive knowledge regarding existing modern contraception methods. At the same time, informing non-dominant ethnic groups, poor, rural, uneducated, and young (15-19 years old) women about modern methods of contraception remains a challenge.⁸⁶

⁸² UNFPA, Sexual and Reproductive Health in Georgia: An In-Depth Data Analysis of Georgia Multi Indicator Cluster Survey 2018 (MICS) (2019) https://georgia.unfpa.org/sites/default/files/pub-pdf/MICS%20report_GEO.pdf

⁸³ NCDC, Perinatal Health Report (2016) <https://test.ncdc.ge/Handlers/GetFile.ashx?ID=84ea74ca-f670-4243-ba6b-2ee8558dfc9d>

⁸⁴ UN Committee on Economic, Social and Cultural Rights (CESCR), general comment No. 22 on the right to sexual and reproductive health - 2016, page 4, 11, 14.

⁸⁵ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia (2020) <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

⁸⁶ MICS, pages 25-26

D. ACCESS TO SAFE ABORTION SERVICES

Significantly, the country is experiencing a rapid decline in the average number of abortions per woman's lifetime; however, this trend is likely to be influenced by the growing number of women using emergency contraception to prevent unwanted pregnancies that go unreported. The fact that the total rate of medical abortions among rural women is 50% higher (1.2) than among urban women (0.8)⁸⁷ remains a challenge. Moreover, the problem is the use of abortion as a method of family planning.⁸⁸

Studies reveal⁸⁹ that the problem is the territorial and financial availability of safe abortion services, and the quality of services received is unequal in urban and rural areas.⁹⁰ This barrier is exacerbated by the 5-day mandatory reflection period before receiving abortion services,⁹¹ which is especially problematic for women living in the regions and contradicts the standard set by the World Health Organization.⁹²

Recommendation:

- The abolition of the mandatory five-day period for pre-abortion counseling/pre-interview during the first 12 weeks of pregnancy should be reviewed in accordance with the existing international evidence and guidelines, which indicate that restrictions on access to abortion services do not affect a woman's decision to have an abortion, and at the same time increases the risk of having an abortion in dangerous/risky conditions.

E. ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH SERVICES AND EDUCATION FOR ADOLESCENTS

Georgia's obligations under international human rights treaties outline a comprehensive education on reproductive health and rights appropriate to the child's age and level of development.⁹³ Despite the steps taken by the State in this regard,^{94,95} adolescents' knowledge

⁸⁷ MICS, pages 39-40

⁸⁸ the Public Defender of Georgia, Sexual and Reproductive Health and Human Rights: National Assessment (2019), page 42 <https://ombudsman.ge/res/docs/2019070211101870113.pdf>

⁸⁹ Tanadgoma, Qualitative Survey of Barriers to Access to Medical Abortion among Rural and Internally Displaced Women in Georgia, (2020) <https://tanadgoma.ge/wp-content/uploads/2018/10/medikamenturi-abortis-khelimisatsvdomobis-barierebis-kvleva.pdf>

⁹⁰ MICS, pages 44-46

⁹¹ Order №01-74/N of Ministry of Health, Labour and Social Affairs of Georgia defines a five-day period of mandatory pre-abortion counseling/pre-interview during the first 12 weeks of pregnancy before receiving abortion services.

⁹² The World Health Organization has acknowledged the negative impact of mandatory waiting periods on termination of pregnancy, which threatens access to safe and legal abortion. WHO, (2012) https://apps.who.int/iris/bitstream/handle/10665/70914/9789241548434_eng.pdf

⁹³ UN Committee on the Rights of the Child, General comment No. 15, 2013. UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 24, 1999, paragraph 18.

⁹⁴ According to the New Generation National Curriculum, reproductive health education has become more focused. With the support of the UNFPA Georgia Office, the standards for primary (grades I - VI), basic (grades VII-IX), and intermediate (grades X-XII) were revised and approved. Age-appropriate information on sexual and reproductive health, reproductive rights, and gender equality following the standards of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization.

⁹⁵ State Youth Strategy 2025 envisages access to youth-friendly sexual and reproductive health services.

of human sexuality is still lacking. Students and adolescents do not have comprehensive knowledge of their bodies, relationships, reproductive health, and sexuality.

National Assessment of Sexual and Reproductive Health and Human Rights conducted by the Public Defender in 2019 revealed that knowledge of adolescents on human sexuality is still insufficient, with students not having complete information about their body, reproductive health, and sexuality. Moreover, although the Law of Georgia ensures the protection of the privacy of minors between the ages of 14 and 18 when applying to a medical facility for advice on contraception, non-surgical methods, and abortion, the anti-law practice has been established according to which medical service providers obtain informed consent from legal representatives of 14-17-year-old adolescents on issues related to abortion and contraception;⁹⁶ The presence of this article in the Law (Law of Georgia on Patient Rights, Article 40) is a crucial and progressive step, but at the same time, it is necessary that on the one hand, adolescents have full access to the information regarding this right, and on the other hand, medical service providers ensure its implementation.

Recommendation:

- ▶ The government should inform the Human Rights Committee of the Parliament of Georgia on the status of implementation of the recommendations described in the report - "Sexual and Reproductive Health and Rights: A National Assessment" (2019) – outlined by the Public Defender of Georgia.

F. ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH SERVICES FOR VULNERABLE GROUPS

Addressing the special, intersectional needs of women in vulnerable groups regarding service planning and delivery is still challenging for the institutions providing sexual and reproductive health services. State Health Programs only provide fragmentary solutions to the problems of women and girls with disabilities, which renders these programs practically useless.⁹⁷ Women and girls with disabilities do not have full opportunity of equal use of sexual and reproductive health services and tools; as a rule, they are not delivered medical service of adequate quality and standard facilitated by low qualification of health personnel and discriminative approach towards women and girls with disabilities. The lack of adaptation of health facilities is significant barrier women with special needs face when accessing sexual and reproductive health services.⁹⁸ The fact that the principle of reasonable accommodation is not reflected in the Law of Georgia on Health Care poses additional challenges and prevents women with disabilities

⁹⁶ The Public Defender of Georgia, Sexual and Reproductive Health and Human Rights: National Assessment (2019) Page 35-36

⁹⁷ UNFPA (2020), The Study on Legislative Analysis and Recommendations on Sexual and Reproductive Health and Rights of Women and Girls with Disabilities with regard to the UN Convention on the Rights of Persons with Disabilities, page 72

⁹⁸ An unadapted environment poses a problem for both wheelchair users and blind and visually impaired women. Confidentiality of gynecological services for women with hearing and speech impairments is problematic as medical institutions do not have a sign language interpreter. The Public Defender of Georgia, Sexual and Reproductive Health and Human Rights: National Assessment (2019)

from receiving adequate sexual and reproductive health services. Legislation continues to use discriminatory language against persons with disabilities, and medical personnel is not required by law to inform women and girls with disabilities about sexual and reproductive health rights. Consequently, physicians' knowledge and sensitivity to their needs are insufficient.⁹⁹

Particularly troublesome are the circumstances of women placed in psychiatric and state-run care facilities¹⁰⁰ and penitentiaries for long periods in terms of access to reproductive health services and their awareness.

An in-depth analysis of the 2018 Multiple Indicator Cluster Survey (MICS) findings conducted by the United Nations Population Fund clearly shows that the quality of reproductive health services and awareness is drastically lower for poor women, women belonging to non-dominant ethnic groups, and without higher education.¹⁰¹

The study of the sexual and reproductive health needs of lesbian, bisexual, and transgender women, sex workers, and drug addicts and consideration of these needs in service planning and delivery poses a problem.¹⁰²

Recommendations:

- ▶ The Law of Georgia on the Rights of Persons with Disabilities should be amended to accurately reflect the obligations under Article 25 of the UN Convention on the Rights of Persons with Disabilities (CRPD) with regard to the provision of healthcare to PWDs;
- ▶ Revise the Law of Georgia on Patient Rights and change all the records that contain discriminatory language for persons with disabilities and do not comply with and/or contradict international standards;
- ▶ Revise the Law of Georgia on Public Health and make changes so that the law covers "sexual health" and defines the necessary measures for its implementation in practice;
- ▶ Revise the Law of Georgia on Health Care and change all the records that contain discriminatory language for persons with disabilities and do not comply with and/or contradict international standards;
- ▶ Revise the laws of Georgia "On Psychiatric Care" and "On Medical Practice", and bring them in line with international standards;¹⁰³
- ▶ Study the sexual and reproductive health needs of lesbian, bisexual, transgender, drug-addicted women and sex workers, as well as the ones from ethnically

⁹⁹ UNFPA, Assessment of Legal Framework and Policies on Sexual and Reproductive Health and Rights of Women and Girls with Disabilities in Georgia and Specific Recommendations (2020)

¹⁰⁰ The Public Defender of Georgia, Situation of Women's Sexual and Reproductive Health and Rights in Psychiatric and Public Care Institutions (2020)

¹⁰¹ MICS, 2019

¹⁰² The Public Defender of Georgia, Sexual and Reproductive Health and Human Rights: National Assessment (2019)

¹⁰³ UNFPA, Assessment of Legal Framework and Policies on Sexual and Reproductive Health and Rights of Women and Girls with Disabilities in Georgia and Specific Recommendations (2020)

nondominant groups, conflict-affected women, and the ones with no higher education; and review services and guidelines related to sexual and reproductive health and rights to increase their awareness and access to services based on the results of the study.

G. SURROGACY AND THE LEGAL STATUS OF SURROGATE MOTHERS

In 2014, with the support of the United Nations Population Fund, consultations were held between the Ministry of Justice, the Ministry of Health, the Parliamentary Committee on Health Care and Social Issues, and the Coordinating Council for Maternal and Child Health to develop a regulatory framework for surrogacy in Georgia. Unfortunately, the implementation of the recommendations developed as a result of this meeting remains a challenge.¹⁰⁴

The UN Special Rapporteur on the Child Sale, Prostitution, and Pornography is deeply concerned about international commercial surrogacy agreements in Georgia, noting that there is no legislation to protect children's rights and best interests under such agreements as well as the rights of surrogate mothers.¹⁰⁵

As a result, the national legal framework¹⁰⁶ related to surrogacy does not meet international standards as it does not recognize any right of the gestational carrier, is discriminatory towards same-sex partners,¹⁰⁷ and promotes international and commercial surrogacy.

Recommendations:

- ▶ Establish a working group led by The Parliament of Georgia's Health Committee to develop a framework law on surrogacy in line with international principles and recommendations¹⁰⁸ to protect the rights and best interests of women involved in surrogacy and children born through surrogacy.
- ▶ Amend the Law of Georgia on Civil Service, which will provide the use of vacation due to pregnancy, childbirth and maternity leave by the surrogate mother and the child born through surrogacy.¹⁰⁹

¹⁰⁴ The Public Defender of Georgia, Human Rights in the Context of Sexual and Reproductive Health and Well-being in Georgia: Country Assessment (2018), page 117 <https://www.ombudsman.ge/res/docs/2019040210585343203.pdf>

¹⁰⁵ O A/HRC/34/55/Add.1 (2018) <https://digitallibrary.un.org/record/861191?ln=en>

¹⁰⁶ Law of Georgia on Public Health, The Law of Georgia on Civil Acts and the Law of Georgia on Registration of Civil Acts are the national framework legislation for the regulation of surrogacy

¹⁰⁷ Order №18 of the Minister of Justice, January 31, 2012 on Approving the Rules of Civil Status Acts Registration

¹⁰⁸ A/HRC/37/60 (2018) <https://undocs.org/A/HRC/37/60>

¹⁰⁹ The recommendation is outlined in the Report of the Public Defender of Georgia on Defence of Human Rights and Liberties in Georgia (2020) <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

H. IMPACT OF THE COVID-19 PANDEMIC ON GENDER EQUALITY IN HEALTHCARE

Most of the employees in healthcare and social services in Georgia are women.¹¹⁰ Overcrowded health systems during the pandemic, redistribution of resources, lack of medical supplies, and disruption of global supply chains may hinder women's access to sexual and reproductive health rights, including access to services for mothers and infants, safe abortion, access to and education about sexual and reproductive health and rights and effective referral procedures.¹¹¹ Compared to previous years maternal mortality rate was increased during COVID-19 pandemic and in 2020 it reached 30.1 per 100000 live births.¹¹² Reasons of maternal mortality are different but one of them might be the impact of pandemic on healthcare sector.

The negative impact of COVID-19 on access to reproductive health, specifically antenatal services, emerged at the beginning of the pandemic, in particular, the decrease in the number of first antenatal visits in the first trimester of pregnancy, as well as the number of visits provided by the antenatal program, was observed compared to the same period in 2019.¹¹³

A UN Women and UNFPA study assessing the impact of COVID-19 on women in the medical field in Georgia found that the pandemic had a significant effect on the working conditions of women employed in covid-clinics and fever centers. In particular, their working hours have increased, and rest hours have decreased, which has been exacerbated by increased physical and mental health risks¹¹⁴

Rapid Gender Assessment of the COVID-19 Situation in Georgia by UN entities reveals that the COVID-19 pandemic has had a negative impact on women's (57%) mental health. Moreover, there is a slight gender difference regarding access to various primary services. More than men (20%), women (25%) reported having difficulty accessing personal protective equipment (PPE).¹¹⁵

The survey results conducted by the Public Defender of Georgia also reveal that women employed in the healthcare sector are often victims of exclusion/discrimination from the community because they work in the healthcare sector and are perceived by the public as having an increased risk of infection.¹¹⁶

Recommendations:

- ▶ Establish a working group at the initiative of the Parliamentary Committee on Health and in cooperation with the Interagency Coordination Council, in order

¹¹⁰ National Statistics Office of Georgia, Women and Men in Georgia (2020) <https://bit.ly/3qjW6o2>

¹¹¹ UNFPA, COVID-19: A Gender Lens - PROTECTING SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS, AND PROMOTING GENDER EQUALITY (2020) https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_A_Gender_Lens_Guidance_Note.pdf

¹¹² Statistical reference-book, 2020, National Center for Disease Control and Public Health

¹¹³ UNFPA, How COVID-19 Related Isolation Measures Impacted Access to Selected Sexual and Reproductive Health Services in Georgia (2020) https://georgia.unfpa.org/sites/default/files/pub-pdf/unfpa-cif_report.pdf

¹¹⁴ UN Women, Assessment of COVID-19's Impact on Women Employed in the Health-Care Sector in Georgia (2021) <https://bit.ly/3yNRxWD>

¹¹⁵ UNDP, UNFPA, UN Women, Rapid Gender Assessment of COVID-19 Situation in Georgia - 2 wave (2021) <https://bit.ly/3pee2kA>

¹¹⁶ Report of the Public Defender of Georgia on Defence of Human Rights and Liberties in Georgia (2020) <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

to develop a systematic vision for improving the rights of women employed in health and social services, especially during the pandemic period, as it is vital for the proper functioning of the healthcare sector itself in times of crisis.

- ▶ The State should ensure the continuous provision of sexual and reproductive health services during the pandemic, especially for women of special needs and vulnerable groups, and monitor the quality of services provided. This includes: providing maternity and neonatal care services; safe abortion and follow-up care; contraception; supply of HIV/AIDS antiretroviral drugs and antibiotics for the treatment of sexually transmitted diseases. In addition, secure and confidential access to medical services must be ensured.

VI. HARMFUL PRACTICES

As a signatory to the European Convention on the Exercise of Children’s Rights¹¹⁷ and on the Prevention of and Violence against Women and Domestic Violence,¹¹⁸ Georgia has an obligation to prevent and end harmful practices.

The United Nations Population Fund (UNFPA) 2020 report¹¹⁹ lists at least 19 harmful practices, ranging from breast ironing to virginity testing, are considered human rights violations because “Harmful practices against girls cause profound and lasting trauma, robbing them of their right to reach their full potential.”¹²⁰

This chapter shows the practices that are extensively identified in Georgia and have a negative impact on gender equality; however, it is essential not to overlook other harmful practices and study the rates of their detection and spread in our country.

A. FORCED, EARLY AND CHILD MARRIAGE AND FEMALE GENITAL MUTILATION

Early/child marriage are complex issues, roots traced to poverty, gender inequality, harmful practices, and social and cultural norms and traditions. It not only violates the children’s rights and goes against their best interests but also creates a cycle of long-term inequality for the victims of early marriage and their children, with an increased risk of sexually transmitted diseases and domestic violence, increased maternal and infant mortality rates.

In most cases, the victim of early marriage no longer continues his/her education,¹²¹ which negatively affects his/her right to education and limits his/her economic participation in the long run. Mentioned above represents the possible negative consequences of early marriage not only for victims of violence but also for their families, children, and society.

¹¹⁷ Convention on the Rights of the Child, Article 8 <https://matsne.gov.ge/ka/document/view/1399901?publication=0>

¹¹⁸ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Article 37 <https://matsne.gov.ge/ka/document/view/3789678?publication=0>

¹¹⁹ UNFPA, Interim Report: Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation, and Child Marriage (2020). https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_impact_brief_for_UNFPA_24_April_2020_1.pdf

¹²⁰ Urgent, accelerated action needed to stop female genital mutilation, child marriage, and other practices that harm women and girls, according to new United Nations Population Fund (UNFPA) report (2020).

¹²¹ 46.5% of married women under the age of 18 had only primary or incomplete secondary education. MICS, 2018

Task 5.3 of the Sustainable Development Goals targets the elimination of all harmful practices, such as child, early and forced marriage, and female genital mutilation.

Task 5.3 attributed to Georgia does not envisage combating harmful practices of female genital mutilation, although this practice was identified in Georgia in 2016. The State has recognized genital mutilation as a criminal offense and extended the mandate of a special working group¹²² on early marriage and child marriage to cover this harmful practice.¹²³

Voluntary National Review (VNR) of implementing Sustainable Development Goals shows that Georgia has significantly reduced and eliminated harmful practices. This is evidenced by the compliance of the national legal framework with international standards and eliminating the possibility of registering a marriage between persons under 18.¹²⁴ Cohabitation and forced marriage with a child under the age of 16 are punishable under criminal law, which creates a relatively comprehensive national legal framework against early childhood/child marriage and forced marriage. The reflection of steps taken by the State against early and forced marriage in policy documents¹²⁵ should be evaluated positively.

Nevertheless, after an in-depth analysis of the Multiple Indicator Cluster Survey of Georgia in 2018, it can be stated that the prevalence of early childhood/child marriage in the country has not changed since 2010 and is still high (13.9% and 14%, respectively).¹²⁶

Moreover, research reveals that early/child marriage is a gender-defined phenomenon, which affects underage girls more than boys.¹²⁷ Early childhood/child marriage is more common in rural areas than urban settlements. In particular, the risk of having a child under the age of 18 in rural areas is twice as high (11.3%) as in urban areas (6.5%), and the risk of early childbirth among ethnic Azerbaijani women is three times higher (16.3%) than among ethnic Georgian women (5.4%). Adolescent pregnancy rates are also high. According to 2018 data, the percent-

¹²² The mission of the Special Working Group on the issues of early childhood/child marriage is to plan and take action to prevent and eliminate harmful practices in the country and facilitate the collaborative work of various stakeholders. The group includes representatives of relevant government agencies, members of the UN Gender Theme Groups (international and donor organizations), the Office of the Public Defender, and non-governmental organizations working on early childhood/child marriage. The group works under the auspices of the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence, and the Office of the United Nations Population Fund (UNFPA) Georgia.

¹²³ The report of the Public Defender of Georgia, 2019 states, that “on 15-17 December 2019, within the format of field meeting of a group of interagency commission working on issues of gender equality, violence against women and domestic violence, nine priority areas were identified for the fulfillment of obligations assumed under the 2018-2020 National Action Plan for Human Rights Protection and that one of these priority areas is the elimination of early marriage and other harmful practices. Among activities defined for the working/coordination group working on this priority is the prevention of harmful practice of female genital mutilation.” page 155.

<https://www.ombudsman.ge/res/docs/2020070407523954521.pdf>

¹²⁴ At the beginning of 2017, an amendment to Article 1108 of the Civil Code of Georgia went into effect, as a result of which the minimum age for marriage is 18 years, without exception. Civil Code of Georgia <https://matsne.gov.ge/ka/document/view/31702?publication=115>

¹²⁵ The State Youth Policy Strategy contains a record on child marriage, stating the need to improve access to information on sexual and reproductive health and rights. In addition, key government agencies agreed to implement a Communication for Behavioural Strategy (COMBI) under the auspices of the Inter-Agency Commission on Gender Equality, Violence against Women, and Domestic Violence.

¹²⁶ As part of the 2018 MICS survey, data were collected on all marriages, both formal and unregistered marriages.

¹²⁷ The percentage of women and men who first married or started living with a partner between the ages of 15 and 18 is 13.9% and 0.5%, respectively. UNFPA, MICS (2018).

age of young women who already had children before the age of 20 was as high in 2010 as it was in 2018 and stood at 5.2 percent.¹²⁸

The above mentioned is partly due to the lack of early childhood/child marriage preventative mechanisms. In particular, there is a low level of awareness concerning the negative consequences of early childhood/child marriage, and the education component of reproductive health and rights is not fully integrated into the curriculum.¹²⁹

The problem is to identify, notify, refer, and manage cases of already transpired early marriage and engagement. The early marriage/engagement cases reviewed by the Public Defender of Georgia indicate that timely and effective coordination and proper functioning of the referral mechanism between the Ministry of Internal Affairs of Georgia, the educational institution, and the social service is still problematic.¹³⁰

As a result, regulating the legislative framework remains an essential but insufficient response to address early/child marriage. Unfortunately, the available data do not fully reflect the complex reality of the issue, which is likely to be more significant than the presented statistical picture.

Recommendation:

- ▶ Early childhood/child marriage task force should critically analyze existing prevention and response system (including reviewing shortcomings in the implementation of child protection referral procedures¹³¹ and the rules for collecting statistical information on harmful practices in law enforcement agencies) on harmful practices, including forced, early childhood/child marriage prevention and issues; Develop a National Action Plan specifically aimed at the prevention and harm reduction of harmful practices, which envisages data collection, analysis, monitoring and impact assessment.¹³²

B. HARMFUL PRACTICE OF GENDER-BIASED SEX SELECTION / SON PREFERENCE

In its final assessments, the UN Committee on the Elimination of All Forms of Discrimination against Women called on Georgia to “eliminate the practice of selective abortions resulting from prenatal fetal sex determination.”¹³³

¹²⁸ *ibid.*

¹²⁹ The Public Defender of Georgia: Sexual and Reproductive Health and Human Rights: National Assessment, 2019 <https://www.ombudsman.ge/res/docs/2019072913513711692.pdf>

¹³⁰ Report of the Public Defender of Georgia on The Situation in Human Rights and Freedoms in Georgia (2020) <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

¹³¹ Government Resolution №437 on approval of child protection referral procedures (2016) <https://matsne.gov.ge/ka/document/view/3394478?publication=0>

¹³² Based on a recommendation issued by the UN Human Rights in Georgia: CRC/C/OPSC/GEO/CO/1 (2019)

¹³³ CEDAW/C/GEO/CO/4-5 (31/b) (2014)

According to 2020 data, for every 100 girls, an average of 109.3 boys are born,¹³⁴ which is higher than the norm gender ratio of newborns (100/104-106). As a result, it can be stated that the harmful practice of gender-based sex selection remains a challenge for Georgia; however, progress is evident.

According to the study of social and economic factors related to harmful practices of sex selection, improving socio-economic status, reducing poverty, increasing birth rates, promoting gender equality in the country, empowering women, educating men has a positive effect on reducing these practices.¹³⁵

Recommendation:

- ▶ The Parliament of Georgia should adopt a resolution condemning the harmful practice of gender-biased sex selection/giving preference to having a son, son preference, and establishing a platform in Parliament to share best practices and international experience in combating this harmful practice, in which members of parliament will express support for combating this harmful practice.

C. IMPACT OF THE COVID-19 PANDEMIC ON HARMFUL PRACTICES

The Covid-19 pandemic, which has triggered health, safety, and socio-economic crises worldwide, particularly exacerbates gender inequality, which negatively impacts identification of harmful practices of early childhood/child marriage, forced marriage, and genital mutilation, timely notification, and dealing with already established cases.¹³⁶

United Nations Population Fund Interim Report on the Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation, and Child Marriage¹³⁷ states that the pandemic could lead to the marriage of more than 13 million children worldwide between 2020 and 2030 and could prevent States from pursuing agendas to combat harmful practices and achieve Sustainable Development Goals.

Recommendation:

- ▶ Incorporate the agenda concerning the elimination of harmful practices into the national action plans and strategies about human rights and freedoms, as well as handling the consequences caused by the coronavirus, so that the agenda is formed as a result of assessing the impact of such practices (Child / Early Marriage, Forced Marriage, and Genital Mutilation), their detection and response, considering the impact of the COVID-19 pandemic.

¹³⁴ Geostat, Women and Men in Georgia (2020)

¹³⁵ ISET, A study of social and economic factors in relation to harmful practices of gender-biased sex selection (2020)

¹³⁶ Coronavirus Disease (COVID-19) Pandemic UNFPA Global Response Plan (2020), see https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA_Global_Response_Plan_Revised_June_2020_.pdf

¹³⁷ UNFPA, Interim Report: Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation, and Child Marriage (2020). https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_impact_brief_for_UNFPA_24_April_2020_1.pdf

VII. GENDER EQUALITY IN EDUCATION

Education plays an important role in the democratic development of the country and the strengthening of human rights. The special role of education is increasingly recognized in the fight against extremism, racism, xenophobia, discrimination and intolerance. In addition, the development of high-quality education and skills that meet the requirements is a key prerequisite for the sustainable economic development of the country. The role of the education sector is also important in promoting gender equality in society. On the one hand, approaches based on the principles of equality help to eliminate discriminatory stereotypes in society from an early age; And on the other hand, ensuring equal conditions and opportunities for girls and boys at every level of education is an essential prerequisite for a more gender-equitable labor market.

The level of adult literacy is consistently high in Georgia. In fact, enrollment in elementary school is universal, and its rate equals to approximately 96% for both girls and boys. The increase in public spending on pre-school education has led to a sharp increase in the number of children in pre-school institutions. According to the latest data, around 92% of girls and 88% of boys attend kindergarten by the age of five.¹³⁸ So, there are no gender differences in enrollment at an early stage of education.

Approximately 11.0 thousand girls and boys study in vocational education institutions, while 44% of women and 56% of men go to private vocational and public colleges. In private, vocational and public colleges - 64% women and 36% men. Girls dominate the arts, health, education, and business administration programs, while boys represent the majority of students in engineering and information technology majors.¹³⁹

As for higher education institutions, women and men are, in fact, equally represented here: in state higher education institutions - 51% women and 49% men study in public institutions, while 48% women and 52% men study in private ones. Women receive higher education mainly in the fields of arts and humanities, education and health; While men dominate engineering, manufacturing, and construction programs. A similar gender distribution is observed in doctoral students.¹⁴⁰

¹³⁸ Geostat, Women and Men in Georgia, 2020

¹³⁹ *ibid.*

¹⁴⁰ *ibid.*

According to numerous assessments,¹⁴¹ significant successful reforms have been implemented in the education system of Georgia. During the period of 2009-2015, the average rate of 15-year-olds improved in terms of reading, math, and science, although assessments point to some inequality – on the one hand, this progress has not been the same across the country and rural school students lag far behind urban school students. In addition, there are differences in terms of their socio-economic status. Also, the results of students who do not speak Georgian at home tend to be significantly lower than the average. The OSCE assessment for 2019 indicates that these differences have deepened in the period 2009-2015.¹⁴²

Despite some progress, many estimates point that the level of education in Georgia is quite low. In the PISA¹⁴³ ranking, which is a system developed by the OSCE to assess the level of education of students in countries, Georgia ranks 69th in terms of student readability, with 3807 points¹⁴⁴, which is significantly lower than the average of OSCE countries. According to the latest assessment of the World Bank in 2018, the education system of Georgia fails to ensure the proper development of skills relevant to market demands.¹⁴⁵ Although the education system is widely available in Georgia, it is not possible to adapt to the challenges and demands of the labor market.¹⁴⁶ To overcome this problem, the World Bank recommends Georgia to strengthen three main areas: (i) Improving the competence of teachers and the curriculum of general education; (ii) Improving the quality of preschool education, as well as its expansion, especially for the population living in rural areas and in economically unfavorable conditions; (iii) Reforming the higher education system in terms of institutional strengthening, improving the quality of education and improving curricula, as well as strengthening performance-based funding and result-based accountability in order for the higher education system to ensure the development of skills relevant to the requirements of the labor market.¹⁴⁷

Ensuring equal access to education for girls and boys, women and men is an internationally recognized obligation of the State. *The UN Convention on the Elimination of All Forms of Discrimination against Women*¹⁴⁸, and Article 10 in particular, calls on States to eliminate all forms of gender discrimination in the field of education. Article 10 calls on States to eliminate all forms of gender discrimination in education. The UN Committee on the Elimination of Discrimination against Women makes a separate recommendation in the field of education. In

¹⁴¹ OECD Reviews of Evaluation and Assessment in Education, Georgia, 2019. [shorturl.at/bp347](https://www.oecd.org/gov/etp/georgia/)

World Bank, Georgia, from reformer to Performer, A Systematic Country Diagnostic, 2018. [shorturl.at/ioqQ8](https://www.worldbank.org/georgia/)

¹⁴² OECD Reviews of Evaluation and Assessment in Education, Georgia, 2019. [shorturl.at/bp347](https://www.oecd.org/gov/etp/georgia/)

¹⁴³ Program for International Student Assessment. The OSCE started the evaluation of countries with PISA rating in 2000. The evaluation is carried out once in three years. The last evaluation of Georgia was carried out in 2018.

¹⁴⁴ See.: <https://gpseducation.oecd.org/CountryProfile?primaryCountry=GEO&treshold=10&topic=PI> [shorturl.at/gqDK8](https://www.oecd.org/gov/etp/georgia/) and [shorturl.at/iFSX7](https://www.oecd.org/gov/etp/georgia/)

¹⁴⁵ World Bank, Georgia, from reformer to Performer, A Systematic Country Diagnostic, 2018. [shorturl.at/ioqQ8](https://www.worldbank.org/georgia/)

¹⁴⁶ 35% of the population aged 25-64 have higher education, which is equal to the European average, although at the same time 40% of the unemployed have higher education (World Bank, 2018)

¹⁴⁷ World Bank, Georgia, from reformer to Performer, A Systematic Country Diagnostic, 2018. [shorturl.at/ioqQ8](https://www.worldbank.org/georgia/)

¹⁴⁸ Ratified by the Parliament of Georgia in 1994. Resolution No. 561 of 22 September, Convention on the Elimination of All Forms of Discrimination against Women: <http://www.supremecourt.ge/files/upload-file/pdf/aqtebi9.pdf>

particular, the Committee's 36th General Recommendation (2017), which deals with the right of women and girls to education¹⁴⁹, considers that this right has at least three dimensions: all girls and women should have equal access to education (right of access to education); Also, the State should be able to ensure substantial gender equality in the field of education (right within education); And finally, education should ensure the strengthening of gender equality in society (right through education).

The Committee on the Elimination of All Forms of Discrimination against Women directly urges the State to ensure the right to education for women and girls in its concluding remarks on the fourth and fifth periodic reports of Georgia.¹⁵⁰ The Committee underlines the existence of problems in this regard, in particular the drop-out rate of girls due to early marriage, especially among ethnic minorities, the gender imbalance among school teachers, and the lack of age-appropriate lessons on sexual and reproductive health in schools.

The Beijing Declaration and Platform for Action recognize education as one of the strategic directions for ensuring gender equality in society.¹⁵¹ Also, the UNESCO Convention against Discrimination in Education,¹⁵² to which Georgia has acceded since 1992, also calls on countries to adopt policies, methods and approaches that ensure non-discrimination in education. *Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (2010)*¹⁵³, calls on member states to promote democratic values, human rights and the rule of law in the field of education and training, and to promote the elimination of violence, racism, extremism, xenophobia, discrimination and intolerance. The issue of education is also addressed in the 4th Sustainable Development Goal¹⁵⁴, which calls on states to provide inclusive and equal education and access to continual education by 2030.

A. GENERAL LEGISLATIVE GUARANTEES FOR GENDER EQUALITY IN EDUCATION

*The Law of Georgia on Gender Equality*¹⁵⁵ provides the obligation of the State to ensure gender equality for women and men with equal access to education and free choice of studies at all stages of education. The commitment of the State to ensure gender equality for women and men with equal access to education and free choice of education at all stages of education (Article 4 (2) b). Also, according to the Law, the State must ensure equal access to general, vocational and higher education without discrimination (Article 7 (1)) and the creation of equal

¹⁴⁹ CEDAW, General recommendation No. 36 (2017) on the right of girls and women to education; https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_36_8422_E.pdf

¹⁵⁰ Committee on the Elimination of All Forms of Discrimination against Women, Concluding Remarks on the Fourth and Fifth Periodic Reports of Georgia, Paragraph 26. shorturl.at/ckuWR

¹⁵¹ Beijing Declaration and Platform for Action, Strategic Objective B. shorturl.at/oHQ27

¹⁵² UNESCO-1960-12-14, Convention against Discrimination in Education, 2019; <https://matsne.gov.ge/ka/document/view/4466863?publication=0>

¹⁵³ CoE, Charter on Education for Democratic Citizenship and Human Rights Education: <https://www.coe.int/en/web/edc/charter-on-education-for-democratic-citizenship-and-human-rights-education>

¹⁵⁴ SDG Indicators, Metadata repository: <https://unstats.un.org/sdgs/metadata/>

¹⁵⁵ Parliament of Georgia, Law of Georgia on Gender Equality, 2010: <https://matsne.gov.ge/ka/document/view/91624?publication=9>

conditions for women and men in general, vocational and higher education, including participation in educational and scientific processes (Article 7 (2)).

It should be noted that the Law of Georgia on General Education¹⁵⁶, does not include obligations to ensure gender equality within the general education system, and they are not included in the Law of Georgia on Higher Education¹⁵⁷ either.

Recommendations:

- ▶ It is recommended that the **Law of Georgia on Gender Equality** go beyond the declarations of gender equality in the field of education and **define specific mechanisms for ensuring gender equality in this field, in full compliance with international legal norms and best practices;**
- ▶ It is recommended that **gender equality guarantees and specific mechanisms be added to the Georgian laws on general education as well as higher education, which will fully integrate all three dimensions of the right to education defined by international legal instruments:** equal access to education for all girls and women (right of access to education), commitment to ensuring substantial gender equality in the field (right within education), and strengthening gender equality in society through the education system (right through education).
- ▶ It is recommended that the laws of Georgia on general education and higher education **define the obligation to produce and process gender-segregated data in all areas and at all levels of education.**

B. SEXUAL AND OTHER FORMS OF HARASSMENT IN EDUCATION

The Law on Gender Equality prohibits sexual harassment in labor relations (Article 6 (1) b). As a result of legislative changes in 2020, provisions on sexual prohibition in labor relations were added to the Labor Code,¹⁵⁸ And from 2019, sexual harassment in public space has become punishable under the Administrative Offences Code of Georgia.¹⁵⁹

There is no record on sexual harassment in the education sector. Punishment of sexual harassment in labor relations also applies to persons employed in the education sector, although it does not include relationships between students and professors or other employees of educational institutions. According to the Law of Georgia on General Education, “a student has the right to be protected from ill-treatment, neglect and abuse” (Article 9 (8)). However, neither the above nor the law on higher education says anything about sexual harassment.

¹⁵⁶ Parliament of Georgia, Law of Georgia on General Education, 2005: <https://matsne.gov.ge/ka/document/view/29248?publication=90>

¹⁵⁷ Parliament of Georgia, Law of Georgia on Higher Education, 2004: <https://matsne.gov.ge/ka/document/view/32830?publication=88>

¹⁵⁸ Labour Code, Article 4 (6). <https://matsne.gov.ge/ka/document/view/1155567?publication=20>

¹⁵⁹ Administrative Offences Code of Georgia, Article 1661. <https://matsne.gov.ge/ka/document/view/28216?publication=481>

Recommendation 36 of the Committee on the Elimination of All Forms of Discrimination against Women (2017) on the right of women and girls to education calls on States to protect girls and women from sexual harassment and violence¹⁶⁰ through the adoption and enforcement of appropriate legislation, policies and procedures in both in and around educational institutions.¹⁶¹ These measures should also address issues of verbal and emotional abuse, harassment, physical violence and exploitation.¹⁶² The recommendation also calls on states to develop appropriate action plans and special guidelines for schools to combat sexual harassment and violence, as well as to make teacher training mandatory in this area.

Recommendations:

- ▶ It is recommended that the Law on Gender Equality, as well as the Laws on General Education and Higher Education, include detailed definitions of **sexual harassment and other forms of school violence, and measures to prevent and respond to them**, in accordance with international legal standards;
- ▶ It is recommended that the Ministry of Education and Science of Georgia develop **mechanisms for internal complaints of educational institutions regarding the issues of sexual harassment and other forms of school violence**.
- ▶ It is recommended that the Ministry of Education and Science of Georgia **develop special guidelines for educational institutions to prevent and respond to sexual harassment** in accordance with the requirements of the 36th General Recommendation of the Committee on International Standards, including the Committee on the Elimination of All Forms of Discrimination against Women.
- ▶ It is recommended that the Ministry of Education and Science of Georgia develop a **special training course for teachers and professors on sexual harassment adapted to the challenges of the education system, and provide mandatory training for teachers in this area**.

C. GENDER IMBALANCE AMONG ACADEMIC STAFF

In Georgia, general education teachers constitute the absolute majority of employees in the education sector. The number of female school teachers in 2019 was approximately 55,000, which is 6.5 times the number of male teachers.¹⁶³ Women outnumber men in vocational and higher education institutions, although gender differences are relatively less expressed here.¹⁶⁴ The stereotypes in the society about the categorization of “female” and “male” professions, as well as the low remuneration of professors and teachers, are among the reasons for the feminization of the profession.

¹⁶⁰ Paragraph 63 of the Recommendation (g)

¹⁶¹ Paragraph 63 of the Recommendation (e)

¹⁶² Paragraph 63 of the Recommendation (a)

¹⁶³ Women – 87%, men – 13%

¹⁶⁴ Professors and teachers of state vocational and public colleges: women – 62%, men – 38%; Professors in public education institutions: women – 55%, men – 45%.

This issue was raised in the concluding remarks of the Fourth and Fifth Periodic Reports of the Committee on the Elimination of All Forms of Discrimination against Women on Georgia, where the Committee emphasizes that gender imbalance among teachers is a serious challenge. The committee also draws attention to the fact that management positions in schools are held mostly by men. Accordingly, the Committee calls on the State to take measures to eliminate gender imbalances at all levels, both among teachers and in management positions.¹⁶⁵ Also, the 36th General Recommendation of the Committee on the Elimination of All Forms of Discrimination against Women calls on States to take measures to ensure the representation of women in the higher echelons of the education sector.¹⁶⁶

The Government Action Plan for Human Rights 2018-2020 to Reduce Gender Imbalances in the Education Sector¹⁶⁷, and the Gender Equality and Education Section in particular, set out to address horizontal and vertical segregation in education (Goal 12.13), although the final year of implementation of this plan failed to reach.¹⁶⁸

Recommendations:

- ▶ It is recommended that the Ministry of Education and Science of Georgia **study the causes of horizontal and vertical segregation in the education sector** and develop a specific **strategy, which will be aimed at establishing a gender balance of employees in the education sector**. The strategy should be based on best practices and experiences and should include measures to improve the status and remuneration of teachers, as well as measures to popularize the teaching profession and various incentives.
- ▶ It is recommended that the study of the causes of horizontal and vertical segregation in the education sector be carried out in coordination with the Gender Equality Council of the Parliament of Georgia and the Education and Science Committee of the Parliament of Georgia. In addition, it is recommended that the Gender Equality Council of the Parliament of Georgia supervises the development and implementation of the relevant strategy as part of its oversight of the executive agencies' activities on gender equality issues.

D. GENDER EQUALITY IN NATIONAL EDUCATION PROGRAMS AND TEXTBOOKS

The main purpose of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education is to provide education on the principles of democracy and human rights.¹⁶⁹ According to the Charter, Georgia, as a member state of the Council of Europe, must

¹⁶⁵ Concluding Remarks on the Fourth and Fifth Periodic Reports of the Committee on the Elimination of All Forms of Discrimination against Women; Paragraphs 26 (d), 27 (d) shorturl.at/emvBJ

¹⁶⁶ Paragraph 75 of the Recommendation.

¹⁶⁷ Georgian Government's Human Rights Action Plan for 2018-2020: <http://myrights.gov.ge/ka/plan/Action%20Plan%202020>

¹⁶⁸ Annual Report on Monitoring the Government Action Plan for Human Rights, 2019: <http://myrights.gov.ge/uploads/files/docs/5726HRAPAnnualReport-2019.pdf>

¹⁶⁹ CoE, Charter on Education for Democratic Citizenship and Human Rights Education: <https://www.coe.int/en/web/edc/charter-on-education-for-democratic-citizenship-and-human-rights-education>

ensure the strengthening of democratic values in the country through education and training, the strengthening of human rights and the rule of law, and the elimination of violence, racism, extremism, xenophobia, discrimination and intolerance. According to the Charter, gender equality is one of the key components of human rights and democratic governance. Therefore, it is important to provide training in this area.¹⁷⁰

The 36th General Recommendation of the Committee on the Elimination of All Forms of Discrimination against Women on the right to education of women and girls considers gender stereotypes to be a significant obstacle to the realization of gender equality and calls on states to integrate women's education into all levels of the curriculum.¹⁷¹

According to the Public Defender of Georgia,¹⁷² proper attention is not paid to the issue of human rights education in the field of both formal and non-formal education. Also, there are problems in terms of compliance of educational materials with human rights principles. The Government Action Plan for Human Rights 2018-2020 set out the goal of integrating and promoting the principles of gender equality in school textbooks and programs (Goal 12.14). It should be noted, however, that the tasks and activities planned to achieve this goal were not properly implemented during the period of validity of the Action Plan. In particular, the latest annual report on the implementation of this curriculum considers the integration of gender principles in the National Curriculum of Primary and Basic Levels as a fulfillment of the task of integrating the principles of gender equality in school textbooks (Goal 12.14.1). But a study of these curricula has shown¹⁷³, that the share of teaching on gender equality issues in them is completely fragmented and insufficient.

In addition, the Unified Strategy for Education and Science of Georgia (2017-2021)¹⁷⁴, recognizes the existence of textbooks with unsatisfactory content in terms of gender equality in educational resources, but it does not specify the creation of programs to promote human rights and gender equality education or gender mainstreaming of existing learning resources.

Recommendations:

- ▶ It is recommended that **the Law of Georgia on General Education define the gender mainstreaming of the national curriculum** as an obligation of the State, in accordance with international legal standards and guideline principles,
- ▶ It is recommended that the Ministry of Education and Science **develops a unified strategy and action plan of human rights education**, based on international guidelines and best practices;

¹⁷⁰ Article 5 (f)

¹⁷¹ Article 24 (b)

¹⁷² Report of the Public Defender of Georgia on Defence of Human Rights and Liberties in Georgia, 2020

¹⁷³ National Curriculum on Basic Level, 2018-2024, see: <http://ncp.ge/ge/curriculum/satesto-seqtsia/akhali-sastsavlo-gegme-bi-2018-2024/sabazo-safekhuri-vi-ix-klasebi-proeqti-sadjaro-gankhilvistvis>
National Curriculum on New Elementary, 2018-2024, see: <http://ncp.ge/ge/curriculum/satesto-seqtsia/akhali-sastsavlo-gegme-bi-2018-2024/datskebiti-safekhuri-i-vi-klasebi-damtkitsda-2016-tsels>

¹⁷⁴ Unified Strategy for Education and Science for 2017-2021: <https://mes.gov.ge/uploads/სტრატეგია/განათლებისა%20და%20მეცნიერების%20სტრატეგია.pdf>

- ▶ It is recommended that the Ministry of Education and Science **implement gender mainstreaming of the Unified Strategy and Action Plan on education and science** of Georgia, and outline responsive goals, objectives, and specific measures to address gender equality challenges in national educational programs and textbooks;
- ▶ It is recommended that the Ministry of Education and Science carries out **gender mainstreaming of national curricula** with the involvement of relevant specialists and experts in the field, and in line with international standards and best practices.

According to the Public Defender,¹⁷⁵ a number of important steps have been taken to review textbooks. In particular, the textbook review commission included specialists nominated by the Public Defender, which made it possible to avoid content that contained discriminatory, stereotypical views in the study materials, and to add a multicultural approach, meaning the idea of respect for the different. However, the process does not fully meet the relevant standards, and challenges have been identified in terms of content integration aimed at strengthening gender equality.¹⁷⁶ In addition, the need for advancing the qualifications in human rights and gender equality training for reviewers was highlighted.

Recommendations:

- ▶ It is recommended that the Ministry of Education and Science develop appropriate measures for **systematic and mandatory review of textbooks subject to certification in the context of gender equality**;
- ▶ It is recommended that the Ministry of Education and Science **develop a specialized training course on gender equality and girls' and women's rights for textbook authors and reviewers, with the participation of qualified experts**. This course is recommended to be considered a **necessary criterion** for participation in the process of compiling and reviewing the textbook;
- ▶ It is recommended that the Ministry of Education and Science add **a requirement for mandatory teacher training on gender equality issues** to teachers' professional requirements. The Ministry should also ensure that **an appropriate module is developed** for this training, based on international standards and best practices.

E. AGE-APPROPRIATE EDUCATION ON REPRODUCTIVE HEALTH AND RIGHTS

The challenge in the general education system is to integrate comprehensive education on reproductive health and rights into the formal education system. According to the Public Defender, this component of education is only a superficial part of school education, and it

¹⁷⁵ Report of the Public Defender of Georgia on Defence of Human Rights and Liberties in Georgia, 2020

¹⁷⁶ Public Defender on Improving the Review Process of Textbooks / Series Models of General Education Institutions, 2020: <https://ombudsman.ge/res/docs/2020122517134623546.pdf>

fails to provide proper information to adolescents about gender inequality, sexual orientation, gender identity, safe sexual relations and other important issues.¹⁷⁷

It is noteworthy that the lack of proper education on reproductive health and rights prevents girls from protecting themselves from early marriage or early pregnancy; It also makes it difficult for them to identify sexual or other forms of violence.

In the concluding remarks of the fourth and fifth periodicals, the Committee on the Elimination of Discrimination against Women emphasizes the lack of age-appropriate education on sexual and reproductive health and rights in Georgia and calls on the State to “introduce age-appropriate education on sexual and reproductive health and rights at all levels.” The Committee’s Recommendation 36 on the Rights of Girls and Women in Education also emphasizes the need for age-appropriate education in sexual and reproductive matters. In addition, Sustainable Development Goal 3.7 provides for universal access to information and education on sexual and reproductive health issues.

Strengthening adolescent education on reproductive health was also included in the Government Action Plan for Human Rights 2018-2020, namely its task 12.11.2, although according to the evaluation report, the Ministry of Education and Science names the knowledge about the structure and functions of reproductive organ systems as education for adults in this area.

Recommendations:

- ▶ It is recommended that the Ministry of Education and Science, in line with international standards, **expands, integrates, and makes age-appropriate education on sexual and reproductive health and rights – including responsible sexual behavior, prevention of early pregnancy, and sexually transmitted infections – a mandatory part of the curriculum.** At this stage, this issue is integrated only into the subject standard of 9th grade. It is also recommended to **integrate this program into the programs of state youth camps;**
- ▶ It is recommended that the Ministry of Education and Science ensure that the teacher’s professional development scheme and the integration of sexual and reproductive health and rights issues are properly integrated into teacher competency tests;
- ▶ It is recommended that the Ministry of Education and Science develop approaches and strategies aimed at changing the social norm on sexual and reproductive health and rights issues within the general education system, including with the involvement of school principals, teachers, students and parents, as well as school doctors and social workers.

¹⁷⁷ Report of the Public Defender of Georgia on Defence of Human Rights and Liberties in Georgia, 2020

F. GIRLS' ATTENDANCE AT SCHOOL AND DROPPING OUT DUE TO EARLY MARRIAGE

Even though marriage is legally permitted only from the age of 18 years, the practice of child marriage at an early age remains a significant challenge. In 2020, 131 cases of early marriage and 20 cases of school dropout due to marriage were detected across Georgia.¹⁷⁸

The challenge is both – to prevent and manage the problem. In addition, coordination between the Ministry of Internal Affairs, educational institutions and the social service, and the proper functioning of the referral mechanism still remain problematic.

The issue of early marriage and the appropriate response to this problem is especially challenging in the case of ethnic minority girls. Teachers in the local community do not have adequate knowledge of the negative aspects of early marriage. Moreover, they are often involved in some kind of transaction process themselves.¹⁷⁹

Recommendation #31 of the Committee on the Elimination of Discrimination against Women¹⁸⁰ considers early marriage to be one of the most harmful practices and calls on states to eliminate it. In its assessment of Georgia in particular, and in its concluding remarks on the fourth and fifth periodic reports, the Committee calls on the State to take measures to prevent and eliminate early marriage. The same is included in Task 5.3 of Sustainable Development.

Recommendations:

- ▶ It is recommended that the Ministry of Education and Science conduct an **active information campaign on early marriage issues** for persons employed in the education system, including the Office of Resource Officer (which is a direct participant in referral procedures by law). In addition, it is recommended to create an **evaluation document** for persons employed in the education system to assess their awareness of Georgian legislation on early marriage and their obligations towards the issue;
- ▶ It is recommended that the Ministry of Education and Science conduct an **awareness campaign** on early marriage, especially in regions where the number of early marriages is higher.
- ▶ It is recommended that the Government of Georgia change the Resolution #437 concerning the affirmation of the procedures (namely in Articles 5 and 10) of the child protection referral (Referral), so that the authority of educational institutions is changed **with the obligation of educational institutions** to inform the relevant agencies about the fact of child abuse, including the fact of early marriage.
- ▶ It is recommended that the Ministry of Education and Science **strengthen coordination** with other entities involved in referral procedures; Also, develop

¹⁷⁸ Report of the Public Defender of Georgia on Defence of Human Rights and Liberties in Georgia, 2020.

¹⁷⁹ UNFPA, Child Marriage in Georgia, p. 5.

¹⁸⁰ See.: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/78/PDF/N1462778.pdf?OpenElement>

guidelines for **early marriage response and coordination for those involved in referral procedures** of education system to ensure effective and efficient response and coordination.

- ▶ It is recommended that **the Ministry of Education and Science develop and regularly implement measures aimed at reintegrating married minors into the educational process and returning them to school; And to monitor these processes.**
- ▶ It is recommended that **the Gender Equality Council of the Parliament of Georgia supervise the implementation of all the above-mentioned recommendations** of the Ministry of Education and Science, within the framework of controlling the activities of the executive bodies on gender equality issues.

G. IMPACT OF THE COVID-19 PANDEMIC IN EDUCATION

The Covid-19 pandemic is estimated to have caused the greatest damage to the education system in the recent history of the world, affecting 1.6 billion pupils or students in 190 countries around the world.¹⁸¹ The pandemic in Georgia has exacerbated problems in the education system, such as access to education, infrastructural malfunctions of educational institutions, people living in difficult economic conditions, as well as the full inclusion of children with disabilities and special educational needs in the educational process.

According to the Public Defender,¹⁸² children who do not have access to the Internet and computer equipment were not able to fully engage in their online classes. 15% of school-age children in Georgia do not have Internet access at home; and according to Geostat, only 61.8% of households have a computer. Consequently, the long-term transition to distance learning regime, without providing adequate technical support to families, has put the education of some children at risk, especially in the case of families in regions and difficult economic conditions.

In addition, during the transition from pandemic to full online training, the dangers of cyber bullying were exacerbated.

Switching to online teaching mode has not been easy for teachers either, in terms of material-technical issues or having the relevant skills.

Recommendations:

- ▶ It is recommended that the Ministry of Education and Science develop **an action plan** in response to the identified challenges **to improve the learning process in a pandemic**, ensuring with adequate financial resources. The measures developed within the framework of the plan should be aimed at improving the infrastructural and material-technical issues, both for the

¹⁸¹ United Nations, Policy Brief, Education during Covid-19 and byin, 2020

¹⁸² Report of the Public Defender of Georgia on Defence of Human Rights and Liberties in Georgia, 2020

students and the teachers (in particular, access to the Internet, having a computer, strengthening the relevant skills).

- ▶ It is recommended that the Ministry of Education and Science define specific goals, objectives and measures for **the prevention and response to cyber-bullying and online harassment** in the Unified Strategy and Action Plan, and ensure **the awareness of professors** on this issue.
- ▶ It is recommended that the Ministry of Education and Science develop an action plan for **the safe opening of educational institutions**.

VIII. GENDER EQUALITY IN SPORTS

Access to sport and physical activity is a fundamental human right guaranteed by the instruments of international law. In its Resolutions, the UN General Assembly recognizes sport as a means of education, health, development, and peace.¹⁸³ The role of sport in achieving the Sustainable Development Agenda (ten goals and more than twenty tasks) is also acknowledged.¹⁸⁴

The International Charter of Physical Education, Physical Activity and Sport also recognizes physical education, physical activity, and sport as fundamental human rights and states that equal opportunities for inclusion should be provided for all, including girls and women.¹⁸⁵ The Convention on the Elimination of All Forms of Discrimination Against Women (1979) (particularly Articles 10 and 13) imposes an obligation to ensure equal opportunities for women and men in physical education and sport.¹⁸⁶ In addition, the Beijing Declaration and Platform for Action emphasizes the role of sport in achieving gender equality and combating gender discrimination and emphasizes the importance of sport in terms of women's health¹⁸⁷ and education, skills development, and equal involvement in professional or recreational sports.¹⁸⁸

Government Action Plan for Human Rights (2018-2020) within the national normative framework of Georgia, in the context of strengthening gender equality, also provides for gender equality in sports (Goal 12.18), which includes gender aspects in the formulation of state policy

¹⁸³ These goals are: 3, 4, 5, 7, 8, 10, 11, 12, 13, 16. In this regard Sustainable Development Goal 3 is noteworthy (Ensure healthy lives and promote well-being for all at all ages) SDG 3: "Strengthen the capacity of all countries, in particular developing countries, for early warning, risk reduction and management of national and global health risks." Also Goal 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all) Target 8.9 "by 2030 devise and implement policies to promote sustainable tourism which creates jobs, promotes local culture and products".

¹⁸⁴ UN General Assembly Resolutions 58/5 of 3 of November 2003, 59/10 of 27 October 2004; 60/1 of 16 September 2005; 61/10 of 3 November 2006; 62/271 of 23 November 2008 and 65/4 of 23 November 2010.

¹⁸⁵ International Charter of Physical Education, Physical Activity and Sport, adopted in 1978, revised in 2015. <https://unesdoc.unesco.org/ark:/48223/pf0000235409>

¹⁸⁶ According to Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular same Opportunities to participate actively in sports and physical education (Article 10. g). States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular The right to participate in recreational activities, sports and all aspects of cultural life. (Article 13. c).

¹⁸⁷ The Beijing Declaration and Platform for Action strategic objective C.2. (f)

¹⁸⁸ The Beijing Declaration and Platform for Action strategic objectives: B.4 (m); L.4. (d) (h)

documents on sports to promote equal involvement of girls and women in all areas of sport. However, according to the report on implementing the action plan,¹⁸⁹ no tangible steps in this direction have been taken so far.

Georgia faces many challenges in terms of gender equality in sports and physical education.¹⁹⁰ **Physical activity rates are low** in the population, which directly impacts public health. There are challenges in terms of **physical education and sport in schools**, which, on the one hand, are related to the **insufficient and inadequate sports infrastructure** in public education institutions, and on the other hand, to **the shortage of teachers qualified as school sport specialists and the gender imbalance among these teachers**. The **involvement of students, especially girls, in university sports is low**. There are a number of gender challenges in high-performance sports as well – there is a **gender imbalance between professional athletes as well as coaches and referees**. **Gender imbalance is also observed in sports organizations** at the decision-making level and among employees. The largest share of budget allocations goes to **funding male-dominated sports**. Women and men are not equally involved in developing state sports policy. In addition, **gender-stereotypical media coverage** is not uncommon in sports. There is also a **gender imbalance among sports journalists**.

A. LACK OF NORMATIVE FRAMEWORK AND POLICY ON GENDER EQUALITY IN SPORTS

The country's normative framework does not include provisions aimed at strengthening gender equality in the field of sports; Gender aspects are not taken into account in the formation of state sports policy and decision-making.

The Law of Georgia on Gender Equality¹⁹¹ sets out the obligations of the State to ensure gender equality in various areas. Such areas include education and science, albeit the law does not include provisions on ensuring gender equality in sports, and the Draft law on “Physical Education and Sport”¹⁹² does not cover such provisions.

In general, gender-based violence in sports remains a challenge. According to the Council of Europe,¹⁹³ cases of gender-based violence¹⁹³ have been repeatedly reported among professional athletes, coaches, athletes, and other sports personnel (managers, doctors, et al.). Although we do not have enough data to assess the situation in Georgia in this regard, it is essential to have provisions against gender-based violence in sport within the normative framework on sport, both in terms of preventing and combating violence. According to

¹⁸⁹ Annual report on Monitoring the Government Action Plan for Human Rights, 2020 <http://myrights.gov.ge/uploads/files/docs/5726HRAPAnnualReport-2019.pdf>

¹⁹⁰ The assessment of the situation is based on the analysis of the gender impact of the Draft law on “Physical Education and Sport” implemented by the Sports and Youth Issues Committee of the Parliament of Georgia and the Parliamentary Budget Office in 2020.

¹⁹¹ The Parliament of Georgia, Law of Georgia on Gender Equality, 2010 <https://matsne.gov.ge/ka/document/view/91624?publication=9#!>

¹⁹² The Parliament of Georgia, The Law of Georgia on Sport, adopted in 1996 <https://matsne.gov.ge/ka/document/view/31552?-publication=18>

¹⁹³ CoE, Gender Based Violence in Sport: <https://rm.coe.int/bis-factsheet-gender-equality-sport-violence-en/1680714c0c>

the 2015 recommendation of the Council of Europe,¹⁹⁴ the State should develop a policy to combat and prevent gender-based violence in sport.

Recommendations:

- ▶ **Article 7 of the Law of Georgia on Gender Equality shall include a record on state guarantees of gender equality in the field of sports**, including in the context of education, professional and recreational sports.
- ▶ It is recommended to make changes in the Law of Georgia on Physical Education and Sports in response to gender challenges. It is recommended that Article 2 of this law, which deals with the basic principles of state policy in the field of sports, **be supplemented with the principle of protection of gender equality**. In addition, it is recommended that the law provides an obligation **to integrate gender aspects into state sports policy documents and action plans**.
- ▶ Article 23 of the Law of Georgia on Sports refers to the financing of sports, although the law does not say anything about the gender aspects of sports financing. Accordingly, it is recommended to **add a regulation on gender budgeting to the article on sports financing**.¹⁹⁵
- ▶ In addition to legislative changes, it is important to define the gender vision of sports policy. Accordingly, it is recommended that **the Parliament of Georgia**¹⁹⁶ **develop a concept of gender equality in the field of sports**, in accordance with international legal requirements, commitments made by the country, and established standards in the field. In particular, the strategy should at least include the measures aimed at: (i) increasing the participation of girls and women in sports activities (preschool, school, university, professional, and recreational sports); (ii) achieving gender equality in sports teachers and coaches; (iii) eliminating gender-based violence in sport and through sport; (iv) achieving gender balance between decision-makers and strengthening their capacity for gender equality; (v) eliminating gender stereotypes in sports (preschool, school, university, professional, and recreational sports) and sports media; (vi) considering gender perspectives in sports funding mechanisms.
- ▶ It is important to regularly integrate a gender perspective into state sports policy documents, monitor their implementation, and measure gender impact. The gender perspective was not integrated into the Sports and Youth Action

¹⁹⁴ CM/REC(2015)2 https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c4721

¹⁹⁵ Gender Budgeting involves including aspects of gender equality in the country's budget process and redistributing budgetary resources to facilitate gender mainstreaming in all areas or sectors. It should be noted that gender budgeting does not mean the creation of different budgets for women and men or the division of beneficiaries in the gender context, but rather the formation of a gender-oriented budget process, which implies compliance of budget allocations with gender equality policies. Due to its complex nature, there is no universal approach to gender budgeting, and the approach and institutional framework used is usually based on country-specific attributes - Parliamentary Budget Office. <http://pbo.parliament.ge/ge/rs/rpapers/item/393-2018-04-17-09-38-15>

¹⁹⁶ Article 4 (1) of the Law of Georgia on Sports: "The main directions and priorities of the State policy in the field of sports are determined by the Parliament of Georgia."

Plans in the State Sport Policy Document of 2014-2020.¹⁹⁷ Accordingly, it is recommended that the Ministry of Culture, Sports and Youth Affairs of Georgia should define gender equality goals and objectives in **the next action plan of the State Policy on Sport**, which should cover the period from 2021, and define the goals and objectives of gender equality in the **next action plan**, with relevant activities, evaluation indicators, responsible persons and appropriate budgeting, in response to the identified gender challenges. It is recommended that the Gender Equality Council of the Parliament of Georgia supervises the development and implementation of this policy document and action plan as part of its oversight of the activities of the gender equality executives.

- ▶ It is recommended that Article 3 of the Law of Georgia on Sports on State Guarantees of the Rights of Georgian Citizens be **supplemented with a guarantee on combating and preventing gender-based violence in sports**, on the basis of which the relevant state policy, as well as internal mechanisms of sports organizations, should be developed.

B. GATHERING AND PROCESSING GENDER-SEGREGATED DATA IN SPORTS

Gathering gender statistics is a necessary prerequisite for the development of evidence-based policies. Policies tailored to the different needs of girls and boys, women and men, ensure equal opportunities for all. Only gender-segregated statistics provide an opportunity to properly assess the impact of various policies on different groups through both quantitative and qualitative gender indicators.¹⁹⁸

According to the guidelines developed by the Council of Europe in 2016,¹⁹⁹ the production of gender statistics in sports should be done in the following five strategic directions:

- Decision making and leadership;
- Involvement and participation in sports;
- Gender balance between coaches and sports teachers;
- Gender-based violence in sports;
- Gender stereotypes in sports and sports media.

¹⁹⁷ Medium-term action plans of The Ministry of Sport & Youth Affairs of Georgia for 2015-2018 and 2016-2019: http://msy.gov.ge/index.php?sec_id=1682&lang_id=GEO
Medium-term Action Plan for 2017-2020 [http://msy.gov.ge/files/111/Sajaro%20Informacia/01-721_\(2\).pdf](http://msy.gov.ge/files/111/Sajaro%20Informacia/01-721_(2).pdf)

¹⁹⁸ *Quantitative Gender Indicators* are based on gender-segregated statistics and refer to the number or percentage of people of a particular gender involved in a particular activity. For example, the number of girls on school sports teams compared to the number of boys; Percentage of women members of decision-making bodies in the field of sports, et al. *Qualitative Gender Indicators* determine the degree of involvement of people of a particular gender or the services they receive. Accordingly, this indicator is based on evaluating experiences, attitudes, thoughts, feelings by gender. For example, the opinion of schoolboys and girls about getting involved in sports, the rate of activity of women members of decision-making bodies, et al.

¹⁹⁹ Balance in Sport, tools to implement gender equality, BIS (2016) 7 shorturl.at/jmngD

According to the Council of Europe, collecting of gender statistics in these areas and the development of evidence-based sports policies founded on relevant evidence and challenges should serve five primary purposes:

- Increase women's involvement in sports;
- Achieve gender balance and gender sensitivity at the decision-making level;
- Achieve gender balance between coaches and teachers involved in sports and physical education;
- Eliminate gender-based violence in and through sport
- Eliminate gender stereotypes in sports and sports media.

The Georgian normative framework (Law of Georgia on Gender Equality, Law on Sports, State Sport Policy Document, Action Plans) does not establish the obligation to gather and process gender-segregated data in sports. A valid response to the many gender challenges identified in sport within the legislation or policy documents framework is possible only through proper analysis of gender-segregated data.

Recommendation:

- ▶ In order to develop evidence-based policy, it is recommended **that the Georgian Law on Sports provide the obligation to produce and process gender-segregated data** in the field of sports within the relevant competencies - both for central government bodies and local municipalities.
- ▶ It is recommended that the Gender Equality Council of the Parliament of Georgia **develop a methodology and gender indicators for the production of gender statistics in line with international standards in the field of sports**, and in coordination with the Parliamentary Committee on Sports and Youth Affairs.
- ▶ It is recommended that **the next state policy document and the relevant action plan** outline the specific goals and objectives for the production and processing of gender statistics in sport with appropriate indicators. It is also recommended that the Gender Equality Council of the Parliament of Georgia evaluate the mentioned policy document and action plan, as well as monitor the production of gender statistics in sports, within the framework of controlling the activities of the executive bodies on gender equality issues.

C. ADDITIONAL CHALLENGES CAUSED BY THE COVID-19 PANDEMIC AND WAYS TO OVERCOME THEM IN SPORTS

The Covid-19 pandemic has had a distinct impact on women and girls. The field of sports was no exception in this regard. Rapid Gender Assessment of the Covid-19 Situation in Georgia²⁰⁰ does not include matters regarding sports, nor has any other research been conducted to

²⁰⁰ see: <https://georgia.unwomen.org/en/digital-library/publications/2020/08/rapid-gender-assessment-of-the-covid-19-situation-in-georgia>

determine the Covid-19 gender impact in this area. Consequently, we do not have accurate information on local gender challenges during the pandemic in sport. However, general observations²⁰¹ show that the Covid-19 pandemic has placed girls and women in an even more unfavorable position in the face of pre-existing inequalities in sport.

The lack of women's participation at the decision-making level has shown the insufficiency of measures tailored to the needs of girls and women in the field of sport in managing a pandemic crisis. The United Nations emphasizes²⁰² that when women are not involved in crisis management, policies are less effective and may even be harmful.

In addition, Pandemic-induced restrictions like physical distancing and measures to limit sports activities may have had a negative **impact on rates of gender-based violence**. For many women and girls, sport is considered a means of emancipation, and teammates or coaches are often their only supporters to escape violence.

The effects of the Covid-19 pandemic may have a negative impact on the **economic means of women employed in sports**. In the current economic crisis, sports clubs and organizations may prioritize men's sports, arguing for higher returns, putting female athletes in even more unfavorable conditions. Due to the economic crisis, women of various professions employed in the field of sports may find themselves more at risk of reduced working hours or being fired compared to men.

Recommendation:

- ▶ It is recommended that the Ministry of Culture, Sports and Youth Affairs of Georgia study **the gender impact of the Covid-19 pandemic on the field of sport**, and **develop evidence-based measures to eliminate the challenges posed by the pandemic**. In addition, the Government of Georgia and the Ministry of Culture, Sports and Youth Affairs should **ensure that economic incentives for the field of sport are equally distributed among women and men**. The Gender Equality Council of the Parliament of Georgia should supervise the development and implementation of the mentioned gender impact research and response measures, within the framework of control over the activities of the executive bodies on gender equality issues.

²⁰¹ UN Women, Covid-19, Women, Girls and Sport: Build Back Better. shorturl.at/cmBR3

²⁰² United Nations, Policy Brief: The Impact of Covid-19 on Women, 2020. shorturl.at/gkxW4

IX. GENDER EQUALITY IN CULTURE

In the last decades, the role of culture is more and more recognized in promoting sustainable development²⁰³, while sustainable development cannot be achieved without gender equality. Access to culture and participation in the sphere of culture represents one of fundamental human rights that shall be equally guaranteed for everyone. Furthermore, culture and cultural diversity is a compulsory prerequisite for the development of the society since it has turning power and can promote transformative changes in the society, including, in the direction of the elimination of discriminatory stereotypes and strengthening human rights and freedoms.

The 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions²⁰⁴, ratified by Georgia in 2008, is an important document for the development of cultural sphere and protection of cultural diversity. The convention underlines: (i) the role of cultural diversity in realizing human rights and fundamental freedoms, (ii) the importance of culture in enhancement of the role of women in society, (iii) the necessity to incorporate culture as a strategic element in national and international development policies. The Convention calls for states to “to create in their territory an environment which encourages individuals and social groups to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups.”²⁰⁵

The 2013 UNESCO Hangzhou Declaration - Placing Culture at the Heart of Sustainable Development Policies²⁰⁶ underlines the role of culture in peace and reconciliation, reduction of poverty and economic development, environmental protection and urban development issues also notes that the culture has the special importance for inclusive social development, for tackling gender inequalities and discrimination.

The 2013 UN General Assembly Resolution 68/223²⁰⁷ calls for the states to ensure: equal accessibility of culture for men and women; equal participation in the sphere of culture,

²⁰³ UN Sustainable Development concept paper (Rio +20), paragraph 41.

²⁰⁴ Convention on the Protection and Promotion of the Diversity of Cultural Expressions: <https://en.unesco.org/creativity/sites/creativity/files/passeport-convention2005-web2.pdf>

²⁰⁵ Article 7 of the Convention

²⁰⁶ UNESCO, The Hangzhou Declaration Placing Culture at the Heart of Sustainable Development Policies, 2013: <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/images/FinalHangzhouDeclaration20130517.pdf>

²⁰⁷ Paragraph 11, subparagraph c) of the Resolution: <https://digitallibrary.un.org/record/765783>

including at the decision-making level; integration of a gender perspective in the cultural policies; promote gender equality and the empowerment of women and girls through culture. With the assessment and observation of UNESCO²⁰⁸, there are number of gender related challenges in the sphere of culture, including: gender disbalance at the decision-making level; the problem of women's access to the financing mechanisms; the issue of marginalization of women artists; equal participation of women in the industry of culture and their economic empowerment. It is hard to speak precisely on gender barriers in the sphere of culture in Georgia, since gender segregated data to reveal gender barriers in culture and creative industry has never been collected and the relevant study has never been conducted. The 2018-2020 National Human Rights Action Plan, and namely its objective 12.17 on ensuring gender equality in the sphere of culture, provided for the commitment of execution of such study²⁰⁹. According to the activity 12.17.1.1, the study to reveal gender barriers in the sphere of culture based on the principles of gender equality and best international practice should have been conducted. However, according to the last annual report of the implementation of the Action Plan such activity was not carried out.²¹⁰

A. GENDER EQUALITY IN CULTURAL LAW AND POLICY

*Law of Georgia on Gender Equality*²¹¹ defines the guarantees to ensure gender equality (article 4) and obligates the State to ensure equal rights for women and men, including, in the cultural life. This is the general entry of declaratory nature. The Law on Gender Equality does not establish the guarantees for ensuring access to culture and equal participation in the creative culture.

According to the Law of Georgia²¹² on Culture the State is obliged to thoroughly promote the development of culture and unlimited civic participation in cultural life. The Law provides for the right of every person on any creative activity (article 8), enjoyment of cultural values (article 11), artistic education (article 12). Furthermore, the law names the protection of human rights and freedoms in the sphere of culture among the competences of the government. However, none of the provisions of the Law on Culture refers to ensuring gender equality guarantees and mechanisms in the sphere of culture.

Recommendations:

- ▶ It is recommended that in the Law of Georgia on Gender Equality, **Gender Equality Guarantees (Article 4) should be supplemented by a provision**

²⁰⁸ Gender equality, Heritage and Creativity", UNESCO, 2014; Measuring the Economic Contributions and Cultural Industries", UNESCO, 2012.

²⁰⁹ Government of Georgia, on the adoption of the National Human Rights Action Plan for 2018-2020, 2018: <https://www.matsne.gov.ge/ka/document/view/4153833?publication=0>

²¹⁰ Annual report of National Action Plan, 2019: <http://myrights.gov.ge/uploads/files/docs/5726HRAPAnnualReport-2019.pdf>

²¹¹ The Parliament of Georgia, Law on Gender Equality, 2010: <https://matsne.gov.ge/ka/document/view/91624?publication=9#!>

²¹² The Parliament of Georgia, Law on Culture, 1997: <https://www.matsne.gov.ge/en/document/view/31402?publication=13>

on gender equality guarantees in the field of culture, to ensure access to culture and equal participation in the creative industries.

- ▶ It is recommended that the **provision on state responsibility on ensuring gender equality in the sphere of culture and creative industry** is added to the Law of Georgia on Culture. Furthermore, the **obligation on issuance of state funding for culture and cultural activities based on gender equality principles** is added to the article 29 of the Law.
- ▶ It is recommended that the **Law of Georgia on Culture defines the role of culture in relation to enhancing gender equality and eliminating discriminatory stereotypes**. This role shall also be reflected in the **national priorities on state financing of culture** (article 29).

The Statute of the Ministry of Culture, Sports and Youth Affairs²¹³, while defining the objectives of the Ministry in the sphere of culture, does not provide for gender equality targets.

Recommendation:

- ▶ It is recommended that the Statute of the Ministry of Culture, Sports and Youth Affairs of Georgia, in particular Article 2 (2) on the Ministry's tasks in the field of culture, be supplemented with the **tasks of ensuring gender equality in the field of culture and creative industry and, on the other hand, eliminating gender stereotypes and strengthening gender equality** in society through culture. It is also recommended that the Gender Equality Council of the Parliament of Georgia supervises the implementation of relevant amendments to the Ministry's statute as part of its oversight of the activities of the executive bodies on gender equality issues.

In 2016, The Ministry of Culture and Monument Protection of Georgia (since 2021, after reorganization, the agency has become the Ministry of Culture, Sports and Youth Affairs²¹⁴) elaborated the Strategy of Culture 2025,²¹⁵ that defines the State's vision in the sphere of culture and its objectives cover: the involvement of wide society in the cultural life, positioning of culture in the various sectors of sustainable development and spheres of social life, ensuring sustainability of financing of the sphere of culture, development of culture economy, democratization of culture management. It should be noted that the Strategy lacks the comprehension of gender equality and recognition of its importance in the sphere of culture. One of the objectives of the Strategy envisages "consideration of the principles of gender equality in the process of planning and implementation of the policy of culture (s) and utilization of the potential of culture (s) to support gender equality. Despite of this, this objective has not been implemented in any

²¹³ Government of Georgia, on Adoption of the Statute of the Ministry of Culture, Sports and Youth Affairs, 2021 <https://www.matsne.gov.ge/ka/document/view/5171084?publication=0>

²¹⁴ Government of Georgia, on Adoption of the Statute of the Ministry of Culture, Sports and Youth Affairs, 2021 <https://www.matsne.gov.ge/ka/document/view/5171084?publication=0>

²¹⁵ Approved by the 2016 Decree #303 of the Government of Georgia shorturl.at/gpqMR

of the strategy or action document of the Ministry of Culture. Namely, after Culture Strategy 2024, the Ministry elaborated the only implementation action plan covering 2017-2018 which provided only one activity in relation to women's rights – holding ten informational meetings on the rights of women (the activity 2.2.5. of the Action Plan). Solely this activity could not have important impact on gender equality and women's rights.

It is noteworthy that the legislation and policy in the sphere of culture is not responding to the commitments taken by the ratification of 2008 UNESCO Convention. Namely, to pay special attention to the specific needs of women in the elaboration and implementation of the policy in the sphere of culture; and to ensure enhancement of the status and role of women through culture.

Furthermore, Government Human Rights Action Plan for 2018-2020²¹⁶ and specifically its target 12.17 envisaged to ensure gender equality in the sphere of culture. Number of targets were set in this direction. Namely, support to the creative industry that protect principles of gender equality, protection of gender balance and principles of gender equality during financial support of government, public awareness raising on gender equality through culture. However, the implementation report of the Action Plan²¹⁷ lists only financing of couple of projects and festivals together with the individual capacity building workshops. Overall, the impact of these individual activities over achievement of targets and objectives in gender equality direction cannot be established.

Recommendations:

- ▶ In order to develop evidence-based policy, it is recommended that the Ministry of Culture, Sports and Youth Affairs **conduct in-depth analysis to identify gender challenges and barriers in the culture and creative industries in Georgia**. It is recommended that the Ministry and the Gender Equality Council of the Parliament of Georgia work in coordination with this research.
- ▶ It is recommended that the next **Human Rights Action Plan include the goal of ensuring gender equality in the field of culture, with relevant objectives and performance indicators, as well as the definition of specific responsible agencies**.
- ▶ It is recommended that the Ministry of Culture, Sports and Youth Affairs **update the Culture Strategy 2050 and fully integrate a gender perspective based on the identified gender challenges, as well as Georgia's international commitments and best international experience**. Also, **the next action plan for the implementation of the strategy should specify the measures to be taken to strengthen gender equality, by identifying the relevant responsible persons and the appropriate budget**. It is also recommended

²¹⁶ Government of Georgia, on approval of Government Human Rights Action Plan (2018-2020), 2018 <https://www.matsne.gov.ge/ka/document/view/4153833?publication=0>

²¹⁷ Annual monitoring report of the Human Rights Action Plan, 2019 <http://myrights.gov.ge/uploads/files/docs/5726HRAPAnnual-Report-2019.pdf>

that the Gender Equality Council of the Parliament of Georgia supervise the implementation of this recommendation within the framework of controlling the activities of the executive bodies on gender equality issues.

B. GATHERING AND PROCESSING GENDER-SEGREGATED DATA IN CULTURE

Gender segregated data collection and analysis for identifying gender barriers in the sphere of culture has decisive importance. In addition, the recognition of the role of culture in relation to sustainable economic development and women's economic empowerment is constantly raising. Consequently, the existence of gender segregated data gains special importance in relation to involvement in the creative industry with the purpose of appropriate policy planning and implementation. In spite of international commitments and standards gender statistics in the sphere of culture is not processed in Georgia.

Recommendations:

- ▶ It is recommended for the Ministry of Culture, Sports and Youth Affairs to elaborate the **methodology on obtaining and processing gender statistics in the sphere of culture and creative industry** based on international standards and guiding principles of the sphere²¹⁸. It is recommended for the Gender Equality Council of the Parliament of Georgia, in the framework of control of the activities of the executive organs on the issues of gender equality, to oversee the implementation of the given recommendation.
- ▶ It is recommended for the Ministry of Culture, Sports and Youth Affairs **to collect and process gender segregated data regularly in the sphere of culture and creative industry**. It is recommended for the Gender Equality Council of the Parliament of Georgia, in the framework of control of the activities of the executive organs on the issues of gender equality, to oversee the implementation of the given recommendation.

C. ADDITIONAL CHALLENGES CAUSED BY THE COVID-19 PANDEMIC AND WAYS TO OVERCOME THEM IN CULTURE

The COVID-19 Pandemic influenced the sphere of culture significantly. According to UNESCO data the number of those employed in the culture and creative industry drastically decreased in 2020. Worldwide, in 2020, the added value generated from creative industries was less by 750 billion of those compared with 2019, which represents approximately 10 million lost working places.²¹⁹ Self employed were affected the most. There is no specific data available on impact

²¹⁸ It is recommended to rely on UNESCO and EIGE guiding standards while analyzing and collecting gender segregated data UNESCO, Statistics on Cultural Industries: shorturl.at/af059 EIGE, Gender mainstreaming: gender statistics and indicators: shorturl.at/cpGNW

²¹⁹ UNESCO, Cultural and creative industries in the face of COVID-19: an economic impact outlook, 2021: <https://unesdoc.unesco.org/ark:/48223/pf0000377863?posInSet=1&queryId=18d8b725-72cd-4018-ad79-bfdd0ee274e4>

of COVID-19 pandemic on gender in culture and creative industry in Georgia. Consequently, it is important to conduct above mentioned assessment for in depth analysis.

According to the various assessments²²⁰ the restrictions imposed by the pandemic on physical movement and gathering made it necessary to introduce novel approaches and create different delivery chain in culture and creative industry. Namely, digitalization has become necessary that represented big challenge to number of spheres of culture and creative industry. Pandemic also revealed existing difficulties related to ensuring decent working conditions.

Recommendations:

- ▶ It is recommended for the Ministry of Culture, Sports and Youth Affairs to **study the gender impact of COVID-19 on culture and creative industry** and in response to the identified challenges **to elaborate evidence-based policy to alleviate the harm caused by the pandemic**. It is recommended to include following direction in the policy: (i) the measures directed to creation of decent working conditions in culture and creative industry; (ii) promotion of digitalization through legal as well as technical and capacity building measures; (iii) support the innovations in creative industry.²²¹
- ▶ It is recommended for the Government of Georgia and the Ministry of Culture, Sports and Youth Affairs to **ensure the equal distribution on women and men of economic stimulus dedicated to the sphere of culture**. The Gender Equality Council of the Parliament of Georgia shall oversee the implementation of the given recommendation in the framework of control of the activities of the executive organs on the issues of gender equality.

²²⁰ UNESCO; European Parliament.

²²¹ The recommendations are based on the document elaborated by the European Parliament "Culture and creative sector in post-COVID-19 Europe". 2021. [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/652242/IPOL_STU\(2021\)652242_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/652242/IPOL_STU(2021)652242_EN.pdf) It is recommended for the Ministry of Culture, Sports and Youth Affairs to use this document as guidance for analysis of gender impact of COVID-19 as well as at the stage of policy elaboration.

X. WOMEN, PEACE AND SECURITY

In the past 30 years Georgia has witnessed two major waves of conflicts. First in 1991-1993, there was conflicts of South Ossetia and Abkhazia and the second – in 2008, armed conflict with Russia on the territory of South Ossetia with side effects on Abkhazia. Currently the regions of South Ossetia and Abkhazia as well as the territory of upper Abkhazia, including Kodori Valley (Gorge), are occupied by Russia. As the result of those conflicts hundreds of thousands were internally displaced majority of whom changed the domicile in 1990s.²²²

Official negotiation process to solve the conflicts in Georgia is ongoing in the format of Geneva International Discussions (GID) that was launched in October 2008.²²³ Another format of negotiations was formed in 2009 – the Incident Prevention and Response Mechanism, that aims to discuss the daily incidents on place and ensure operative response. The format was formed in both directions of Abkhazia and South Ossetia though the meetings in relation to Abkhazia are suspended.²²⁴

In 2018, the Government of Georgia has elaborated the third Action Plan on Implementation of UN Security Council Resolutions on Women, Peace and Security (2018-2020).²²⁵ Among the priorities of the Action Plan are the increase of women participation at the decision-making level in security sector as well as on peace negotiations. The Action Plan also includes the prevention of risks of all forms of violence on women and girls, including sexual and gender-based violence and other human security related risks, ensuring their physical and mental health and socio-economic empowerment. It is noteworthy, that this Action Plan had number of technical as well as substantive gaps. There were no financing sources and the implementation related possible risks indicated. The Action Plan implementation report²²⁶ does not identify tangible results in relation to increased representation of women, violence against women, increased

²²² Independent International Fact-Finding Commission on Conflicts in Georgia <https://smr.gov.ge/uploads/prev/66c4e7.pdf>

²²³ The format of Geneva International Discussions was formed according to the cease fire agreement of 12 August of 2008 and the parties from Georgia and Russia as well as the representatives of Autonomous Republic of Abkhazia and autonomous districts of former South Ossetia, USA, OSCE, EU, UN were taking part. <https://smr.gov.ge/ge/page/26/jenevis-saertashoriso-molaparakebebi>

²²⁴ Incident Prevention and Response Mechanism (IPRM): <https://smr.gov.ge/ge/page/27/incidentebis-prevenciisa-da-matze-rea-girebis-meganizmi>

²²⁵ Government of Georgia, on approval of Action Plan on Implementation of UN Security Council Resolutions on Women, Peace and Security for 2018-2020: <https://matsne.gov.ge/ka/document/view/4140938?publication=0>

²²⁶ Human Rights Secretariat of the Administration of Government of Georgia, "Report of Action Plan on Implementation of UN Security Council Resolutions on Women, Peace and Security for 2018-2020", 2020

access to basic healthcare services, psycho-social rehabilitation and economic empowerment of conflict affected women.

World agenda on women, peace and security is based on the opinion that assumes on the one hand that conflicts have different affect on women and men, girls and boys, and on the other hand, that the equal participation of women and men in the processes of conflict prevention or restoration of peace is important.

International legislative framework on women, peace and security including mainly United Nations Resolution 1325 (2000) and its accompanying resolutions²²⁷, is based on four main principles:

- ▶ **Participation principle** - equal participation of women in decision making at central, local and international level, in the directions of prevention, conflict resolution, peace negotiations and peace operations, with military, police or civil status or special representation formats
- ▶ **Protection Principle** – protection of women and girls from violence, including, during the conflict
- ▶ **Prevention principle** – strengthening preventive measures against violence against women and improvement of human rights situation of women
- ▶ **Renewal and rehabilitation** – using approaches based on gender aspects in peace agreements, including, in the process of repatriation and settlement, as well as consideration of special needs of women and girls during rehabilitation, reintegration and restorative period after conflict.

In 2019, United Nations adopted two additional resolutions ((No.2467 and No.2493) to strengthen the agenda on women, peace and security. Resolution 2467 calls for the states to strengthen victim-oriented approaches with the aim of prevention and respond to the conflict related sexual violence. Namely, access to healthcare and psychological rehabilitation services as well as justice and effective response mechanisms. Resolution 2493 (2019) calls for the states to strengthen women and girls in the peace and security processes. The Resolution touches upon not only the quantitative participation but also highlights the importance of equal and meaningful participation of women in these processes.

In 2020, the EU elaborated strategic document “Recovery, resilience and reform: post 2020 Eastern Partnership priorities”²²⁸ which lists strategic cooperation directions of EU to Eastern European Partnership countries in details. The issue of women, peace and security is among them. According to the document with Eastern Partnership countries and respectively with Georgia, EU will promote peaceful resolution of conflicts, integration of gender perspective in these processes and appropriate participation of women in the processes to ensure peace

²²⁷ 1325 (2000), 1820 (2008), 1888 (2008), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019), and 2493 (2019)

²²⁸ “Recovery, resilience and reform: post 2020 Eastern Partnership priorities”, para, 2.24, pg. 8 https://eeas.europa.eu/sites/default/files/swd_2021_186_f1_joint_staff_working_paper_en_v2_p1_1356457_0.pdf

and security. According to the strategic document the mentioned cooperation is based on EU Action Plan on women, peace and security for 2019-2020.²²⁹

A. WOMEN'S PARTICIPATION IN CONFLICT PREVENTION AND MANAGEMENT PROCESSES

For defining women's participation in the conflict prevention and management processes the attention is devoted to women's inclusion in formal and non-formal negotiations as well as in security and defence sectors. In all those directions there is acute gender disbalance in Georgia.

- The Ministry of Defence is composed with only 23% women
- Women participation in armed forces is only 8%
- Only 2% of decision-making positions in the armed forces are represented by women
- Women representation is especially low in the Ministry of Internal Affairs with 5%
- Only 14% patrol police officers are women.²³⁰

There are challenges in relation to participation of women in peace negotiation. Namely:

- Only two out of 12 representatives of Georgia are women in Geneva International Discussions
- In 2017, one out of each three representatives of Georgia was woman in the Incident Prevention and Response Mechanism
- Women are not involved in the negotiation processes from Abkhazian and Ossetian side²³¹
- The rate the implementation of public diplomacy initiative by women's rights protection organizations is in decrease during last years.²³²

Resolution 1325 and accompanying resolutions (No, 2122 and No.2493) calls for the states to ensure **equal and meaningful participation of women** in conflict resolution and peace processes, including, through employing strict measures. Furthermore, the cooperation of Georgia and EU in the direction which of women, peace and security is based on the principles of EU Action Plan on Women, Peace and Security for 2019-2025. It clearly outlines the objective of equal and meaningful participation of women (objective 1) in every sphere of peace and security, including, for the identification and overcoming of formal and non-formal barriers as well as elimination of structural barriers.

It is important to note that the meaningful participation in the conflict prevention and management process has two major aspects: women's quantitative involvement on the one hand and quality of women participation and influence over processes on the other. It is also

²²⁹ Council of the European Union, EU Action Plan on Women, Peace and Security (WPS) 2019-2024, EEAS(2019)747: <https://data.consilium.europa.eu/doc/document/ST-11031-2019-INIT/en/pdf>

²³⁰ The data is based on UN Women statistics brochure for 2020 "Women, Peace and Security" <https://georgia.unwomen.org/en/digital-library/publications/2020/12/women-peace-and-security>

²³¹ Ibid.

²³² Public Defender of Georgia, interim report of implementation the Action Plan on Women, Peace and Security (2018-2020), 2020

noteworthy that in relation to women participation peace and security agenda pays special attention to women involvement not only in formal and non-formal processes but also in public diplomacy and considers that without proper handling of non-formal processes the success of official negotiations cannot be guaranteed.²³³

UN Convention on elimination of forms of discrimination against women of 1979 (article 4)²³⁴ as well as General Recommendation No. 25 of the Committee on Elimination of all Forms of Discrimination²³⁵ obligates the states to ensure not only formal but also meaningful gender equality through adopting all necessary measures, including temporary special measures.

The Committee on Elimination of all Forms of Discrimination Against Women in the concluding observations of its fourth and fifth periodic reports directly calls for Georgia to ensure inclusion of women in implementation of all action plans or policies directed to conflict resolution, as well as to ensure equal participation on high level meetings held on this issue.²³⁶

One of the objectives (objective 1) of the Action Plan for Women, Peace and Security (2018-2020) provided for the increase of women's participation at the decision-making level in security sector and peace negotiations. The objective of increasing women's participation in the frameworks of the Action Plan was also covering the target on increasing involvement of and supporting public diplomacy initiatives of displaced and conflict affected women, youth, and women's organizations in non-formal processes. (Target 1.3). In the period of implementation of the Action Plan the defined targets to reach the objectives were not implemented properly. Consequently, equal and meaningful participation of women was not ensured in various directions.

One of the challenges in relation to the implementation is the reflection of targets of national action plans in the agency specific agendas of the ministries responsible on conflict affected people. Namely, the implementation Action Plan for the Strategy of Internal Displaced Persons – Refugees for 2019-2020²³⁷ does not provide for any activity to promote involvement of women refugees in the peace processes.

Consequently, considering those challenges adoption of stricter measures (Resolution No. 2122) for ensuring proper involvement of women in conflict resolution and management processes becomes necessary.

Recommendations:

- ▶ The Law on Gender Equality shall be amended to incorporate international legislative instruments and standards on ensuring **equal** and **meaningful**

²³³ Resolution 2122 (2019); USIP, "A Primer on Multi-track Diplomacy: How Does it Work?"

²³⁴ See: <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

²³⁵ See: [https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf)

²³⁶ The Committee on Elimination of all Forms of Discrimination Against Women, concluding observations of fourth and fifth periodic reports on Georgia, paragraph 25. shorturl.at/ckuWR

²³⁷ Government of Georgia, on the approval of implementation Action Plan for the Strategy of Internal Displaced Persons – Refugees for 2019-2020, 2018: http://gov.ge/files/495_69712_967817_2566.pdf

participation of women in conflict prevention and management process. This shall mean participation of women in **formal and non-formal negotiation processes** as well as in the **security** and **defence** sectors and **diplomatic** representations. Legislative guarantees shall consider **quantitative** as well as **qualitative participation** and the components of **influencing** over processes.

- ▶ To ensure equal and meaningful participation of women in conflict prevention and management processes next Action Plan on Women, Peace and Security shall reflect efficient and result oriented targets, with performance indicators (on the level of impact, final and interim results), indication of responsible agencies and proper budgeting. Among the mentioned measures, it is recommended to introduce **quantitative quota** as the temporary binding mechanism. The requirements of quantitative quota shall envisage the definition of the so called “critical mass”²³⁸.
- ▶ At the stage of elaboration of the next National Action Plan on Women, Peace and Security the responsible agencies shall put the **agency specific operational plan** for execution of the Action Plan, that will specify the concrete activities, with respective budgeting, for achieving objectives and targets of National Action Plan.

a.1. Obstacles of inclusion of women in conflict prevention and management processes caused by COVID-19 pandemic

COVID-19 pandemic had an important impact over conflict resolution and confidence building and complicated the processes of restoration of peace by states and other stakeholders. Bilateral meetings outside Georgia were not conducted during this period. The negotiations that were already begun took place in online formats, though new peace initiatives have not been identified.²³⁹

Online discussions were not effective substitute for peace and confidence building since this process mainly depends on the human relations in one physical space. In addition, some of the organizations refused the involvement in the process during the pandemic relying on security risks as well as operational-technical costs and inexistence of the conditions.²⁴⁰

Recommendation:

- ▶ It is recommended to identify **special measures** in the National Action Plan on Women, Peace and Security that will ensure involvement of conflict

²³⁸ According to the 2003 Recommendation of the Committee of Ministers of the Council of Europe, that is related to the equal involvement of women and men in the political and public decision-making processes, 40% is the recommended minimum below to which none of the sexes shall be represented in the mentioned processes. Exactly that 40% is the “critical mass” that can influence the decisions. 2003 Recommendation of the Committee of Ministers of the Council of Europe: “Balanced participation of women and men in political and public decision making”, <https://rm.coe.int/1680519084>

²³⁹ In 2020, the Government, with the participation of affected women, conducted two meetings in multilateral formats and up to ten meetings in online format. “Special Report on Impact of COVID-19 on Conflict Affected Women and Girls”, 2021

²⁴⁰ Ibid.

affected women in the peace processes **considering the obstacles caused by COVID-19 pandemic**. Namely, the measures shall be related to the increase of access of affected and displaced women to internet and computer, their skills development as well as strengthening and supporting community organizations involved in peace processes.

B. SECURITY PROTECTION, SOCIO-ECONOMIC EMPOWERMENT, AND INSURING OF PHYSICAL AND MENTAL HEALTH OF THE GIRLS AND WOMEN AFFECTED BY CONFLICTS

According to the 2020 data the number of internally displaced persons in Georgia was 283 271, among them 53% are women.²⁴¹ The internally displaced persons face various social and economic challenges, 41 688 among them are socially vulnerable and receives social assistance, 54% among them are women.²⁴² Gender segregated data on unemployment level among those people was impossible to extract. According to the letter received from the Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs the Ministry does not process this information.

The Committee on the Elimination of all Forms of Discrimination in its concluding observations of the third and fourth periodic reports on Georgia, expresses concern over the fact that the public services for internally displaced persons are not delivered based on the gender sensitivity approaches, hence different needs of women and men are not considered. Consequently, the Committee calls for the State to introduce these approaches while delivering public services.²⁴³

b.1. Safety and Protection from Violence

The problem of human security is the most acute challenge for displaced and conflict affected women and girls and especially those living beyond the dividing lines. Unlawful detentions are frequent while moving on the occupation line.²⁴⁴ The problem of violence against women and domestic violence is the persisting in the conflict affected regions and nearby villages of the dividing line, in terms of prevention and identification of violence as well as escape from and respond to violence.²⁴⁵

²⁴¹ Official information on the webpage of the Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs: <https://www.moh.gov.ge/uploads/files/2019/Failebi/27.03.2019-51.pdf>. Gender segregation of the mentioned data is available in the publication of Geostat "Women and Men in Georgia, 2020" though the latest data is given for 2019 (total number 286 216, women among them - 152 106 and men - 134 110)

²⁴² According to the letter received from the Division of Refugees and Ecomigrants of the Policy Department of the Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs

²⁴³ The Committee on the Elimination of all Forms of Discrimination, concluding observations of the third and fourth periodic reports on Georgia, paragraphs 34 and 34. shorturl.at/ckuWR

²⁴⁴ In 2020, in the direction of Tskhinvali region - 64 people (6 women and one minor among them), and in the direction of Abkhazia - 13 people (one women and two minor among them) were arrested, the data of Public Defender

²⁴⁵ The study on violence against women in the conflict affected population of Zugdidi and Gali, GEOCOR, 2018

The low level of awareness and lack of access to assistance mechanisms along with complicated socio-economic situation are among the causes of above-mentioned conditions. The State of women and girls beyond the dividing line is more severe since due to the movement restrictions they are not able to cross to the Georgian controlled territory while there are no shelters of victims of violence in Abkhazia, that further complicates the process of escape from violence and living in the safe environment.²⁴⁶

National Action Plan on Implementation of UN Security Council Resolution on Women, Peace and Security for 2018-2020 incorporates prevention of all forms of violence against women and girls, including sexual and gender-based violence and other risks related to the human security, ensuring their physical and mental health and socio-economic empowerment. Interim report of implementation of the Action Plan²⁴⁷ fails to name specific steps taken strengthening safety and tackling gender-based violence and is limited to listing the informational meetings; it also does not define specific impact of those meetings on existing challenges. The report of Public Defender, in relation to the Action Plan, underlines the fact that the State took insufficient measures to prevent and eradicate threats to security and gender-based violence.

The protection and prevention principles of the international legislative framework on women, peace and security (United Nations Resolution 1325 (2000) and its accompanying resolutions²⁴⁸) imply the protection of women and girls from gender-based violence, including during the conflict; as well as strengthening fighting and preventive mechanisms for violence against women and improving of legal condition of women.

EU Action Plan on women, peace and security for 2019-2020²⁴⁹ to the objectives and targets of which EU relies in the process of cooperation with Eastern Partnership Countries, provides for the implementation of number of measures to eradicate gender-based violence and ensure safe environment for women and girls. Appropriate support to victims of violence through services, strengthening of security sector, as well as consistent tackling of causes of violence and structural inequalities are among the measures.

Recommendations:

- ▶ With the purpose of planning and elaboration of the evidence-based policy, it is recommended to **study the needs** of conflict affected **women and girls** and those living beyond the dividing line **from the angle of prevention and eradication of violence against them** and **integration of specific response objectives and measures on women, peace and security**. In addition, **integration** of mentioned measures, **budgeting, and indication of relevant**

²⁴⁶ The Report of Public Defender on the Situation of Protection of Human Rights and Freedoms, 2019, 2020

²⁴⁷ Human Rights Secretariat of the Administration of Government of Georgia, "Report of Action Plan on Implementation of UN Security Council Resolutions on Women, Peace and Security for 2018-2020", 2020

²⁴⁸ 1325 (2000), 1820 (2008), 1888 (2008), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019), and 2493 (2019)

²⁴⁹ Council of the European Union, EU Action Plan on Women, Peace and Security (WPS) 2019-2024, EEAS(2019)747: <https://data.consilium.europa.eu/doc/document/ST-11031-2019-INIT/en/pdf>

responsible agency in national action plans on fighting against violence against women and domestic violence, and operational plans of respective responsible agencies. It is also recommended that in the framework of control of the activities of the executive organs on the issues of gender equality the Gender Equality Council of the Parliament of Georgia to oversee the activities the responsible agencies in this direction, to hear and assess the needs assessment report as well as the policy documents elaborated on the basis of the report and their further implementation.

- ▶ The next National Action Plan on Women, Peace and Security should include a **commitment to develop a concept for the rehabilitation of conflict-affected victims of sexual violence** in accordance with international standards in this area, for which appropriate human resources and budgeting should be allocated.
- ▶ It is recommended to **strengthen the capacity of security sector representatives**, including decision-makers, to address and **combat the issues connected to the violence against women.** Measures to strengthen these capacities are recommended to be implemented for the **representatives of local municipalities** as well, especially in the municipalities beyond the demarcation line.

b.2. Ensuring Physical and Mental Health

Access to healthcare services, as well as proper psychological support services represents special problems for conflict affected women and girls. Medical equipment, medications and often doctor's consultation is not accessible in regional outpatient clinics.²⁵⁰ Women and girls living in the conflict zone having movement restrictions and access to basic services face additional challenges.²⁵¹ Medical services and infrastructure is not functioning efficiently, level of service provision by medical personnel is not satisfactory and the prices of healthcare services are high on the occupied territories, abortions are completely prohibited in occupied Abkhazia; consequently, women living on that territory usually try to receive medical services beyond occupied territories.²⁵²

Access to sexual and reproductive healthcare, including family planning services and modern contraceptives is problematic. In addition, provision of age specific information on sexual and reproductive health and rights is also problematic.²⁵³ There is no service in the country that would ensure mental support and when necessary, provision of medications to displaced and conflict affected women and girls.²⁵⁴

²⁵⁰ The Report of Public Defender on the Situation of Protection of Human Rights and Freedoms, 2019

²⁵¹ Ibid

²⁵² Ibid

²⁵³ Ibid

²⁵⁴ Ibid

National Action Plan on Implementation of UN Security Council Resolution on Women, Peace and Security for 2018-2020 incorporates the objective on security of women and girls, access to public services, physical and mental healthcare (objective 4). As the result of this objective percentage of women using public services should have been increased (indicator 4.2), the scale and geographic are of provided services should have been enlarged (indicator 4.2.b), awareness level on social and healthcare services should have been increased (indicator 4.2.c). However, the implementation report of the Action Plan²⁵⁵ does not provide any concrete and measurable result and describes only one activity in relation to objective 4 – the meeting conducted by the Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs with the aim of discussing and addressing needs of displaced women and girls in Samegrelo region.

Recommendation:

- It is recommended to **study the needs of girls and women affected by the conflict, as well as girls and women living beyond the demarcation line, for physical and psychological health services, including reproductive and sexual health services**; and in terms of access to relevant information. It is also recommended to **integrate specific tasks and measures to respond to identified needs in the next National Action Plan on Women, Peace and Security**; Also, to **integrate these measures in the operational plan of the responsible agencies, and to define the budget and the specific responsible persons**. In addition, it is recommended that the Gender Equality Council of the Parliament of Georgia supervises the activities of the responsible agencies in this area, hears and evaluates the needs assessment report, policy documents and implementation of that policy, within the framework of controlling the activities of the gender equality executive bodies.

b.3. Socio-economic Empowerment of the Girls And Women Affected by Conflicts

National Action Plan on Implementation of UN Security Council Resolution on Women, Peace and Security for 2018-2020 incorporates various activities for socio-economic empowerment of conflict affected and displaced women, including professional and entrepreneurship development programmes, financing of women's business projects, assistance to creation of agricultural cooperatives, financial assistance to the high education of youth living in nearby villages of dividing lines. However, according to the assessment report of Action Plan²⁵⁶ important steps had not been taken in relation to listed directions except financial support for high education.

Socio-economic empowerment of conflict affected people remains the challenge. According to the Public Defender's Special Report absolute majority of conflict affected women are

²⁵⁵ Human Rights Secretariat of the Administration of Government of Georgia, "Report of Action Plan on Implementation of UN Security Council Resolutions on Women, Peace and Security for 2018-2020", 2020

²⁵⁶ Ibid,

housewives and main source of their income is social assistance and pension. In the number of instances women are not able to engage in economic activities or attend seminars and trainings due to their family responsibilities. In spite of the fact that conflict affected, and displaced women and girls have the information on professional development courses their involvement in them still remains the challenge since the education institutions are mainly located in the big cities that is related to the additional transport or other costs.²⁵⁷ The number of conflict affected women involved in the trainings oriented towards developing entrepreneurship skills is low. The engagement in the cultural, educational-cognitive and sports programs is also low.²⁵⁸ The issue of the long-term accommodation of displaced people, as well as the problem of settlement in the high health risk buildings represents acute challenge in relation to economic empowerment.

Recommendation:

- ▶ It is recommended that the next National Action Plan on Women, Peace and Security **provides economic and social empowerment programs tailored to the needs of the IDPs and conflict-affected women**, focusing on specific outcomes and enabling target groups to develop sustainable, income-generating activities. Given the challenges and needs of IDPs, these programs are recommended to be reflected in the internal operational plans of the relevant agencies, with adequate budgeting. In addition, it is recommended that the Gender Equality Council of the Parliament of Georgia supervises the activities of the responsible agencies in this direction, within the framework of controlling the activities of the executive bodies on gender equality issues.
- ▶ It is recommended for all the responsible agencies on elaboration and implementation of the agenda on women, peace and security to **strengthen the coordination with the international organizations working in the occupied territories** with the aim of socio-economic empowerment of women and girls living in occupied territories.
- ▶ It is recommended that the next Action Plan on Women, Peace and Security incorporate specific measures for provision of **long-term housing safe for life and health for displaced people**. It is recommended that the mentioned programs be reflected in the internal operational plans of relevant agencies with proper budget. Furthermore, it is recommended that in the framework of control of the activities of the executive organs on the issues of gender equality the Gender Equality Council of the Parliament of Georgia to oversee the activities of the responsible agencies in this direction.
- ▶ It is recommended that the National Action Plan on Women, Peace and Security **provide training relevant to market demands for women affected and**

²⁵⁷ Public Defender of Georgia "Interim Report on the Action Plan on Women, Peace and Security" (2018-2020, 2020)

²⁵⁸ Ibid.

displaced by the conflict. It is also recommended that this **training includes the specific needs of these groups** regarding the burden of housework and caring for children and the elderly in the absence of adequate public services, as well as the difficulties and costs of relocation. The Gender Equality Council of the Parliament of Georgia should supervise the activities of the agencies responsible for fulfilling this task, as well as facilitate research to identify labor market requirements.

C. STRENGTHENING THE ROLE OF THE PARLIAMENT OF GEORGIA IN THE IMPLEMENTATION OF THE WOMEN, PEACE AND SECURITY AGENDA

Conflict prevention, management and proper management of peace processes represent the key challenges for Georgia. Integration of gender perspective in these processes is recognized by the instruments of international law and international commitments taken by Georgia. Consequently, it is important to strengthen the role of the Parliament of Georgia in relation to gender mainstreaming of conflict prevention and management.

Recommendation:

- ▶ The Gender Equality Council of the Parliament is recommended to:
 - (i) **Develop special guidelines on the role of Parliament regarding Women, Peace and Security;**
 - (ii) Carry out an **in-depth analysis of the situation** in coordination with the Government of Georgia (in particular, with the agency responsible for developing the National Action Plan, and the Interagency Commission working on Gender Equality, Violence against Women and Domestic Violence) with the involvement of all interested parties (Public Defender's Office, Civil Society Organizations, women's community organizations, and international organizations) to identify the needs of women and men for evidence-based interventions in relevant areas, including overcoming the additional challenges posed by the Covid-19 pandemic;
 - (iii) **Include a special chapter on Women, Peace and Security in its Action Plan**, detailing the activities to be carried out within the competence of the Council, including the **creation and development of a legal framework**, as well as the **supervision of the executive agencies** working on the issues connected to gender equality.²⁵⁹

²⁵⁹ On the competence of the Gender Equality Council: Law of Georgia on Gender Equality, Article 12 (1)

D. ADDITIONAL CHALLENGES CAUSED BY COVID-19 PANDEMIC AND WAYS TO OVERCOME THEM IN TERMS OF ENSURING SECURITY, SOCIO-ECONOMIC EMPOWERMENT, AND PHYSICAL AND MENTAL HEALTH

The problem of **violence against women and domestic violence** was exacerbated by the restrictions related to the pandemic since it resulted in the isolation of abuser and victim in the same space and due to the hard socio-economic conditions escape from violence was further complicated. Increased risks of domestic violence were also expressed in specific forms of psychological violence related to pandemic (for example, restriction of visitation to doctors and testing services, etc.).

Access to healthcare services, basic medications and contraceptives has become more complicated for conflict affected women. The **services of artificial termination of pregnancy** have also become problematic in **occupied Abkhazia** which before pandemic was accessible on the Georgia's controlled territory.

The problem of **access to internet** during pandemic causes additional challenges in occupied territories and nearby villages of dividing line which were anyways facing the problem of the quality of internet and financial access to it. Consequently, **access to information** related to COVID-19 prevention and management has become problematic especially for middle aged and elderly generations. The inhabitants of the nearby villages of dividing line were receiving information on pandemic related restrictions from each other.

The pandemic related restrictions complicated access to municipal transport and increased the cost of travel.

COVID-19 pandemic had severe consequences on **economic situation of conflict affected women**. The source of income for women living in occupied Abkhazia and working in non-formal economy in Georgia's controlled territory had been terminated; as well as for women relying on pensions and displaced benefits issued by Government of Georgia. Economic situation of women living in nearby villages of dividing lines has been deteriorated since they were usually involved in the spheres (small businesses, service sector) that were hit hardest by the pandemic related restrictions.²⁶⁰

Recommendation:

- It is recommended **to study the impact of the pandemic on the domestic violence and the violence against women in conflict-affected populations** (villages beyond the demarcation line, occupied territories, compact IDP settlements) and **plan responsive measures** within the framework of the National Action Plans on Women, Peace and Security, as well as the domestic violence and the violence against women.

²⁶⁰ The assessment of challenges caused by COVID-19 pandemic is based on the Special Report of Public Defender "Impact of COVID-19 Pandemic on Conflict Affected Women and Girls", 2021

- ▶ It is recommended that **pandemic-adapted approaches** are developed for women and girls living in villages and compact IDP settlements adjacent to the demarcation line to have an **access to health services and information**, including physical and financial access to the Internet and transportation.
- ▶ It is recommended that the development of programs to **address** the economic crisis caused by the Covid-19 pandemic considers **the specific needs of conflict-affected girls and women, displaced girls and women**, as well as those living in the occupied territories, and that **appropriate response measures** are integrated into these programs.